



# FEDERAL REGISTER

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**Reader Aids**

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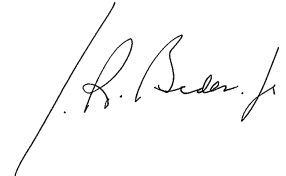
Notice of April 18, 2023

**The President****Continuation of the National Emergency and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Russian-Affiliated Vessels to United States Ports**

On April 21, 2022, by Proclamation 10371, I declared a national emergency by reason of a disturbance or threatened disturbance of international relations of the United States and authorized the Secretary of Homeland Security to regulate the anchorage and movement of Russian-affiliated vessels, pursuant to the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and section 1 of title II of Public Law 65–24, ch. 30, June 15, 1917, as amended (Magnuson Act) (46 U.S.C. 70051).

The policies and actions of the Government of the Russian Federation to continue the premeditated, unjustified, unprovoked, and brutal war against Ukraine continue to constitute a national emergency by reason of a disturbance or threatened disturbance of international relations of the United States. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the Russian Federation and the emergency authority relating to the regulation of the anchorage and movement of Russian-affiliated vessels to United States ports set out in Proclamation 10371.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,  
*April 18, 2023.*

# Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 232

[Release Nos. 33–11168; 34–97161; 39–2549; IC–34860]

### Adoption of Updated EDGAR Filer Manual

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Securities and Exchange Commission (“Commission”) is adopting amendments to Volume II of the Electronic Data Gathering, Analysis, and Retrieval system (“EDGAR”) Filer Manual (“Filer Manual”) and related rules and forms. EDGAR Release 23.1 will be deployed in the EDGAR system on March 20, 2023.

**DATES:** *Effective date:* April 20, 2023. The incorporation by reference of the revised Filer Manual is approved by the Director of the Federal Register as of April 20, 2023.

**FOR FURTHER INFORMATION CONTACT:** For questions regarding the amendments to Volume II of the Filer Manual and related rules, please contact Rosemary Filou, Deputy Director and Chief Counsel, or E. Laurita Finch, Senior Special Counsel, in the EDGAR Business Office at (202) 551–3900. For questions regarding the changes related to amendments to 17 CFR 240.10b5–1 (“Rule 10b5–1”), and the submission timing for Form 144 and 144/A, please contact Christian Windsor, Senior Special Counsel, in the Division of Corporation Finance at (202) 551–3419 and Heather Mackintosh, EDGAR Liaison in the Division of Corporation Finance at (202) 551–8111. For questions concerning taxonomies or schemas, please contact the Office of Structured Disclosure in the Division of Economic and Risk Analysis at (202) 551–5494. For questions regarding Form type 13F–CTR/A, please contact Heather Fernandez, Financial Analyst, in the

Division of Investment Management at (202) 551–6708.

**SUPPLEMENTARY INFORMATION:** We are adopting an updated Filer Manual, Volume II: “EDGAR Filing,” Version 65 (March 2023) and amendments to 17 CFR 232.301 (“Rule 301”). The updated Filer Manual is incorporated by reference into the Code of Federal Regulations.

### I. Background

The Filer Manual contains information needed for filers to make submissions on EDGAR. Filers must comply with the applicable provisions of the Filer Manual in order to assure the timely acceptance and processing of filings made in electronic format.<sup>1</sup> Filers must consult the Filer Manual in conjunction with our rules governing mandated electronic filings when preparing documents for electronic submission.

### II. EDGAR System Changes and Associated Modifications to Volume II of the Filer Manual

EDGAR is being updated in EDGAR Release 23.1, and corresponding amendments to Volume II of the Filer Manual are being made to reflect these changes, as described below.<sup>2</sup>

On December 14, 2022, the Commission adopted amendments to Rule 10b5–1 under the Securities Exchange Act of 1934, creating new disclosure requirements regarding officer and director compensation and trading arrangements.<sup>3</sup> Among other things, to implement the new disclosure requirements and to make that information more readily available and easily accessible to investors, market participants, and others, the Commission is requiring filers to tag in Inline eXtensible Business Reporting Language (Inline XBRL), disclosures required under newly adopted 17 CFR 229.402(x) (“Item 402(x)”) and 229.408 (“Item 408 of Regulation S–K”) and Item 16j of Form 20–F. In response to the tagging requirement, the Executive Compensation Disclosure (ECD) taxonomy is being updated. The amendments also added 17 CFR

229.601(b)(19) (“Item 601(b)(19)”), which creates an exhibit for issuers to file a copy of their insider trading policies and procedures as new Exhibit 19 for submission types 10–K, 10–KT, 10K/A and 10–KT/A. Finally, Forms 4 and 5 are updated to include a new checkbox to allow filers to identify whether the reported transaction was subject to a contract, instruction, or written plan intended to meet the conditions of Rule 10b5–1(c).

Further, on February 21, 2023, the Commission adopted amendments extending Form 144 EDGAR filing hours to 10 p.m. Eastern Standard Time or Eastern Daylight Saving Time, whichever is currently in effect (Eastern time).<sup>4</sup> To implement these amendments, EDGAR is being updated to include Form 144 and 144/A among the submission types that EDGAR will accept and disseminate on the same day if the submissions are made from 6 a.m. to 10 p.m. Eastern time. Consequently, if the Form 144 is received on a business day from 6 a.m. to 10 p.m. Eastern time, the EDGAR filing date will be the date it is submitted.

EDGAR Release 23.1 also makes general functional enhancements to EDGAR, for which revisions are made to the Filer Manual as described below.

The EDGAR system is being updated to accept the 2023 versions of the U.S. Generally Accepted Accounting Principles (GAAP) Financial Reporting, SEC Reporting taxonomy, and other eXtensible Business Reporting Language (XBRL) taxonomies accepted in EDGAR, except the International Financial Reporting Standards (IFRS) taxonomy which is scheduled to be accepted in EDGAR during June 2023.<sup>5</sup>

EDGAR will also update its presentation link validations for the Closed-End Fund (CEF) taxonomy, and will be updated to remove references to previous versions of the Document and Entity Information (DEI) taxonomy that are obsolete.

Finally, Volume II is being amended to reflect minor software updates made to EDGAR after the Commission last

<sup>1</sup> See Rule 301 of Regulation S–T.

<sup>2</sup> EDGAR Release 23.1 will be deployed on March 20, 2023.

<sup>3</sup> Insider Trading Arrangements and Related Disclosures, Release 33–11138 (Dec. 14, 2022) [87 FR 80362 (Dec. 29, 2022)].

<sup>4</sup> Extending Form 144 EDGAR Filing Hours, Release 33–11159 (Feb. 21, 2023) [88 FR 12205 (Feb. 27, 2023)].

<sup>5</sup> See <https://www.sec.gov/info/edgar/edgartaxonomies.shtml> for a complete list of supported standard taxonomies.

approved changes to the Filer Manual.<sup>6</sup> Volume II is updated to add a new “Is this a de novo request?” radio button to the “Filer Information” page for form type 13F-CTR/A.

### III. Amendments to Rule 301 of Regulation S–T

Along with the adoption of the updated Filer Manual, we are amending Rule 301 of Regulation S–T to provide for the incorporation by reference into the Code of Federal Regulations of the current revisions. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

The updated EDGAR Filer Manual is available at <https://www.sec.gov/edgar/filermanual>.

### IV. Administrative Law Matters

Because the Filer Manual and rule amendments relate solely to agency procedures or practice and do not substantially alter the rights and obligations of non-agency parties, publication for notice and comment is not required under the Administrative Procedure Act (“APA”).<sup>7</sup> It follows that the amendments do not require analysis under requirements of the Regulatory Flexibility Act<sup>8</sup> or a report to Congress under the Small Business Regulatory Enforcement Fairness Act of 1996.<sup>9</sup>

The effective date for the updated Filer Manual and related rule amendments is April 20, 2023. In accordance with the APA,<sup>10</sup> we find that there is good cause to establish an effective date less than 30 days after publication of these rules. The Commission believes that establishing an effective date less than 30 days after publication of these rules is necessary to coordinate the effectiveness of the updated Filer Manual with the related system upgrades.

### V. Statutory Basis

We are adopting the amendments to 17 CFR part 232 (“Regulation S–T”) under the authority in sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,<sup>11</sup> sections 3, 12, 13, 14, 15, 15B, 23, and 35A of the Securities Exchange Act of 1934,<sup>12</sup> section 319 of the Trust Indenture Act of 1939,<sup>13</sup> and sections 8,

30, 31, and 38 of the Investment Company Act of 1940.<sup>14</sup>

### List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

### Text of the Amendments

In accordance with the foregoing, title 17, chapter II of the Code of Federal Regulations is amended as follows:

### PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

- 1. The general authority citation for part 232 continues to read as follows:

**Authority:** 15 U.S.C. 77c, 77f, 77g, 77h, 77j, 77s(a), 77z–3, 77sss(a), 78c(b), 78l, 78m, 78n, 78o(d), 78w(a), 78ll, 80a–6(c), 80a–8, 80a–29, 80a–30, 80a–37, 80b–4, 80b–6a, 80b–10, 80b–11, 7201 *et seq.*; and 18 U.S.C. 1350, unless otherwise noted.

\* \* \* \* \*

- 2. Section 232.301 is revised to read as follows:

#### § 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets forth the technical formatting requirements for electronic submissions. The requirements for becoming an EDGAR Filer and updating company data are set forth in the EDGAR Filer Manual, Volume I: “General Information,” Version 41 (December 2022). The requirements for filing on EDGAR are set forth in the updated EDGAR Filer Manual, Volume II: “EDGAR Filing,” Version 65 (March 2023). All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You must comply with these requirements in order for documents to be timely received and accepted. The EDGAR Filer Manual is available for inspection at the Commission and at the National Archives and Records Administration (NARA). The EDGAR Filer Manual is available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Operating conditions may limit access to the Commission’s Public Reference Room. For information on the availability of the EDGAR Filer

Manual at NARA, visit [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov). The EDGAR Filer Manual may also be obtained from <https://www.sec.gov/edgar/filermanual>.

By the Commission.

Dated: March 20, 2023.

**Vanessa A. Countryman,**  
Secretary.

[FR Doc. 2023–08216 Filed 4–19–23; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Parts 723, 724, 845, and 846

RIN 1029–AC84

[Docket ID: OSM 2023–0006; S1D1S  
SS08011000 SX064A000 234S180110;  
S2D2SSS08011000 SX064A00 23XS501520]

### Civil Monetary Penalty Inflation Adjustments

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Act), and Office of Management and Budget (OMB) guidance, this rule adjusts for inflation the level of civil monetary penalties assessed under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and the implementing regulations.

**DATES:** Effective April 20, 2023.

**FOR FURTHER INFORMATION CONTACT:** Khalia A. Boyd, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Mail Stop 4558, Washington, DC 20240; Telephone (202) 208–2823. Email: [kboyd@osmre.gov](mailto:kboyd@osmre.gov).

### SUPPLEMENTARY INFORMATION:

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<sup>6</sup> Software changes to EDGAR were made in EDGAR Release 22.4.1, deployed on January 3, 2023.

<sup>7</sup> 5 U.S.C. 553(b)(A).

<sup>8</sup> 5 U.S.C. 601 through 612.

<sup>9</sup> 5 U.S.C. 804(3)(C).

<sup>10</sup> 5 U.S.C. 553(d)(3).

<sup>11</sup> 15 U.S.C. 77f, 77g, 77h, 77j, and 77s(a).

<sup>12</sup> 15 U.S.C. 78c, 78l, 78m, 78n, 78o, 78o–4, 78w, and 78ll.

<sup>13</sup> 15 U.S.C. 77sss.

<sup>14</sup> 15 U.S.C. 80a–8, 80a–29, 80a–30, and 80a–37.

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**I. Background**

*A. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015*

Section 518 of SMCRA, 30 U.S.C. 1268, authorizes the Secretary of the Interior to assess civil monetary penalties (CMPs) for violations of

SMCRA. The Federal regulations implementing the CMP provisions of section 518 are located in 30 CFR parts 723, 724, 845, and 846. We are adjusting CMPs in six sections—30 CFR 723.14, 723.15, 724.14, 845.14, 845.15, and 846.14.

On November 2, 2015, the President signed the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74) (2015 Act) into law. The 2015 Act, which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (codified, as amended, at 28 U.S.C. 2461 note), requires Federal agencies to promulgate rules to adjust the level of CMPs to account for inflation. The 2015 Act required an initial “catch-up” adjustment. The Office of Surface Mining Reclamation and Enforcement (OSMRE) published the initial adjustment in the **Federal Register** on July 8, 2016 (81 FR 44535), and the adjustment took effect on August 1, 2016. The 2015 Act also requires agencies to publish annual inflation adjustments. These

adjustments are aimed at maintaining the deterrent effect of civil penalties and furthering the policy goals of the statutes that authorize the penalties. Further, the 2015 Act provides that agencies must adjust civil monetary penalties “notwithstanding section 553 of [the Administrative Procedure Act (APA)].” Therefore, “the public procedure the APA generally requires—notice, an opportunity for comment, and a delay in effective date—is not required for agencies to issue regulations implementing the annual adjustment.” December 15, 2022, Memorandum for the Heads of Executive Departments and Agencies (M–23–05) from Shalanda D. Young, Office of Management and Budget, *Implementation of Penalty Inflation Adjustments for 2023, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (OMB Memorandum), at 3–4.

Pursuant to SMCRA and the 2015 Act, this final rule reflects the statutorily required CMP adjustments as follows:

CFR citation	Points (where applicable)	Current penalty dollar amounts	Adjusted penalty dollar amounts
30 CFR 723.14 .....	1	\$73	\$79
	2	148	159
	3	221	238
	4	294	317
	5	368	397
	6	442	476
	7	515	555
	8	586	631
	9	662	713
	10	736	793
	11	808	871
	12	883	951
	13	954	1,028
	14	1,029	1,109
	15	1,105	1,191
	16	1,177	1,268
	17	1,250	1,347
	18	1,326	1,429
	19	1,398	1,506
	20	1,471	1,585
	21	1,546	1,666
	22	1,619	1,744
	23	1,692	1,823
	24	1,764	1,901
	25	1,839	1,981
	26	2,207	2,378
	27	2,575	2,774
	28	2,940	3,168
	29	3,170	3,416
	30	3,678	3,963
	31	4,045	4,358
	32	4,414	4,756
	33	4,782	5,152
	34	5,150	5,549
	35	5,517	5,944
	36	5,885	6,341
	37	6,254	6,738
	38	6,621	7,134
	39	6,988	7,529
	40	7,355	7,925
	41	7,726	8,324

CFR citation	Points (where applicable)	Current penalty dollar amounts	Adjusted penalty dollar amounts
	42	8,092	8,719
	43	8,458	9,113
	44	8,827	9,511
	45	9,195	9,907
	46	9,563	10,304
	47	9,930	10,699
	48	10,299	11,097
	49	10,666	11,492
	50	11,033	11,888
	51	11,400	12,283
	52	11,770	12,682
	53	12,138	13,078
	54	12,506	13,475
	55	12,875	13,872
	56	13,242	14,268
	57	13,608	14,662
	58	13,976	15,058
	59	14,345	15,456
	60	14,712	15,851
	61	15,079	16,247
	62	15,448	16,644
	63	15,816	17,041
	64	16,184	17,437
	65	16,550	17,832
	66	16,920	18,230
	67	17,287	18,626
	68	17,654	19,021
	69	18,022	19,418
	70	18,391	19,815
30 CFR 723.15(b) (Assessment of separate violations for each day) .....		2,758	2,972
30 CFR 724.14(b) (Individual civil penalties) .....		18,391	19,815
30 CFR 845.14 .....	1	73	79
	2	148	159
	3	221	238
	4	294	317
	5	368	397
	6	442	476
	7	515	555
	8	586	631
	9	662	713
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	27	2,575	2,774
	28	2,940	3,168
	29	3,170	3,416
	30	3,678	3,963
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	32	4,414	4,756
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	66	16,920	18,230
	67	17,287	18,626
	68	17,654	19,021
	69	18,022	19,418
	70	18,391	19,815
30 CFR 845.15(b) (Assessment of separate violations for each day) .....	.....	2,758	2,972
30 CFR 846.14(b) (Individual civil penalties) .....	.....	18,391	19,815

In the chart above, there are no numbers listed in the “Points” column relative to 30 CFR 723.15(b), 30 CFR 724.14(b), 30 CFR 845.15(b), and 30 CFR 846.14(b) because those regulatory provisions do not set forth numbers of points. For those provisions, the current regulations only set forth the dollar amounts shown in the chart in the “Current Penalty Dollar Amounts” column; the adjusted amounts, which we are adopting in this rule, are shown in the “Adjusted Penalty Dollar Amounts” column.

*B. Calculation of Adjustments*

OMB issued guidance on the 2023 annual adjustments for inflation. See OMB Memorandum (December 15, 2022). The OMB Memorandum notes that the 1990 Act defines “civil monetary penalty” as “any penalty, fine, or other sanction that . . . is for a specific monetary amount as provided by Federal law; or . . . has a maximum amount provided for by Federal law; and . . . is assessed or enforced by an agency pursuant to Federal law; and . . . is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts . . . .” *Id.* at 2. It further instructs that agencies “are to adjust ‘the maximum civil monetary penalty or the range of minimum and maximum civil monetary penalties, as applicable, for each civil

monetary penalty by the cost-of-living adjustment.’” *Id.* The 1990 Act, as amended by the 2015 Act, and the OMB Memorandum specify that the annual inflation adjustments are based on the percent change between the Consumer Price Index for all Urban Consumers (the CPI-U) published by the Department of Labor for the month of October in the year of the previous adjustment, and the October CPI-U for the preceding year. The recent OMB Memorandum specified that the cost-of-living adjustment multiplier for 2023, not seasonally adjusted, is 1.07745 (the October 2022 CPI-U (298.012) divided by the October 2021 CPI-U (276.589) = 1.07745). OSMRE used this guidance to identify applicable CMPs and calculate the required inflation adjustments. The 1990 Act, as amended by the 2015 Act, specifies that any resulting increases in CMPs must be rounded according to a stated rounding formula and that the increased CMPs apply only to CMP assessments that occur after the date that the increases take effect.

Generally, OSMRE assigns points to a violation as described in 30 CFR 723.13 and 845.13. The CMP owed is based on the number of points received, ranging from one point to 70 points. For example, under our existing regulations in 30 CFR 845.14, a violation totaling 70 points would amount to a \$18,391 CMP. To adjust this amount, we multiply

\$18,391 by the 2022 inflation factor of 1.07745, resulting in a raw adjusted amount of \$19,815.38. Because the 2015 Act requires us to round any increase in the CMP amount to the nearest dollar, in this case a violation of 70 points would amount to a new CMP of \$19,815. Pursuant to the 2015 Act, the increases in this Final Rule apply to CMPs assessed after the date the increases take effect, even if the associated violation predates the applicable increase.

*C. Effect of the Rule in Federal Program States and on Indian Lands*

OSMRE directly regulates surface coal mining and reclamation operations within a State or on Indian lands if the State or Tribe does not obtain its own approved program pursuant to sections 503 or 710(j) of SMCRA, 30 U.S.C. 1253 or 1300(j). The increases in CMPs contained in this rule will apply to the following Federal program States: Arizona, California, Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington. The Federal programs for those States appear at 30 CFR parts 903, 905, 910, 912, 921, 922, 933, 937, 939, 941, 942, and 947, respectively. Under 30 CFR 750.18, the increases in CMPs also apply to Indian lands under the Federal program for Indian lands.

#### *D. Effect of the Rule on Approved State Programs*

As a result of litigation, State regulatory programs are not required to mirror all of the penalty provisions of our regulations. See *In re Permanent Surface Mining Regul. Litig.*, No. 79–1144, 1980 U.S. Dist. LEXIS 17722, at \*21–23 (D.D.C. Feb. 26, 1980); 1980 U.S. Dist. LEXIS 17660, at \*87–88 (D.D.C. May 16, 1980). Thus, this rule has no effect on CMPs in States with SMCRA primacy.

## II. Procedural Matters

### *A. Regulatory Planning and Review (Executive Orders 12866 and 13563)*

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) within OMB will review all significant rules. OIRA has determined that agency regulations exclusively implementing the annual inflation adjustments are not significant, provided they are consistent with the OMB Memorandum. Because this final rule exclusively implements the annual inflation adjustments, is consistent with the OMB Memorandum, and will have an annual impact of less than \$100 million, it is not significant under Executive Order 12866.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The Executive Order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements, to the extent permitted by statute.

### *B. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for all rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. See 5 U.S.C. 603(a) and 604(a). The Federal Civil Penalties

Inflation Adjustment Act Improvements Act of 2015 requires agencies to adjust civil penalties annually for inflation “notwithstanding section 553 [of the Administrative Procedure Act].” Thus, no proposed rule will be published, and the RFA does not apply to this rulemaking.

### *C. Congressional Review Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Congressional Review Act. This rule:

- (a) Will not have an annual effect on the economy of \$100 million or more.
- (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- (c) Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises.

### *D. Unfunded Mandates Reform Act*

This rule does not impose an unfunded mandate on State, local, or Tribal governments, or the private sector, of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments, or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

### *E. Takings (Executive Order 12630)*

This rule does not effect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

### *F. Federalism (Executive Order 13132)*

Under the criteria in section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. A federalism summary impact statement is not required.

### *G. Civil Justice Reform (Executive Order 12988)*

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

### *H. Consultation With Indian Tribes (Executive Order 13175 and Departmental Policy)*

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this rule under the Department's consultation policy, under Departmental Manual Part 512, Chapters 4 and 5, and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on Federally-recognized Tribes or Alaska Native Claims Settlement Act (ANCSA) Corporations, and that consultation under the Department's Tribal consultation policy is not required.

### *I. Paperwork Reduction Act*

This rule does not contain information collection requirements, and a submission to OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

### *J. National Environmental Policy Act*

This rule does not constitute a major Federal action under the National Environmental Policy Act of 1969 (NEPA) because of the non-discretionary nature of the civil penalty adjustment as required by law (*see* 40 CFR 1508.1(q)(1)(ii)). The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires OSMRE to annually adjust the amounts of its civil penalties to account for inflation as measured by the Department of Labor's Consumer Price Index. Accordingly, OSMRE has no discretion in the execution of the civil penalty adjustments reflected in this final rule. Because this rule is not a major Federal action, it is therefore not subject to the requirements of NEPA. Even if this were a discretionary action subject to NEPA, which it is not, a detailed statement under NEPA would nevertheless not be required because, as a regulation of an administrative nature, this rule would otherwise be covered by a categorical exclusion (*see* 43 CFR 46.210(i)). OSMRE has determined that the rule does not implicate any of the extraordinary circumstances listed in 43 CFR 46.215 that would prevent reliance on the categorical exclusion. Therefore, a detailed statement under NEPA is not required.

K. Effects on Energy Supply, Distribution, and Use (Executive Order 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

L. Clarity of This Regulation

We are required by Executive Orders 12866 (section 1(b)(12)), 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (a) Be logically organized;
(b) Use the active voice to address readers directly;
(c) Use common, everyday words and clear language rather than jargon;
(d) Be divided into short sections and sentences; and
(e) Use lists and tables wherever possible.

If you believe that we have not met these requirements in issuing this final rule, please contact the individual listed in the FOR FURTHER INFORMATION CONTACT section. Your comments should be as specific as possible in order to help us determine whether any future revisions to the rule are necessary. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

M. Data Quality Act

In developing this rule, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106-554).

N. Administrative Procedure Act

We are issuing this final rule without prior public notice or opportunity for public comment. As discussed above, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires agencies to publish adjusted penalties annually. Under the 2015 Act, the public procedure that the Administrative Procedure Act generally requires—notice, an opportunity for comment, and a delay in the effective date—is not required for agencies to issue regulations implementing the annual adjustments required by the 2015 Act. See OMB Memorandum, M-23-05, at 3-4.

O. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 3701 et seq.)

directs Federal agencies to use voluntary consensus standards when implementing regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. This final rule is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with SMCRA, and the requirements would not be applicable to this final rulemaking.

P. Protection of Children From Environmental Health Risks and Safety Risks (Executive Order 13045)

Executive Order 13045 requires that environmental and related rules separately evaluate the potential impact to children. However, Executive Order 13045 is inapplicable to this rulemaking because this is not a substantive rulemaking, and a notice of proposed rulemaking was neither required nor prepared. See sections 2-202 and 5-501 of Executive Order 13045.

Delegation of Signing Authority

The action taken herein is pursuant to an existing delegation of authority.

List of Subjects

30 CFR Part 723

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

30 CFR Part 724

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

30 CFR Part 845

Administrative practice and procedure, Law enforcement, Penalties, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 846

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

Laura Daniel-Davis,

Principal Deputy Assistant Secretary, Land and Minerals Management.

For the reasons given in the preamble, the Department of the Interior amends 30 CFR parts 723, 724, 845, and 846 as set forth below.

PART 723—CIVIL PENALTIES

1. The authority citation for part 723 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 et seq., and 31 U.S.C. 3701.

2. Revise table 1 to § 723.14 to read as follows:

§ 723.14 Determination of amount of penalty.

\* \* \* \* \*

TABLE 1 TO § 723.14

Table with 2 columns: Points and Dollars. Rows 1-65 showing values for each point increment.

TABLE 1 TO § 723.14—Continued

Table with 2 columns: Points, Dollars. Rows 66-70.

■ 3. In § 723.15, revise paragraph (b) introductory text to read as follows:

§ 723.15 Assessment of separate violations for each day.

\* \* \* \* \*

(b) In addition to the civil penalty provided for in paragraph (a) of this section, whenever a violation contained in a notice of violation or cessation order has not been abated within the abatement period set in the notice or order or as subsequently extended pursuant to section 521(a) of the Act, 30 U.S.C. 1271(a), a civil penalty of not less than \$2,972 will be assessed for each day during which such failure to abate continues, except that:

\* \* \* \* \*

PART 724—INDIVIDUAL CIVIL PENALTIES

■ 4. The authority citation for part 724 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 et seq., and 31 U.S.C. 3701.

■ 5. In § 724.14, revise the first sentence of paragraph (b) to read as follows:

§ 724.14 Amount of individual civil penalty.

\* \* \* \* \*

(b) The penalty will not exceed \$19,815 for each violation. \* \* \*

PART 845—CIVIL PENALTIES

■ 6. The authority citation for part 845 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 et seq., 31 U.S.C. 3701, Pub. L. 100–202, and Pub. L. 100–446.

■ 7. Revise table 1 to § 845.14 to read as follows:

§ 845.14 Determination of amount of penalty.

\* \* \* \* \*

TABLE 1 TO § 845.14

Table with 2 columns: Points, Dollars. Rows 1-7.

TABLE 1 TO § 845.14—Continued

Table with 2 columns: Points, Dollars. Rows 8-70.

■ 8. In § 845.15, revise paragraph (b) introductory text to read as follows:

§ 845.15 Assessment of separate violations for each day.

\* \* \* \* \*

(b) In addition to the civil penalty provided for in paragraph (a) of this

section, whenever a violation contained in a notice of violation or cessation order has not been abated within the abatement period set in the notice or order or as subsequently extended pursuant to section 521(a) of the Act, 30 U.S.C. 1271(a), a civil penalty of not less than \$2,972 will be assessed for each day during which such failure to abate continues, except that:

\* \* \* \* \*

PART 846—INDIVIDUAL CIVIL PENALTIES

■ 9. The authority citation for part 846 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 et seq., and 31 U.S.C. 3701.

■ 10. In § 846.14, revise the first sentence of paragraph (b) to read as follows:

§ 846.14 Amount of individual civil penalty.

\* \* \* \* \*

(b) The penalty will not exceed \$19,815 for each violation. \* \* \*

[FR Doc. 2023–08371 Filed 4–19–23; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2023–0231]

RIN 1625–AA09

Drawbridge Operation Regulation; Old River, Between Victoria Island and Byron Tract, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary interim rule and request for comments.

SUMMARY: The Coast Guard is temporarily modifying the operating schedule that governs the draw of the California Department of Transportation (Route 4) highway bridge, mile 14.8 between Victoria Island and Byron Tract, CA. This action is necessary to allow the bridge owner to complete rehabilitation of the bridge after an unexpected delay in construction material delivery related to the COVID–19 pandemic, vandalism, and inclement weather.

DATES: This temporary interim rule is effective from April 20, 2023 through 5 p.m. on November 30, 2023.

Comments and related material must reach the Coast Guard on or before May 22, 2023.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>. Type the docket number (USCG-2023-0231) in the "SEARCH" box and click "SEARCH". In the Document Type column, select "Supporting & Related Material".

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary interim rule, call or email Carl Hausner, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510-437-3516, email [Carl.T.Hausner@uscg.mil](mailto:Carl.T.Hausner@uscg.mil).

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Table of Abbreviations**

CFR Code of Federal Regulations  
Caltrans California Department of Transportation  
CADFW California Department of Fish and Wildlife  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
Pub. L. Public Law  
§ Section  
U.S.C. United States Code

#### **II. Background Information and Regulatory History**

The Coast Guard is issuing this temporary interim rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. This bridge is non-operational and will be non-operational until rehabilitation work can be completed.

On October 27, 2022 the Coast Guard issued a General Deviation which allowed the bridge owner, Caltrans, to deviate from the current operating schedule in 33 CFR 117.183 to conduct major mechanical and electrical rehabilitation of the bridge. Due to delays in procuring materials, vandalism of critical electrical submarine cables, and an active winter storm season, the project will run past the end date of April 23, 2023 of the General Deviation. The bridge cannot be brought back to operating condition until the delivery of the critical Program Logic Control circuit and the replacement or repairs to the submarine cable can be made. Therefore, there is

insufficient time to provide a reasonable comment period and then consider those comments before issuing the modification.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective in less than 30 days after publication in the **Federal Register**. For reasons presented above, delaying the effective date of this rule would be impracticable and contrary to the public interest due to the fact that the bridge is currently inoperable and will not be back into operation until the rehabilitation work can be completed.

We are soliciting comments on this rulemaking. If the Coast Guard determines that changes to the temporary interim rule are necessary, we will publish a temporary final rule or other appropriate document.

#### **III. Legal Authority and Need for Rule**

The Coast Guard is issuing this temporary interim rule under authority in 33 U.S.C. 499. The Coast Guard is modifying the operating schedule that governs the California Department of Transportation (Route 4) highway bridge, mile 14.8 between Victoria Island and Byron Tract, CA. The Caltrans Route 4 highway bridge has a vertical clearance, in the closed position, of 12.7 feet at mean high water and unlimited vertical clearance when opened.

The existing drawbridge regulation, 33 CFR 117.183, states that the draw of the California Department of Transportation (Route 4) highway bridge, mile 14.8 between Victoria Island and Byron Tract, shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8. Caltrans, the bridge owner, has requested this modification as additional time is required to complete the bridge rehabilitation.

Drawtender logs, during a previous test deviation conducted May 5, 2021 to August 7, 2021, recorded the following number of CADFW vessel openings: four in May, eight in June, four in July, and two in August. One survey vessel passed in July. No recreational or commercial vessels requested an opening of the bridge span during that 90-day test deviation.

#### **IV. Discussion of the Rule**

The Coast Guard is issuing this rule, which permits a temporary deviation from the operating schedule that governs the California Department of Transportation (Route 4) highway bridge, mile 14.8 between Victoria Island and Byron Tract, CA. This rule allows the bridge to be secured in the

closed-to-navigation position through 5 p.m. on November 30, 2023.

As part of the rehabilitation of the bridge, Caltrans has removed and is replacing all the electronics as well as key mechanical components that control the operation of the swing span. On January 31, 2023, vandals caused damage to one of the three newly installed custom-made submarine cables. On April 1, 2023 the contractor informed Caltrans that the custom-made Program Logic Control circuit, which is the circuit that controls the operation of the swing span, was delayed due to supply chain issues. These two critical components of bridge operations, as well as an active storm season, have caused the delay of the completion of the rehabilitation of the bridge. Currently, the swing span remains inoperable until rehabilitation work is completed. The anticipated completion of the rehabilitation work is November 30, 2023.

#### **V. Regulatory Analyses**

We developed this temporary interim rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive Orders.

##### *A. Regulatory Planning and Review*

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

This regulatory action determination is based on the fact that little or no commercial or recreational vessel traffic will be impacted by this rule. Furthermore, the swing span of the bridge, as of date of the publication of this rule, is not operational and cannot resume operations until delivery of delayed parts and the repair to or replacement of the vandalized electrical submarine cable is made.

##### *B. Impact on Small Entities*

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601-612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions

with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

#### C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### D. Federalism and Indian Tribal Government

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian

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

#### E. Unfunded Mandates Reform Act

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

#### F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule promulgates the operating regulations or procedures for drawbridges and is categorically excluded from further review, under paragraph L49, of Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

#### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1. Revision No. 01.3.

■ 2. Stay § 117.183 from April 20, 2023 until 5 p.m. on November 30, 2023.

■ 3. Add § 117.T184 to read as follows:

#### § 117.T184 Old River.

The draw of the California Department of Transportation (Route 4) highway bridge, mile 14.8 between

Victoria Island and Byron Tract need not be opened for the passage of vessels.

**Michael E. Campbell,**

*Rear Admiral, U.S. Coast Guard, Acting Commander, Eleventh Coast Guard District.*

[FR Doc. 2023–08188 Filed 4–19–23; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2023–0336]

#### Safety Zones in Reentry Sites; Tampa, and Tallahassee, Florida

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notification of enforcement of regulation.

**SUMMARY:** The Coast Guard is activating two safety zones for the National Aeronautics and Space Administration (NASA) Commercial Resupply Service 27 (CRS 27) mission, reentry vehicle splashdown, and recovery operations. These operations will occur in the U.S. Exclusive Economic Zone (EEZ). Our regulation for safety zones in reentry sites within the Seventh Coast Guard District identifies the regulated areas for this event. No U.S.-flagged vessel may enter the safety zones unless authorized by the Captain of the Port St. Petersburg or a designated representative. Foreign-flagged vessels are encouraged to remain outside the safety zones.

**DATES:** The regulations in 33 CFR 165.T07–0806 will be enforced for the safety zones identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notification of enforcement, call or email Marine Science Technician First Class Regina Cuevas, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228–2191, email [Regina.L.Cuevas@uscg.mil](mailto:Regina.L.Cuevas@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard Captain of the Port (COTP) St. Petersburg is activating the Tampa and Tallahassee site safety zones listed in 33 CFR 165.T07–0806(a)(4) and (a)(5), on April 14, 2023 through April 17, 2023, for the National Aeronautics and Space Administration (NASA) Commercial Resupply Service 27 (CRS 27) mission, reentry vehicle splashdown, and the associated recovery operations in the U.S. EEZ. These safety zones are located within the COTP St. Petersburg Area of Responsibility (AOR) offshore of Tampa

and Tallahassee, Florida. The Coast Guard is activating these zones in order to protect vessels and waterway users from the potential hazards created by reentry vehicle splashdowns and recovery operations. In accordance with the general regulations in 33 CFR part 165, subpart C, no U.S.-flagged vessel may enter the safety zones unless authorized by the District Commander or a designated representative except as provided in § 165.T07-0806(d)(3). All foreign-flagged vessels are encouraged to remain outside the safety zones.

There are three other safety zones listed in § 165.T07-0806(a)(1), (a)(2), and (a)(3), which are located within the COTP Jacksonville AOR, in addition to a portion of zone listed in (a)(1) that is located in the COTP Savannah AOR, that are being simultaneously activated through a separate notifications of enforcement of the regulation document issued under Docket Numbers USCG-2023-0302, and USCG-2023-0331.<sup>1</sup>

Twenty-four hours prior to the recovery operations, the COTP or designated representative will inform the public that only one of the five safety zones described in § 165.T07-0806, paragraph (a), will remain activated (subject to enforcement). This zone will remain activated until announced by Broadcast Notice to Mariners on VHF-FM channel 16, and/or Marine Safety Information Bulletin (as appropriate) that the safety zone is no longer subject to enforcement. After the CRS 27 reentry vehicle splashdown, the District Commander or a designated representative will grant general permission to come no closer than 3 nautical miles of any reentry vehicle or space support vessel engaged in the recovery operations, within the activated safety zone described in § 165.T07-0806, paragraph (a). Once the reentry vehicle, and any personnel involved in reentry service, are removed from the water and secured onboard a space support vessel, the District Commander or designated representative will issue a Broadcast Notice to Mariners on VHF-FM channel 16 announcing the activated safety zone is no longer subject to enforcement. The recovery operations are expected to last approximately one hour.

<sup>1</sup> These notifications of enforcement of the regulation can be found at: <https://regulations.gov> by searching for docket number USCG-2023-0302, and USCG-2023-0331.

The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

Dated: April 12, 2023.

**Michael P. Kahle,**

*Captain, U.S. Coast Guard, Commander, Sector St. Petersburg.*

[FR Doc. 2023-08183 Filed 4-19-23; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[EPA-HQ-OAR-2020-0556; FRL-8335-04-OAR]

RIN 2060-AV35

### Testing Provisions for Air Emission Sources; Correction

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; correction.

**SUMMARY:** The Environmental Protection Agency (EPA) is correcting a final rule that was published in the **Federal Register** on March 29, 2023, that will be effective on May 30, 2023. The final rule corrected and updated regulations for source testing of emissions. This correction does not change any final action taken by the EPA on March 29, 2023.

**DATES:** Effective May 30, 2023.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2020-0556. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, e.g., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy. Publicly available docket materials are available electronically through [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** Mrs. Lula H. Melton, Office of Air Quality Planning and Standards, Air Quality Assessment Division (E143-02), Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541-2910; fax number: (919) 541-0516; email address: [melton.lula@epa.gov](mailto:melton.lula@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the final rule published on March 29, 2023 (88 FR 18396), the following correction to an amendatory instruction to “Appendix A to Part 63” is made.

### Appendix A to Subpart UUUUU of Part 63—[Corrected]

On page 18422, in the first column, amendatory instruction 26 is corrected to read: “26. Amend appendix A to subpart UUUUU of part 63 by revising sections 4.1.1.5 and 4.1.1.5.1 to read as follows:”

Date: April 12, 2023.

**Richard A. Wayland,**

*Director, Air Quality Assessment Division, Office of Air Quality Planning and Standards.*

[FR Doc. 2023-08178 Filed 4-19-23; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 23-311; MB Docket No. 21-502; FR ID 136555]

**Radio Broadcasting Services; Millerton, Oklahoma; Powers, Oregon; Mount Enterprise and Paint Rock, Texas; Hardwick, Vermont; and Meeteetse, Wyoming**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; grant of petition for reconsideration.

**SUMMARY:** This document amends the FM Table of Allotments, of the Federal Communications Commission’s (Commission) rules, by reinstating Channel 290A at Hardwick, Vermont, in response to the Commission’s grant of the Petition for Reconsideration filed by Shire and Shore Communications. The window period for filing applications for Channel 290A at Hardwick, Vermont, will be announced by the Commission in the near future.

**DATES:** Effective May 26, 2023.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s Memorandum Opinion and Order, adopted April 11, 2023, and released April 11, 2023. The full text of this Commission decision is available online

at <https://apps.fcc.gov/ecfs>. The full text of this document can also be downloaded in Word or Portable Document Format (PDF) at <https://www.fcc.gov/edocs>. This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. The Commission will send a copy of the Memorandum Opinion and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

The Report and Order, in this proceeding, deleted Channel 265C2 at Millerton, Oklahoma; Channel 293C2 at Powers, Oregon; Channel 279A at Mount Enterprise, Texas; Channel 296C3 at Paint Rock, Texas; Channel 290A at Hardwick, Vermont; and Channel 259C at Meeteetse, Wyoming. See 87 FR 31433 (published May 24, 2022). The communities respective channels were only removed from the FM Table of Allotments. This document therefore makes editorial changes to the FM Table of Allotments by removing the communities of Millerton, Oklahoma; Powers, Oregon; Mount Enterprise and Paint Rock, Texas; and Meeteetse, Wyoming.

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.

Federal Communications Commission.  
**Nazifa Sawez,**  
*Assistant Chief, Audio Division, Media Bureau.*

**Final Rules**

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

**PART 73—RADIO BROADCAST SERVICES**

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

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

■ 2. In § 73.202, in paragraph (b), amend table 1 (the Table of FM Allotments) by:

- a. Removing “Millerton” under Oklahoma;
- b. Removing “Powers” under Oregon;
- c. Removing “Mount Enterprise” and “Paint Rock” under Texas;
- d. Revising the entry for “Hardwick” under Vermont; and
- e. Removing “Meeteetse” under Wyoming.

The revision reads as follows:

**§ 73.202 Table of Allotments.**

\* \* \* \* \*  
(b) \* \* \*

**TABLE 1 TO PARAGRAPH (b)**  
[U.S. States]

					Channel No.
*	*	*	*	*	
<b>Vermont</b>					
*	*	*	*	*	
Hardwick .....					290A
*	*	*	*	*	

[FR Doc. 2023–08205 Filed 4–19–23; 8:45 am]

**BILLING CODE 6712–01–P**

# Proposed Rules

Federal Register

Vol. 88, No. 76

Thursday, April 20, 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 COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 774

[Docket No. 230412–0100]

RIN 0694–AI84

#### Section 1758 Technology Export Controls on Instruments for the Automated Chemical Synthesis of Peptides

**AGENCY:** Bureau of Industry and Security, Department of Commerce.

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Industry and Security (BIS), maintains controls on the export, reexport and transfer (in-country) of dual-use items and less sensitive military items pursuant to the Export Administration Regulations (EAR). Certain instruments for the automated synthesis of peptides (automated peptide synthesizers) have been identified by BIS as a Section 1758 emerging and foundational technology. In this rule, BIS proposes controls for these automated peptide synthesizers. BIS is seeking public comments on the proposed controls, detailed below.

**DATES:** Comments must be received by BIS no later than May 22, 2023.

**ADDRESSES:** You may submit comments, identified by *regulations.gov* docket number BIS–2022–0023 or by RIN 0694–AI84, through any of the following:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. You can find this advance notice of proposed rulemaking by searching for its *regulations.gov* docket number, which is BIS–2022–0023.

- *Email:* [PublicComments@bis.doc.gov](mailto:PublicComments@bis.doc.gov). Include RIN 0694–AI84 in the subject line of the message.

All filers using the portal or email should include the name of the person or entity submitting the comments in the name of their file(s), in accordance with the instructions below. Anyone submitting business confidential

information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential submission to be made publicly available.

For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters “BC.” Any page containing business confidential information must be clearly marked “BUSINESS CONFIDENTIAL” on the top of that page. The corresponding non-confidential version of those comments must be clearly marked “PUBLIC.” The file name of the non-confidential version should begin with the character “P.” The “BC” and “P” should be followed by the name of the person or entity submitting the comments or rebuttal comments. Any submissions with file names that do not begin with a “P” or “BC” will be assumed to be public and will be made publicly available through <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions on automated peptide synthesizers, contact Dr. Tara Gonzalez, Chemical and Biological Controls Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Telephone: (202) 482–3343, Email: [Tara.Gonzalez@bis.doc.gov](mailto:Tara.Gonzalez@bis.doc.gov).

For questions on the submission of comments, contact Logan Norton, Regulatory Policy Division, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce, (202) 482–1762, Email: [RPD2@bis.doc.gov](mailto:RPD2@bis.doc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

##### Identification of Section 1758 Technologies

As part of the National Defense Authorization Act (NDAA) for Fiscal Year 2019 (Pub. L. 115–232), the United States Congress enacted the Export Control Reform Act of 2018 (ECRA) (50 U.S.C. 4801–4852). Section 1758 of ECRA authorizes BIS to establish appropriate controls on the export, reexport or transfer (in-country) of emerging and foundational technologies essential to the national security of the United States. ECRA does not

differentiate between the terms “emerging technology” and “foundational technology,” nor does it provide specific definitions or other guidance for these terms. Given this, and to ensure greater efficiency in implementing controls for such items, BIS has chosen to characterize such technologies as “Section 1758 technologies”, rather than characterizing a specific technology as either “emerging” or “foundational.”

As described in section 1758(a)(2)(B) of ECRA, the identification of Section 1758 technologies takes into account: (i) the development of these technologies in foreign countries; (ii) the effect export controls imposed pursuant to this section may have on the development of such technologies in the United States; and (iii) the effectiveness of export controls imposed pursuant to this section on limiting the proliferation of the emerging and foundational technologies in foreign countries.

The Secretary of Commerce must establish appropriate controls on the export, reexport, or transfer (in-country) of technology identified pursuant to the Section 1758 process. In so doing, the Secretary must consider the potential end-uses and end-users of Section 1758 technologies and the countries to which exports from the United States are restricted (e.g., embargoed countries). While the Secretary has discretion to set the level of export controls, at a minimum a license must be required for the export of such technologies to countries subject to a U.S. embargo, including those countries subject to an arms embargo. Also, section 1758(a)(2)(C) of ECRA requires the interagency process for identifying Section 1758 technologies to include a notice and comment period.

##### November 19, 2018 Advance Notice of Proposed Rulemaking

On November 19, 2018, BIS published an advance notice of proposed rulemaking (ANPRM), “Review of Controls for Certain Emerging Technologies” (83 FR 58201) (November 19 ANPRM). The November 19 ANPRM identified biotechnology in a representative list of fourteen technology categories concerning which BIS sought public comment to determine whether there are specific emerging technologies that are essential

to U.S. national security and for which effective controls can be implemented.

### September 13, 2022 Advance Notice of Proposed Rulemaking on Instruments for the Automated Chemical Synthesis of Peptides

On September 13, 2022, BIS published an ANPRM, “Request for Comments Concerning the Imposition of Section 1758 Technology Export Controls on Instruments for the Automated Chemical Synthesis of Peptides” (87 FR 55930) (September 13 ANPRM).

As described in the September 13 ANPRM, peptides and polypeptides are polymeric chains of amino acids, linked together by peptide bonds. Proteins are three-dimensional (3D) macromolecules composed of one or more folded large chains of polypeptides. Proteins must fold into the correct 3D shape to be functionally active.

The first peptide bond was synthesized over 100 years ago; however, in the last few decades advances in chemical synthesis methods have established automated peptide synthesis as a common laboratory technique.<sup>1</sup> Long-established synthesis methods using fluorenylmethyloxycarbonyl (Fmoc) chemistry can reliably and routinely produce high quality polypeptides around 50 amino acids in length.<sup>2</sup>

Recent advances in peptide synthesis technology and instrumentation have increased both the speed of peptide synthesis and the length of peptide products, including peptides and proteins greater than 100 amino acids in length.<sup>3</sup> Most protein toxins on the Commerce Control List (CCL), which are controlled under ECCN 1C351, are over 100 amino acids in length and have an average length of 300 amino acids, with the notable exception of conotoxins which range between 10–100 amino acids in length.

BIS received five comments in response to the publication of its September 13 ANPRM. The substance of the comments, together with BIS’s responses, are detailed below.

*Comment 1:* One commenter stated that synthesis of toxins using automated peptide synthesis is not viable, with the

minor exception of conotoxins. The commenter also stated that synthesis of the alpha-conotoxins would not be possible at quantities necessary to cause a significant environmental or terroristic threat.

*BIS Response 1:* BIS concurs that automated peptide synthesizers are currently limited to the production of shorter peptide toxins, including CCL controlled conotoxins. However, BIS believes that the current instrumentation can produce enough peptide toxin to cause mortality and morbidity within a given population.

*Comment 2:* One commenter stated that controlled toxins can be produced manually, and that automation simply speeds up this process. Another commenter stated that export controls for the reagents and consumables could potentially control access to peptide synthesis. However, they further stated that major manufacturers of these items are located outside of the United States.

*BIS Response 2:* BIS appreciates the comments about availability of reagents and consumables for both automated and manual production of peptides. BIS will continue to investigate potential export controls on the consumables for peptide synthesis.

*Comment 3:* One commenter stated that new technological developments for peptide synthesizers aid in making many different types of peptides faster, more efficiently, and at lower cost. They further state that this is primarily useful for research for screening many different peptides for drug candidates.

*BIS Response 3:* BIS concurs with the usefulness of multiplexed automated peptide synthesizers for potential therapeutic development. However, BIS notes that these features can also be useful for other, more dangerous purposes, such as in a weapons program.

*Comment 4:* A common comment was that BIS should not unilaterally control these technologies. A common thread was that these controls could have a dramatic impact on the leadership of U.S. technology in the field as customers would obtain the technology from Europe where it is unrestricted. One commenter noted that the U.S. Government should allow free use by academia to benefit overall development of biomolecular research.

*BIS Response 4:* BIS will work with its international partners to provide multilateral controls for these technologies. However, BIS can take unilateral action regarding these technologies going forward, as necessary. BIS welcomes additional input on control of these technologies,

as indicated and facilitated by this rule’s proposed regulatory text.

*Comment 5:* One commenter noted that at this time, the majority of large-scale production of peptides occurs manually.

*BIS Response 5:* While this may be true, and worth looking at for further possible regulatory response, BIS is not inclined to halt the proposal of regulatory text for automated peptide synthesizers. However, BIS notes that this and other related information is relevant to fully understanding the automated peptide synthesizer market and appreciates the information.

### Proposed Regulatory Changes

With this rule, BIS proposes changes to ECCN 2B352. The proposed text will create a new item paragraph .k, which will contain three subparagraphs .k.1, .k.2, and .k.3. Item paragraph .k will control peptide synthesizers that are: partly or entirely automated (.k.1), capable of generating continuous peptide sequences greater than 75 amino acids (.k.2), and capable of producing 100 mg of peptide at 75% or greater purity in a single run (.k.3). Items controls under item paragraph .k would retain reasons for control that apply to the entire ECCN, which are proliferation of chemical and biological weapons (CB) column 2 and anti-terrorism (AT) column 1.

### Request for Comments

Consistent with section 1758 of ECRA, BIS welcomes comments on the following proposed control text for automated peptide synthesizers.

### Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA), 50 U.S.C. 4801–4852. ECRA provides the legal basis for BIS’s principal authorities and serves as the authority under which BIS issues this proposed rule.

### Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting

<sup>1</sup> R.B. Merrifield, Solid Phase Peptide Synthesis. I. The Synthesis of a Tetrapeptide, 85 J. of the Am. Chem. Soc’y 2149, 2149–54 (1963).

<sup>2</sup> Da’san M. M. Jaradat, Thirteen decades of peptide synthesis: key developments in solid phase peptide synthesis and amide bond formation utilized in peptide ligation, 50 Amino Acids 39, 39–68 (2018); Sameer S. Kulkarni et al., Rapid and efficient protein synthesis through expansion of the native chemical ligation concept, 2 Nature Reviews 1, 1–17 (2018).

<sup>3</sup> Kulkarni, supra note 2, at 1–17.

flexibility. This proposed rule has been determined to be significant under Executive Order 12866.

2. Notwithstanding any other provision of law, no person may be required to respond to or be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves a collection currently approved by OMB under control number 0694–0088, Simplified Network Application Processing System. This collection includes, among other things, license applications, and carries a burden estimate of 29.4 minutes for a manual or electronic submission for a total burden estimate of 31,919 hours. BIS does not expect the burden hours associated with this collection to change. BIS estimates an increase by about 40 new licenses for these items each year, within the bounds of existing estimates. Additional information regarding these collections of information—including all background materials—can be found at <https://www.reginfo.gov/public/do/PRAMain> by using the search function to enter either the title of the collection or the OMB Control Number.

3. This proposed rule does not contain policies with federalism implications as that term is defined under Executive Order 13132.

4. Pursuant to section 1762 of the Export Control Reform Act of 2018 (ECRA) (50 U.S.C. 4821), this action is exempt from the Administrative Procedure Act (APA) (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation and delay in effective date. However, BIS believes this proposed rule would benefit from public comment prior to issuance. Consistent with the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (5 U.S.C. 601 *et seq.*), BIS has prepared the following initial regulatory flexibility analysis (IRFA) of the impact that this proposed rule, if adopted, would have on small businesses.

#### *Description of the Reasons Why Action Is Being Considered*

The policy reasons for issuing this proposed rule are discussed in the background section of the preamble of this document and, consequently, are not repeated here.

#### *Statement of the Objectives of, and Legal Basis for, the Proposed Rule; Identification of All Relevant Federal Rules Which May Duplicate, Overlap or Conflict With the Proposed Rule*

The objective of this proposed rule, and all other Section 1758 technology proposed rules published by BIS, is to control emerging and foundational technologies identified by BIS and its interagency partners as being essential to U.S. national security. The legal basis for this proposed rule is as follows: 50 U.S.C. 4801–4852.

No other Federal rules duplicate, overlap, or conflict with this proposed rule.

#### *Number and Description of Small Entities Regulated by the Proposed Action*

This proposed rule would apply to all persons engaged in the export, reexport or transfer (in-country) of the automated peptide synthesizers proposed for control under ECCN 2B352 and the related “technology” subject to the EAR. Presently, these instruments and related “technology” are used in research and development activities in the biotechnology field (*e.g.*, U.S. university, military and industrial laboratories). Therefore, BIS anticipates that the proposed controls would result in “deemed” export license applications (for the release of “technology” to foreign nationals located within the United States) to allow access to this “technology” by foreign students and faculty at U.S. universities, as well as by non-U.S. employees of U.S. biochemical firms. There would most likely also be “deemed” reexport license applications for the release of this “technology” to third-country foreign nationals located in foreign countries who are engaged in research and development activities involving this “technology.”

BIS does not collect or maintain the data necessary to determine how many of the affected persons are small entities as that term is used by the Small Business Administration. Prior to issuing this proposed rule, BIS received 36 comments on biotechnology in response to its November 19 ANPRM, five of which were specific to this technology. None of these commenters specifically identified themselves as small businesses, although small businesses may have chosen to provide input through larger entities, such as trade associations.

However, BIS was able to estimate the number of license applications that the agency anticipates receiving as a result of this proposed rule and is using that estimate as a means of assessing the

impact on small businesses. Using the North American Industry Classification System Codes (NAICS) 541714 (Research and Technology in Biotechnology (except Nanobiotechnology)), BIS determined that the standard small business size in this industry is 1,000 employees. Using Table 1a of the Census Bureau’s 2019 Exports by Company Type and Employment Size and extrapolating to 1,000 employees, BIS then estimated that approximately 40% of all identified companies that export in this industry are small businesses. BIS also estimates that it will receive 40 license applications per year for the items described in this proposed rule (see the PRA estimates described in Rulemaking Requirements #2, above). Based on that information, BIS estimates that the agency will receive approximately 16 license applications per year from small businesses, or roughly 40% of the 40 estimated license applications.

In addition, based on the burden estimate for OMB under control numbers 0694–0088 (Simplified Network Application Processing System) and 0694–0096 (Five Year Records Retention Period), BIS expects that the total burden hours for small businesses associated with these EAR-related collections would increase only slightly, by just under 3 hours and 4 minutes (*i.e.*, 6 applications × 30.6 minutes per response), for a total estimated cost increase of just under \$92 (*i.e.*, 3 hours and 4 minutes × \$30 per hour).

The amendments proposed in this rule, if implemented, also would trigger a small information collection burden under the U.S. Census Bureau’s Foreign Trade Regulations (FTR) (15 CFR part 30), which contain the Electronic Export Information (EEI) filing requirements under the Automated Export System (AES). This FTR-related information collection has been approved by OMB under control number 0607–0152 (Automated Export System (AES) Program) and carries a burden hour estimate of 3 minutes per electronic submission. This collection, together with the aforementioned EAR-related information collections, would result in a total estimated cost increase to small businesses of just under \$94 (*i.e.*, 3 hours and 7 minutes × \$30 per hour). Note that, for purposes of consistency, the \$30 per hour cost estimate used for the EAR-related information collections described above is also applied to this FTR-related information collection (which also would involve work performed by export compliance specialists).

Based on the analysis provided above, the amendments proposed in this rule would not impose a significant economic impact on a substantial number of small businesses.

*Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule*

The changes proposed in this rule, if adopted, would mean that certain items currently eligible for export, reexport or transfer (in-country) to most destinations under the No License Required (NLR) designation would require an EAR authorization (*i.e.*, in accordance with the terms and conditions of an EAR license exception or a license issued by BIS). Adding these items to the CCL, to be controlled under ECCN 2B352, may also change the export clearance requirements under the FTR for certain exports of these items by triggering an EEI filing requirement in AES (note that the requirement generally does not apply to items below a certain value that are classified as EAR99, *i.e.*, subject to the EAR, but not listed under an ECCN on the CCL).

To the extent that compliance with the changes proposed in this rule would impose a burden on persons, including small businesses, BIS believes the burden would be minimal. The reclassification process would need to be done only once per license applicant for exports, reexports or transfers (in-country) of these emerging technology items and, consequently, would constitute a one-time burden for each applicant. Similarly, assessing the availability of license exceptions and/or applying for and using BIS licenses would impose some minimal burden on persons, including small businesses.

However, it should be noted that these EAR requirements would likely have less impact than might otherwise be the case, because of the resources that BIS makes available to all exporters, including small businesses. Specifically, BIS's website has free on-line training explaining export basics, including instructions on how to register for and use BIS's online license application tool, and tips on how to complete a license application for chemical and biological items. BIS also provides free export counseling by telephone and email via both its Washington, DC and Western Regional offices. In addition, BIS accepts requests for commodity classifications and processes them without charge to assist those exporters who need assistance in classifying their items for the purpose of determining whether any CCL-based license requirements would apply.

*Significant Alternatives and Underlying Analysis*

As noted above, BIS does not believe that the amendments proposed in this rule, if published in a final rule, would have a significant economic impact on small businesses. Nevertheless, consistent with 5 U.S.C. 603(c), BIS considered significant alternatives to these proposed amendments to assess whether the alternatives would: (1) accomplish the stated objectives of this proposed rule (consistent with the emerging technology requirements in ECRA); and (2) minimize any significant economic impact of this proposed rule on small entities. BIS could have proposed a much broader control on peptide synthesizers controlled under ECCN 2B352 that would have captured a greater number of such items. However, that option would have had a greater impact not only on small businesses, but also on research and development laboratories (both academic and corporate), which are involved in advancing these technologies. BIS has determined that proposing focused controls on the items detailed above is the least disruptive alternative for implementing export controls in a manner consistent with controlling technology that has been determined, through the Section 1758 technology interagency process authorized under ECRA, to be essential to U.S. national security.

BIS is not proposing different compliance or reporting requirements for small businesses. If a small business is subject to a compliance requirement for the export, reexport or transfer (in-country) of this equipment and related "technology," then it would submit a license application using the same process as any other company (*i.e.*, electronically via SNAP-R). The license application process is free of charge to all entities, including small businesses. In addition, as noted above, the resources and other compliance tools made available by BIS typically serve to lessen the impact of any EAR license requirements on small businesses.

Lastly, consistent with 5 U.S.C. 603(c), BIS assessed the use of performance standards rather than design standards and also considered whether an exemption for small businesses was practical under the circumstances (*i.e.*, within the context of the changes proposed in this rule).

This proposed rule does not contain an exemption for small businesses from this license requirement because BIS and its interagency partners are assessing whether these controls are essential to U.S. national security.

Specifically, items proposed for control could be used for nefarious purposes and, as such, controlling these items on the CCL may be determined to be essential to U.S. national security pursuant to the interagency process for identifying emerging and foundational technologies that is described in section 1758(a) of ECRA (50 U.S.C. 4817(a)). An exemption for small businesses would undermine the effectiveness of these proposed controls.

*Conclusion*

BIS has identified the items addressed in this proposed rule as a technology suitable for evaluation under section 1758 of ECRA that warrants public notice and comment. Consequently, consistent with the Regulatory Flexibility Act, BIS has prepared this IRFA addressing the impact that this proposed rule, if adopted, would have on small entities. BIS's assessment indicates that the amendments proposed in this rule would not have a significant economic impact on a substantial number of small entities.

Please submit any comments concerning this IRFA in accordance with the instructions provided in the **ADDRESSES** section of this proposed rule.

**List of Subjects in 15 CFR Part 774**

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 774 of the Export Administration Regulations (15 CFR parts 730–774) is proposed to be amended as follows:

**PART 774—THE COMMERCE CONTROL LIST**

- 1. The authority citation for part 774 continues to read as follows:

**Authority:** 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 8720; 10 U.S.C. 8730(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 42 U.S.C. 2139a; 15 U.S.C. 1824; 50 U.S.C. 4305; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

**Supplement No. 1 to Part 774— [Amended]**

- 2. Category 2 is amended by revising ECCN 2B352 to read as follows:

**Category 2—Materials Processing**

**B. "Test", "Inspection" and "Production Equipment"**

\* \* \* \* \*

**2B352 Equipment capable of use in handling biological materials, as follows (see List of Items Controlled).**

**License Requirements**

*Reason for Control:* CB, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
CB applies to entire entry.	CB Column 2
AT applies to entire entry.	AT Column 1

### List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A

GBS: N/A

### List of Items Controlled

**Related Controls:** See ECCNs 1A004 and 1A995 for protective equipment that is not covered by this entry. Also see ECCN 9A120 for controls on certain "UAV" systems designed or modified to dispense an aerosol and capable of carrying elements of a payload in the form of a particulate or liquid, other than fuel "parts" or "components" of such vehicles, of a volume greater than 20 liters.

**Related Definitions:** (1) "Lighter than air vehicles"—balloons and airships that rely on hot air or on lighter-than-air gases, such as helium or hydrogen, for their lift. (2) "UAVs"—Unmanned Aerial Vehicles. (3) "VMD"—Volume Median Diameter.

Items:

a. Containment facilities and related equipment, as follows:  
a.1. Complete containment facilities at P3 or P4 containment level.

**Technical Note to 2B352.a.1:** P3 or P4 (BL3, BL4, L3, L4) containment levels are as specified in the WHO Laboratory Biosafety Manual (3rd edition, Geneva, 2004).

a.2. Equipment designed for fixed installation in containment facilities specified in paragraph a.1 of this ECCN, as follows:

a.2.a. Double-door pass-through decontamination autoclaves;  
a.2.b. Breathing air suit decontamination showers;  
a.2.c. Mechanical-seal or inflatable-seal walkthrough doors.

b. Fermenters and components as follows:

b.1. Fermenters capable of cultivation of microorganisms or of live cells for the production of viruses or toxins, without the propagation of aerosols, having a total internal volume of 20 liters or greater.

b.2. Components designed for such fermenters, as follows:

b.2.a. Cultivation chambers designed to be sterilized or disinfected in situ;  
b.2.b. Cultivation chamber holding devices;  
or

b.2.c. Process control units capable of simultaneously monitoring and controlling two or more fermentation system parameters (e.g., temperature, pH, nutrients, agitation, dissolved oxygen, air flow, foam control).

#### Technical Notes to 2B352.b:

**1. Fermenters include bioreactors (including single-use (disposable)**

**bioreactors), chemostats and continuous-flow systems.**

**2. Cultivation chamber holding devices controlled by 2B352.b.2.b include single-use cultivation chambers with rigid walls.**

c. Centrifugal separators capable of the continuous separation of pathogenic microorganisms, without the propagation of aerosols, and having all of the following characteristics:

- c.1. One or more sealing joints within the steam containment area;
- c.2. A flow rate greater than 100 liters per hour;
- c.3. "Parts" or "components" of polished stainless steel or titanium; and
- c.4. Capable of in-situ steam sterilization in a closed state.

**Technical Note to 2B352.c:** Centrifugal separators include decanters.

d. Cross (tangential) flow filtration equipment and "accessories," as follows:

- d.1. Cross (tangential) flow filtration equipment capable of separation of microorganisms, viruses, toxins or cell cultures having all of the following characteristics:
  - d.1.a. A total filtration area equal to or greater than 1 square meter (1 m<sup>2</sup>); and
  - d.1.b. Having any of the following characteristics:
    - d.1.b.1. Capable of being sterilized or disinfected in-situ; or
    - d.1.b.2. Using disposable or single-use filtration "parts" or "components".

**N.B.:** 2B352.d.1 does not control reverse osmosis and hemodialysis equipment, as specified by the manufacturer.

d.2. Cross (tangential) flow filtration "parts" or "components" (e.g., modules, elements, cassettes, cartridges, units or plates) with filtration area equal to or greater than 0.2 square meters (0.2 m<sup>2</sup>) for each "part" or "component" and designed for use in cross (tangential) flow filtration equipment controlled by 2B352.d.1.

**Technical Note:** In this ECCN, "sterilized" denotes the elimination of all viable microbes from the equipment through the use of either physical (e.g., steam) or chemical agents. "Disinfected" denotes a process to reduce the number of microorganisms, but not usually of bacterial spores, through the use of chemical agents, without necessarily killing or removing all organisms.

e. Steam, gas or vapor sterilizable freeze-drying equipment with a condenser capacity of 10 kg of ice or greater in 24 hours (10 liters of water or greater in 24 hours) and less than 1000 kg of ice in 24 hours (less than 1,000 liters of water in 24 hours).

f. Spray-drying equipment capable of drying toxins or pathogenic microorganisms having all of the following characteristics:

- f.1. A water evaporation capacity of ≥0.4 kg/h and ≤400 kg/h;
- f.2. The ability to generate a typical mean product particle size of ≤10 micrometers with

existing fittings or by minimal modification of the spray-dryer with atomization nozzles enabling generation of the required particle size; and

f.3. Capable of being sterilized or disinfected in situ.

g. Protective and containment equipment, as follows:

g.1. Protective full or half suits, or hoods dependent upon a tethered external air supply and operating under positive pressure;

**Technical Note to 2B352.g.1:** 2B352.g.1 does not control suits designed to be worn with self-contained breathing apparatus.

g.2. Biocontainment chambers, isolators, or biological safety cabinets having all of the following characteristics, for normal operation:

- g.2.a. Fully enclosed workspace where the operator is separated from the work by a physical barrier;
- g.2.b. Able to operate at negative pressure;
- g.2.c. Means to safely manipulate items in the workspace; and
- g.2.d. Supply and exhaust air to and from the workspace is high-efficiency particulate air (HEPA) filtered.

**Note 1 to 2B352.g.2:** 2B352.g.2 controls class III biosafety cabinets, as specified in the WHO Laboratory Biosafety Manual (3rd edition, Geneva, 2004) or constructed in accordance with national standards, regulations or guidance.

**Note 2 to 2B352.g.2:** 2B352.g.2 controls any isolator having all of the characteristics described in 2B352.g.2.a through g.2.d, regardless of its intended use and its designation, except for medical isolators "specially designed" for barrier nursing or transportation of infected patients.

h. Aerosol inhalation equipment designed for aerosol challenge testing with microorganisms, viruses or toxins, as follows:

- h.1. Whole-body exposure chambers having a capacity of 1 cubic meter or greater;
- h.2. Nose-only exposure apparatus utilizing directed aerosol flow and having a capacity for the exposure of 12 or more rodents, or two or more animals other than rodents, and closed animal restraint tubes designed for use with such apparatus.

i. Spraying or fogging systems and "parts" and "components" thereof, as follows:

- i.1. Complete spraying or fogging systems, "specially designed" or modified for fitting to aircraft, "lighter than air vehicles," or "UAVs," capable of delivering, from a liquid suspension, an initial droplet "VMD" of less than 50 microns at a flow rate of greater than 2 liters per minute;

i.2. Spray booms or arrays of 'aerosol generating units', "specially designed" or modified for fitting to "aircraft," "lighter than air vehicles," or "UAVs," capable of delivering, from a liquid suspension, an initial droplet "VMD" of less than 50 microns at a flow rate of greater than 2 liters per minute;

i.3. ‘Aerosol generating units’ ‘‘specially designed’’ for fitting to the systems as specified in paragraphs i.1 and i.2 of this EGCN.

**Technical Notes to 2B352.i:**

1. *Aerosol generating units are devices ‘‘specially designed’’ or modified for fitting to aircraft and include nozzles, rotary drum atomizers and similar devices.*

2. *This EGCN does not control spraying or fogging systems, ‘‘parts’’ and ‘‘components,’’ as specified in 2B352.i, that are demonstrated not to be capable of delivering biological agents in the form of infectious aerosols.*

3. *Droplet size for spray equipment or nozzles ‘‘specially designed’’ for use on aircraft or ‘‘UAVs’’ should be measured using either of the following methods (pending the adoption of internationally accepted standards):*

a. *Doppler laser method*

b. *Forward laser diffraction method.*

j. *Nucleic acid assemblers and synthesizers that are both:*

j.1. *Partly or entirely automated; and*

j.2. *Designed to generate continuous nucleic acids greater than 1.5 kilobases in length with error rates less than 5% in a single run.*

k. *Peptide synthesizers that are:*

k.1. *Partly or entirely automated;*

k.2. *Capable of generating continuous peptide sequences greater than 75 amino acids; and*

k.3. *Capable of producing 100 mg of peptide at 75% or greater purity in a single run.*

\* \* \* \* \*

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

[FR Doc. 2023–08269 Filed 4–19–23; 8:45 am]

**BILLING CODE 3510–33–P**

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1281

[CPSC Docket No. CPSC–2006–0057]

#### Safety Standard for Portable Generators

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Supplemental notice of proposed rulemaking; notice of opportunity for oral presentation of comments.

**SUMMARY:** The U.S. Consumer Product Safety Commission (Commission or CPSC) has preliminarily determined that there is an unreasonable risk of injury and death associated with acute carbon monoxide (CO) poisoning from portable generators. To address this hazard, the Commission proposes a rule under the Consumer Product Safety Act (CPSA) that limits CO emissions from

portable generators and requires generators to shut off when specific emissions levels are reached. The Commission is providing an opportunity for interested parties to present comments on this supplemental notice of proposed rulemaking (SNPR).

**DATES:**

*Deadline for Written Comments:* Written comments must be received by June 20, 2023.

*Deadline for Request to Present Oral Comments:* Any person interested in making an oral presentation must send an electronic mail (email) indicating this intent to the Office of the Secretary at [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov) by May 22, 2023.

**ADDRESSES:**

*Written Comments:* You may submit written comments in response to the proposed rule, identified by Docket No. CPSC–2006–0057, by any of the following methods:

*Electronic Submissions:* Submit electronic comments to the Federal eRulemaking Portal at: [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments. CPSC typically does not accept comments submitted by email, except as described below. CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

*Mail/Hand Delivery/Courier Written Submissions:* Submit comments by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504–7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

*Instructions:* All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: [www.regulations.gov](http://www.regulations.gov). Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier written submissions.

*Docket for SNPR:* For access to the docket to read background documents or comments received, go to: [www.regulations.gov](http://www.regulations.gov), insert the docket

number CPSC–2006–0057 into the ‘‘Search’’ box, and follow the prompts.

**FOR FURTHER INFORMATION CONTACT:**

Janet Buyer, Directorate for Engineering Sciences, Office of Hazard Identification and Reduction, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850; telephone: 301–987–2293; [jbuyer@cpsc.gov](mailto:jbuyer@cpsc.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Background <sup>1</sup>

In 2006, the Commission published an advance notice of proposed rulemaking (ANPR) to consider whether there may be an unreasonable risk of injury and death from CO poisoning associated with portable generators.<sup>2</sup> The ANPR began a rulemaking proceeding under the CPSA.

Following publication of the ANPR, CPSC contracted with the University of Alabama (UA) to conduct a demonstration of prototype low CO emission technology for portable generators. CPSC also contracted with the National Institute for Standards and Technology (NIST) to conduct comparative testing of generators in an attached garage of a test house facility, and to perform indoor air quality (IAQ) modeling. CPSC staff published a report regarding the results of the UA technology demonstration and NIST’s test results.<sup>3</sup> NIST published a report concerning the results of the comparative testing of generators as well as IAQ modeling they performed using their test results.<sup>4</sup>

<sup>1</sup> On April 5, 2023, the Commission voted (4–0) to publish this supplemental notice of proposed rulemaking. Commissioners Boyle and Feldman issued statements in connection with their votes: <https://www.cpsc.gov/s3fs-public/2023-04-05-COMB-Portable-Generator-SNPR-Statement.pdf?VersionId=ztywlcwqWcpY1eFObXtqXsdHjklGTgKa>; and <https://www.cpsc.gov/About-CPSC/Commissioner/Peter-A-Feldman/Statement/Statement-of-Commissioner-Peter-A-Feldman-Requesting-Comment-on-Portable-Generator-Intellectual-Property-and-Licensing-Concerns>.

<sup>2</sup> Portable Generators; Advance Notice of Proposed Rulemaking; Request for Comments and Information, 71 FR 74472 (Dec. 12, 2006) (Document ID number CPSC–2006–0057–0001 in [www.regulations.gov](http://www.regulations.gov)).

<sup>3</sup> *Technology Demonstration of a Prototype Low Carbon Monoxide Emission Portable Generator* <https://ecpsc.cpsc.gov/pmo/portgen/Shared%20Documents/staff%20report%20on%20technology%20demonstration.pdf> (Document ID number CPSC–2006–0057–0002 in [www.regulations.gov](http://www.regulations.gov)).

<sup>4</sup> *NIST Technical Note 1781; Modeling and Measuring the Effects of Portable Gasoline Powered Generator Exhaust on Indoor Carbon Monoxide Level* <https://ecpsc.cpsc.gov/pmo/portgen/Shared%20Documents/CPSC%20staff%20cover%20statement%20and%20NIST%20TN%201781.pdf>.

In October 2016, staff delivered to the Commission a draft proposed rule to address the CO poisoning hazard associated with portable generators.<sup>5</sup> The draft proposed rule would have limited the CO emission rates of portable generators based on four different engine size categories. Staff estimated the proposed CO emission rates equated to reductions of approximately 75 percent for the smallest generators to approximately 90 percent for the two largest size categories, compared to the typical CO emission rates of current generators.

The Commission voted to approve publication of the draft proposed rule, and the proposed rule was published on November 21, 2016.<sup>6</sup> The Commission received written comments and oral presentations from the public. Section IX contains a summary of significant comments received and staff's responses to these comments.

Following publication of the NPR, Underwriters Laboratories (UL) and the Portable Generator Manufacturers Association (PGMA) each published new editions of their voluntary standards that included CO hazard mitigation requirements. UL published ANSI-approved UL 2201, *Standard for Safety for Carbon Monoxide (CO) Emission Rate of Portable Generators, Second Edition*, on January 9, 2018 (UL 2201).<sup>7</sup> PGMA published ANSI-approved ANSI/PGMA G300–2018, *Safety and Performance of Portable Generators*, on April 20, 2018 (PGMA G300).<sup>8</sup>

In 2019, the Commission announced the availability of and sought comment on NIST Technical Note 2048, “Simulation and Analysis Plan to Evaluate the Impact of CO Mitigation

Requirements for Portable Generators.”<sup>9</sup> NIST Technical Note 2048 represents a plan developed by CPSC staff and NIST staff to estimate the effectiveness of the CO mitigation requirements in PGMA G300 and UL 2201. In August 2020, the Commission announced the availability of a memorandum resulting from CPSC and NIST staffs' review of the comments received, including adjustments made to the simulation and analysis plan.<sup>10 11</sup>

In February 2022, CPSC staff reported to the Commission its findings regarding the effectiveness of the CO mitigation requirements in PGMA G300 and UL 2201, “*CPSC Staff Briefing Package on Assessment of Portable Generator Voluntary Standards' Effectiveness in Addressing CO Hazard, and Information on Availability of Compliant Portable Generators.*”<sup>12</sup>

The Commission is issuing this supplemental notice of proposed rulemaking because the revised proposed rule, based on requirements from UL 2201 and PGMA G300 that did not exist at the time of the NPR, is likely to reduce the risk of CO injuries and deaths to a greater degree than those in the 2016 NPR. Additionally, the combination of requirements in this SNPR builds on industry's own standards, which should facilitate compliance. In particular, this SNPR adds requirements related to shutoff when high CO levels are detected, which have begun to achieve industry acceptance. The SNPR also adopts emissions requirements consistent with the UL 2201 standard, because both actual fatal incidents and scenario simulations show that an effective shutoff system alone is not sufficient to protect consumers from death and serious injury from accumulated CO.

The CO emission rates of portable generators are on the order of hundreds of times the CO emission rates of gasoline powered automobiles. From 2004 through 2021, there were at least 1,332 CO-related consumer deaths

involving portable generators, or an average of about 74 lives lost annually, with thousands of non-fatal poisonings of consumers per year. Fatalities have increased in recent years. For example, for the three most recent years for which complete data are available (2017 through 2019), generator-related CO deaths have averaged 85 per year.

The Commission expects that the proposed rule would be highly effective in avoiding generator-related CO incidents, producing benefits that far exceed the estimated costs. Over 30 years, the Commission estimates the rule would prevent 2,148 deaths (nearly 72 deaths per year) and 126,377 injuries (roughly 4,213 injuries per year). The total benefits from the rule are estimated to be greater than \$1 billion per year during this period, using a discount rate of 3 percent. This represents approximately \$273 of benefits for each generator sold. Costs are far lower, such that the Commission estimates net benefits, with a discount rate of 3 percent, to be approximately \$897 million per year. For every \$1 in estimated direct cost to consumers and manufacturers, the proposed rule generates more than \$7 in benefits from mitigated deaths and injuries.

The information discussed in this preamble is derived from CPSC staff's briefing package for the SNPR, “Staff's SNPR Briefing Package,” which is available on CPSC's website at: [www.cpsc.gov/s3fs-public/SupplementalNoticeofProposedRulemakingSNPRSafetyStandardforPortableGenerators.pdf?VersionId=zxwp.NpJj8nNCxL7CIp3zMVqLB1MrgE](http://www.cpsc.gov/s3fs-public/SupplementalNoticeofProposedRulemakingSNPRSafetyStandardforPortableGenerators.pdf?VersionId=zxwp.NpJj8nNCxL7CIp3zMVqLB1MrgE). For a more comprehensive and detailed discussion of the information in this preamble, see the Staff's SNPR Briefing Package.

## II. Statutory Authority

This supplemental notice of proposed rulemaking is authorized by the CPSA, 15 U.S.C. 2051–2084. Section 7(a) of the CPSA authorizes the Commission to promulgate a mandatory consumer product safety standard that sets forth performance or labeling requirements for a consumer product if such requirements are reasonably necessary to prevent or reduce an unreasonable risk of injury. 15 U.S.C. 2056(a). Section 9 of the CPSA specifies the procedure that the Commission must follow to issue a consumer product safety standard under section 7 of the CPSA. The Commission commenced this rulemaking by issuing an ANPR.

<sup>5</sup> CPSC Staff Briefing Package for Notice of Proposed Rulemaking For Safety Standard For Carbon Monoxide Hazard For Portable Generators, October 5, 2016, <https://www.cpsc.gov/s3fs-public/Proposed-Rule-Safety-Standard-for-Portable-Generators-October-5-2016.pdf> (Document ID CPSC–2006–0057–0032 in [www.regulations.gov](http://www.regulations.gov)).

<sup>6</sup> Notice of proposed rulemaking, *Safety Standard for Portable Generators*, 81 FR 83556 (Nov. 21, 2016) <https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators>.

<sup>7</sup> UL 2201, *Standard for Safety for Carbon Monoxide (CO) Emission Rate of Portable Generators, Second Edition*, Dated Jan. 9, 2018.

<sup>8</sup> ANSI/PGMA G300–2018 (Errata Update), *Safety and Performance of Portable Generators*, available online at [https://www.pgmaonline.com/pdf/ANSI\\_PGMA\\_G300-2018\\_Errata\\_Update\\_April\\_2020.pdf](https://www.pgmaonline.com/pdf/ANSI_PGMA_G300-2018_Errata_Update_April_2020.pdf). On May 1, 2020, PGMA issued an erratum update to PGMA G300–2018 that changed the requirement for packaging marking from a logo to the following text or equivalent wording: “This product complies with the ANSI/PGMA G300–2018 standard.” References to “PGMA G300” in this document refer to ANSI/PGMA G300–2018 (Errata Update).

<sup>9</sup> Notice of Availability: Plan to Evaluate CO Mitigation Requirements for Portable Generators, 84 FR 32729 (July 9, 2019), <https://doi.org/10.6028/NIST.TN.2048>.

<sup>10</sup> Notice of Availability: Revisions to the Plan Documented in NIST Technical Note 2048: Simulation and Analysis Plan to Evaluate the Impact of CO Mitigation Requirements for Portable Generators, 85 FR 52096 (Aug. 24, 2020).

<sup>11</sup> Staff memorandum, <https://www.cpsc.gov/s3fs-public/revisions-to-TN2048-and-comment-resolutions.pdf> (Document ID CPSC–2006–0057–0106 in [www.regulations.gov](http://www.regulations.gov)).

<sup>12</sup> <https://www.cpsc.gov/s3fs-public/Briefing-Package-on-Portable-Generator-Voluntary-Standards.pdf?VersionId=hLnAkKQ6bCD SKin8RE6lax.BjZsB5x3> (Document ID CPSC–2006–0057–0107 in [www.regulations.gov](http://www.regulations.gov)).

According to section 9(f)(1) of the CPSA, before promulgating a consumer product safety rule, the Commission must consider, and make appropriate findings to be included in the rule, on the following issues:

- The degree and nature of the risk of injury that the rule is designed to eliminate or reduce;
- The approximate number of consumer products subject to the rule;
- The need of the public for the products subject to the rule and the probable effect the rule will have on utility, cost, or availability of such products; and
- The means to achieve the objective of the rule while minimizing adverse effects on competition, manufacturing, and commercial practices.

15 U.S.C. 2058(f)(1).

Under section 9(f)(3) of the CPSA, to issue a final rule, the Commission must find that the rule is “reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with such product” and that issuing the rule is in the public interest. *Id.* 2058(f)(3)(A) & (B). Additionally, if a voluntary standard addressing the risk of injury has been adopted and implemented, the Commission must find that:

- The voluntary standard is not likely to eliminate or adequately reduce the risk of injury, or

- Substantial compliance with the voluntary standard is unlikely.
- Id.* 2058(f)(3)(D). The Commission also must find that expected benefits of the rule bear a reasonable relationship to its costs and that the rule imposes the least burdensome requirements that would adequately reduce the risk of injury. *Id.* 2058(f)(3)(E) & (F).

### III. Product Description

A portable generator is a consumer product that converts chemical energy from the fuel powering the engine to rotational energy, which in turn is converted to electrical power. The engine can be fueled by gasoline, liquified propane gas (LPG), natural gas, or diesel fuel. The generator has a receptacle panel that consumers use to connect appliances, power tools, or other electrical loads to the generator via a plug connection. These generators are designed for portability—specifically, to be carried, pulled, or pushed by a person.

Manufacturers and retailers advertise portable generators by many different features, but one of the primary features is the amount of electrical power the generator can provide continuously. The industry commonly refers to this as “rated power,” “rated wattage,” or “running wattage,” which ranges from less than 1,000 watts (1 kilowatt or 1 kW) to approximately 20 kW.

## IV. Risk of Injury

### A. Description of Hazard—Acute CO Poisoning

Portable generators produce CO. CO is a colorless, odorless, poisonous gas formed during incomplete combustion<sup>13</sup> of fossil fuels, which occurs in all fuel burning products to varying degrees. Engines like those in portable generators emit CO along with other exhaust gas constituents that have noxious odors. Section II.B of the briefing memorandum in Staff’s SNPR Briefing Package describes the effects of CO poisoning, and the relationship between exposure to CO and carboxyhemoglobin (COHb) levels in the body. Even after CO has reached a peak and is decreasing, such as when a generator shuts off, COHb will continue to rise for some time before it decreases.<sup>14</sup>

### B. CO Fatalities Associated With Portable Generators

<sup>13</sup> Incomplete combustion entails only partial burning of a fuel. CO is a byproduct from incomplete combustion of carbon.

<sup>14</sup> This is exemplified in test results presented in NIST Technical Note 2049 *Carbon Monoxide Concentrations and Carboxyhemoglobin Profiles from Portable Generators with a CO Safety Shutoff Operating in a Test House*, available online at <https://doi.org/10.6028/NIST.TN.2049>. In the vast majority of the tests, the peak COHb levels were attained hours after the generator shut off.

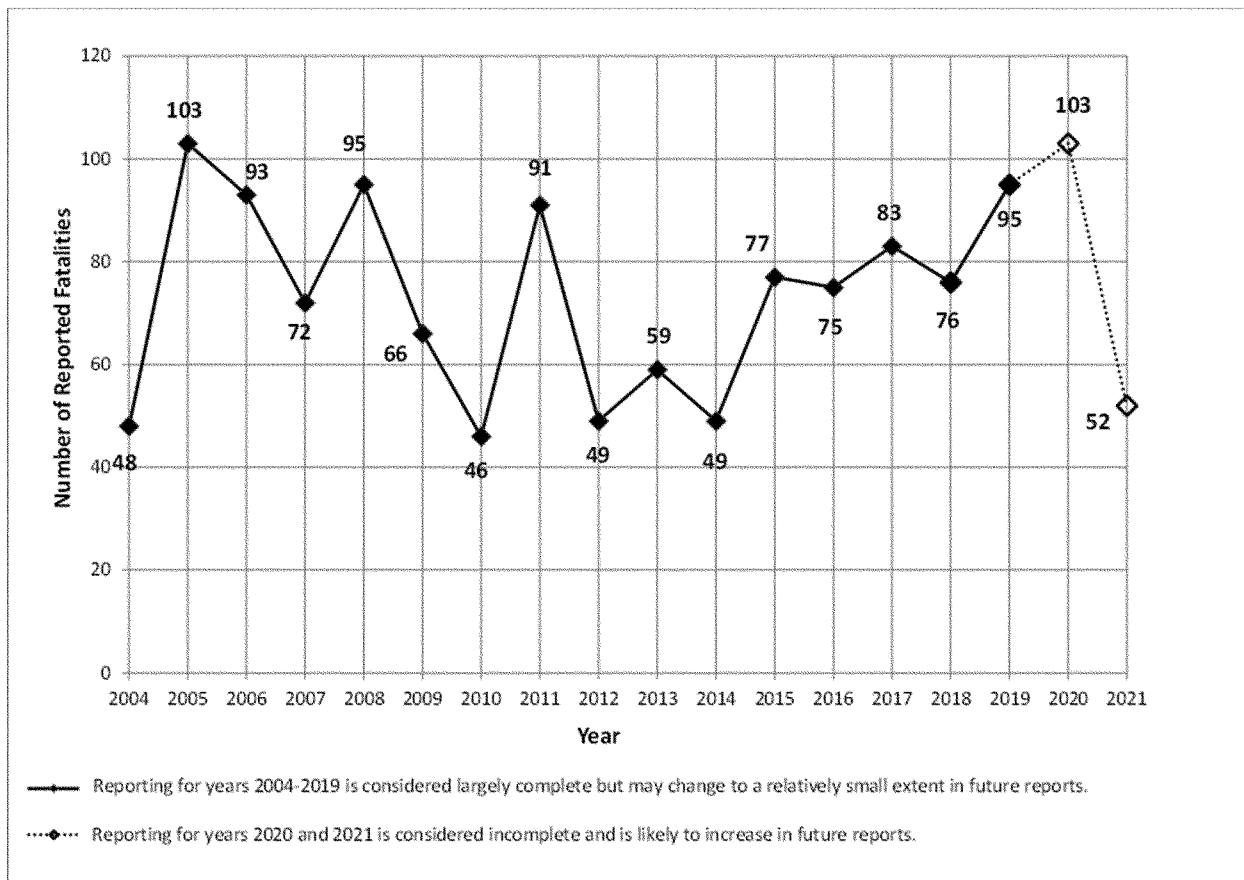
Based on the data from the reports in CPSC's databases as of May 10, 2022, there have been at least 1,332 deaths associated with generators for years 2004 through 2021.<sup>15 16</sup> Figure 1 shows

the number of reported deaths involving a portable generator for each of the years in this period. Data for the two most recent years, 2020 and 2021, are incomplete, because data collection is

ongoing, and the death count most likely will increase in future reports.<sup>17</sup>

BILLING CODE 6355-01-P

Figure 1. Number Of Reported Non-Fire CO Poisoning Deaths Involving Generators in CPSC Databases as of May 10, 2022, by Year, 2004-2021



BILLING CODE 6355-01-C

The average number of generator-related CO fatalities in CPSC's databases for the most recent 3 years of complete data (years 2017 through 2019) is 85 deaths per year.

<sup>15</sup> Death data for years 2004 through 2010 are from the following report, with an additional death included in 2004 that was reported in the NEISS data but was not previously accounted for: Hnatov, M.V., *Generators Involved in Fatal Incidents, by Generator Category, 2004-2014*, CPSC, Bethesda, MD, Sept. 2016. (TAB B in <https://www.cpsc.gov/s3fs-public/Proposed-Rule-Safety-Standard-for-Portable-Generators-October-5-2016.pdf>; Document ID CPSC-2006-0057-0032 in [www.regulations.gov](http://www.regulations.gov)).

<sup>16</sup> Death data for years 2011 through 2021 are from the following report, with 5 deaths from 3 incidents in 2011 excluded because they involved stationary generators, which are outside the scope of the proposed rule: Hnatov, M.V., *Fatal Incidents Associated with Non-Fire Carbon Monoxide Poisoning from Engine-Driven Generators and Other Engine-Driven Tools, 2011-2021*, CPSC, Bethesda,

### C. Hazard Patterns of Fatal Incidents

CPSC Field Staff conducted in-depth investigations (IDI) on nearly all 1,332 deaths represented in Figure 1 to gather more detailed information about the incidents and to characterize the hazard patterns. Two annual reports covering

MD, June 2022 <https://www.cpsc.gov/content/Fatal-Incidents-Associated-with-Non-Fire-Carbon-Monoxide-Poisoning-from-Engine-Driven-Generators-and-Other-Engine-Driven-Tools-2011-2021> (Document ID CPSC-2006-0057-0108 in [www.regulations.gov](http://www.regulations.gov)).

<sup>17</sup> For example, in staff's annual report covering the years 2010 through 2020, the number of deaths entered in CPSC's databases as of May 17, 2021 for the years 2019 and 2020 was 89 and 54, respectively. The deaths in these years increased to 95 and 103, respectively, in the June 2022 report, for which the data were pulled almost exactly one year later. See <https://www.cpsc.gov/content/Generators-and-OEDT-CO-Poisoning-Fatalities-Report-2021>.

<sup>18</sup> Hnatov, M.V., *Fatal Incidents Associated with Non-Fire Carbon Monoxide Poisoning from Engine-*

the 18-year period<sup>18 19</sup> categorize the incidents and characterize the hazard patterns for these 1,332 fatalities, including, for example, the kind of structure in which the incident occurred (e.g., fixed-structure home, apartment, townhouse), the location of the

*Driven Generators and Other Engine-Driven Tools, 2011-2021*, CPSC, Bethesda, MD, June 2022, <https://www.cpsc.gov/content/Fatal-Incidents-Associated-with-Non-Fire-Carbon-Monoxide-Poisoning-from-Engine-Driven-Generators-and-Other-Engine-Driven-Tools-2011-2021> (Document ID CPSC-2006-0057-0108 in [www.regulations.gov](http://www.regulations.gov)).

<sup>19</sup> Hnatov, M.V., *Incidents, Deaths, and In-Depth Investigations Associated with Non-Fire Carbon Monoxide from Engine-Driven Generators and Other Engine-Driven Tools, 2004-2014*, CPSC, Bethesda, MD, June 2015, <https://www.cpsc.gov/content/incidents-deaths-and-depth-investigations-associated-non-fire-carbon-monoxide-engine-1> (Document ID CPSC-2006-0057-0026 in [www.regulations.gov](http://www.regulations.gov)).

generator, and the time of year of the incident.

*D. CO Injuries From Portable Generators*

Based on the CPSC’s National Electronic Injury Surveillance System

(NEISS) database, which is a national probability sample of approximately 100 hospitals in the United States and its territories, the Commission estimates that there were at least 23,318 CO

injuries associated with generators that were seen in hospital Emergency Departments (EDs) for the 18-year period from 2004 through 2021. See Table 1.

TABLE 1—NATIONAL ESTIMATES OF INJURIES ASSOCIATED WITH GENERATORS SEEN IN EMERGENCY DEPARTMENTS WITH NARRATIVES INDICATIVE OF CARBON MONOXIDE POISONING 2004–2021, BY DISPOSITION

NEISS code	Treatment	Estimated injuries	Coefficient of variation	Sample size	95% Confidence interval
1 .....	Treated and released, or examined and released without treatment .....	17,569	0.2612	450	8,575–26,563
6 .....	Left without being seen/Left against medical advice.				
2 .....	Treated and transferred to another hospital .....	5,727	0.2864	149	2,512–8,942
4 .....	Treated and admitted for hospitalization (within same facility).				
5 .....	Held for observation (includes admitted for observation).				
8 .....	Fatality, including dead on arrival, died in the ED, died after admission	(*)	(*)	1	(*)
9 .....	Not recorded .....	(*)	(*)	1	(*)
	Total .....	23,318	0.2540	601	11,709–34,927

Source: U.S. Consumer Product Safety Commission National Electronic Injury Surveillance System and Children and Poisoning System, 2004–2018.

Rows may not sum to the total due to rounding.

\* Too few observations to produce an estimate.

Staff also estimated CO injuries using CPSC’s Injury Cost Model (ICM). The ICM estimates injuries treated in locations other than hospital EDs. For the years 2004 through 2021, staff estimates 1,580 injuries resulted in direct hospital admissions and 52,782 injuries resulted in a doctor’s or clinic’s visit. Combined with the NEISS estimates stated previously, this means that there were an estimated 77,658 nonfatal injuries that were treated in the same 18-year period. See Tab A of Staff’s SNPR Briefing Package.

**V. Voluntary Standards**

To issue a final rule under section 9(f)(3) of the CPSA if a voluntary standard addressing the risk of injury has been adopted and implemented, the Commission must find that:

- The voluntary standard is not likely to eliminate or adequately reduce the risk of injury, or
- Substantial compliance with the voluntary standard is unlikely.

As mentioned in section I of this preamble, there are two voluntary standards with CO mitigation requirements intended to address the risk of acute CO poisoning from portable generators: UL 2201 and PGMA G300.

*A. UL 2201*

In 2002, UL convened a standards technical panel (STP) of stakeholders with varied interests and backgrounds to develop requirements for their safety standard for portable generators, UL 2201. On January 9, 2018, the STP voted

to approve, and UL published, the ANSI-approved second edition of UL 2201.

Section 1 of UL 2201 2nd Edition provides that the requirements in UL 2201 apply to spark-ignited engines installed in portable generators for each fuel type recommended by the manufacturer.

Section 5.2.8 and section 5.3.3 of UL 2201 specify that the calculated weighted CO emission rate<sup>20</sup> of a generator shall not exceed 150 g/h, using the formula specified in sections 5.2.2 and 5.3.2 of UL 2201, respectively. Section 5.2.2 involves testing with the engine installed in the generator assembly, in the configuration when the consumer purchases it. Section 5.3.2 involves testing the standalone engine in accordance with the U.S. Environmental Protection Agency’s (EPA) engine emission test procedure defined in Engine Testing Procedures, 40 CFR part 1065.

UL 2201 also includes shutoff requirements. Under section 6.5 of UL 2201 the generator must shut off when the CO concentration registers either:

<sup>20</sup> The weighted CO emission rate is calculated from the emission rates that are measured while each of six different prescribed loads are applied to either the engine or the generator (depending on which of the two the test methods in the proposed rule is used) and multiplying each emission rate with a prescribed weight factor, then summing the product of weight factor and emission rate for each of the six loads.

1. 150 parts per million by volume (ppmv) of CO during a 10-minute rolling average<sup>21</sup> (§ 6.5.3), or

2. an instantaneous reading of 400 ppmv (§ 6.5.2).<sup>22</sup>

For the test method to verify compliance with the CO shutoff requirements, the generator is operated in a closed room and the room CO concentration is measured 1 foot above the centerline (the geometric center) of the generator. The generator must shut off when the CO measured above the generator meets either one of the shutoff concentrations. Any product certified to UL 2201 after publication of the 2nd Edition on January 9, 2018, must meet the requirements of the 2nd Edition.

*B. PGMA G300–2018*

In late 2016, PGMA’s technical committee began developing CO hazard-mitigation requirements for its own standard, PGMA G300–2015. PGMA’s efforts culminated on April 20, 2018, after a canvass committee of stakeholders with varied interests and backgrounds voted to approve, and PGMA published, the ANSI-approved 2018 edition of PGMA G300.

Section 1 of PGMA G300–2018 provides that the standard applies to: “15 kW or smaller; single phase; 300 V

<sup>21</sup> A rolling average is a calculation averaging data over an interval of time that changes its initial point and end point as specified by the duration of the time interval.

<sup>22</sup> Parts per million by volume is a measurement of concentration on a volume basis. This is commonly used to measure the concentration of gas.

or lower; 60 hertz; gasoline, liquefied petroleum gas (LPG) and diesel engine driven portable generators intended to be moved, though not necessarily with wheels.” According to section 1 of PGMA G300, permanent stationary generators, 50 hertz generators, marine generators, trailer mounted generators, generators in motor homes, generators intended to be pulled by vehicles, engine driven welding power sources and portable generators with AC output circuits that are not compatible with NEMA receptacles are not included within the scope of the standard.

PGMA G300–2018 has shutoff system requirements but does not have CO emission rate requirements. PGMA G300 includes a requirement for generators to be equipped with an onboard CO sensor that is certified to appropriate requirements in the U.S. voluntary standard for residential CO alarms, *UL 2034, Standard for Safety, Single and Multiple Station Carbon Monoxide Alarms*. Section 6.2.11.1 provides the acceptance criteria for the CO shutoff system. The CO sensor, when tested to the requirements in the standard, must shut off the generator before the CO concentration, when measured at a location 1 to 2 inches above the approximate center of the portable generator’s top surface, exceeds either 400 ppmv for a 10-minute rolling average of CO, or an instantaneous reading of 800 ppmv.

PGMA G300–2018 section 3.9.1.1 includes requirements for a self-monitoring system to detect the correct operation of the CO sensing element, loss of power source for the portable generator system for controlling CO exposure, and the end of life of the CO sensor. The standard requires that the self-monitoring system shut off the portable generator engine upon fault detection and end of life.

Section 3.9.1.2.1 requires that the portable generator system for controlling exposure be tamper resistant and specifies when a system is considered tamper resistant. According to section 3.9.1.2.1, the system is considered tamper resistant when all parts that affect the proper operation of the portable generator system for controlling CO exposures meet at least one of the

following: (1) the part is permanently sealed; (2) the part is not normally accessible by hand or with ordinary tools; or (3) removal or disconnection of the part prevents the engine from running. Section 3.9.1.2.1 allows for different parts of the portable generator system that control exposure to meet the requirement for tamper resistance using any of the options, provided all of the different parts meet at least one of the options.

Section 3.9.1.2.2 of PGMA G300–2018 requires that construction of the portable generator minimize the risk of intentional blockage of the gas inlet of the portable generator system for controlling CO exposure. Section 3.9.1.2.3 provides that the construction of the portable generator shall minimize the risk of incidental damage to the portable generator system for controlling CO exposure. Section 3.9.1.2.4 provides that the portable generator system for controlling CO exposure shall not incorporate any type of override function or feature.

PGMA G300–2018 includes construction and performance requirements for the CO sensor. Section 3.9.1 and 3.9.1.4 of PGMA G300 include requirements from *UL 2034, Single and Multiple Station Carbon Monoxide Alarms*, to address the construction and performance of the CO safety shutoff system.<sup>23</sup> *UL 2034* provides design and performance requirements for CO alarms that cover topics related to the construction of the CO shutoff system such as gas and vapor interference, dust exposure, vibration, corrosion, and extreme temperature and humidity exposure. Additionally, section 3.9.1.4 of PGMA G300 requires that the shutoff system contain a carbon monoxide sensing element bearing a UL mark or equivalent Nationally Recognized Testing Laboratory (NRTL) mark, to indicate that the sensor is capable of meeting the requirements for use in *UL 2034* compliant systems.

PGMA G300–2018 also requires notification after a shutoff event. The PGMA G300 shutoff “notification”

requirements consist of a “red indication” (§ 3.9.1.3.1) and associated product markings (§ 7.2.2.4).

The notification is required to be “a red indication,” but the indication is not required to be a light. The standard allows, but does not require, the indication to be “blinking, with a maximum period of 2 seconds.” § 3.9.1.3.1. The indication must remain for a minimum of 5 minutes after shutoff occurs unless the generator is restarted. Sections 3.9.1.3, 3.9.1.3.1, and 4.1.1.3 of PGMA G300 prescribe additional requirements for the indication.

PGMA G300 also requires product markings that relate to the notification system. These markings include the following, which must be “in a readily visible location” (§ 7.2.2.4):

- An identification of the hazard associated with tampering with the CO shutoff system.
- An identification and description of the CO shutoff system notifications that are “in close proximity to each CO shutoff notification.”
- An identification of the direction of the engine exhaust, including instructions to direct the exhaust away from occupied structures.
- A label about the automatic shutoff that instructs the consumer to move the generator to an open, outdoor area; point the exhaust away; not to run the generator in enclosed areas; and move to fresh air and get medical help if sick, dizzy, or weak. See Tab F of SNPR Staff Briefing Package. The label must be “in close proximity to the notification.”

#### C. Assessment of Compliance With *UL 2201* and *PGMA G300*

In a February 1, 2023, letter to CPSC, PGMA states that at the end of 2022, “over 68% of PGMA member company generators shipped complied with the CO shutoff requirement in PGMA G300.”<sup>24</sup> This number, however, is limited to PGMA member companies, which represent a small fraction of all generator manufacturers (although those manufacturers account for a substantial percentage of total sales).

<sup>23</sup> Edition Date: March 31, 2017; ANSI approved: October 7, 2022. *UL 2034* is available for free digital view at <https://www.shopulstandards.com/ProductDetail.aspx?UniqueKey=32610>.

<sup>24</sup> See <https://www.regulations.gov/search?filter=cpsc-2006-0057-0111%20>.

In 2021 and 2022, CPSC staff surveyed manufacturers regarding their production of compliant generators.<sup>25</sup> In both surveys, three manufacturers indicated that most or all their models comply with PGMA G300, and one of these manufacturers also stated its models are compliant with UL 2201. In 2021, four other manufacturers reported that their compliance rates with PGMA G300 were expected to increase substantially in the next year. However, in 2022, one of these firms responded to the updated 2022 survey and reported compliance rates that fell short of their target established the prior year. Based on this review, the unabated number of incidents as shown in Figure 1, and the market analysis discussed below, the Commission concludes that compliance with UL 2201 is limited while compliance with PGMA G300, although greater, is not sufficient to significantly reduce the risk of injury and death. Based on information provided by manufacturers and in market research, staff estimates a 30 percent compliance rate with PGMA G300’s sensor and shutoff requirements as of 2022. One sixth of those PGMA-compliant units (or

5 percent of the total) are estimated to also be compliant with the emissions requirements of UL 2201. Even if compliance with PGMA G300 is greater than the estimated 30 percent, the G300 standard does not appear at present to have substantial compliance. Additionally, the Commission, as described in section IV.D of this preamble, assesses that the requirements in PGMA G300 are inadequate to reduce the risk of acute CO poisoning associated with portable generators.

*D. Assessment of UL 2201 and PGMA G300*

1. CO Emission Rate and Shutoff Levels

To evaluate the effectiveness of the CO mitigation requirements in UL 2201 and PGMA G300–2018, CPSC staff worked with NIST to simulate the scenarios of 511 fatalities that are known to CPSC, using an indoor air quality (IAQ) modeling program called “CONTAM.”<sup>26</sup> The 511 simulations are based on the actual deaths found in CPSC records over the 9-year period from 2004 through 2012 that occurred at fixed residential structures or similar structures. Staff completed

approximately 140,000 simulations for 37 different house models and three detached garages, with various generator locations and generator sizes in 28 different weather conditions. Staff’s briefing package, “Assessment of Portable Generator Voluntary Standards’ Effectiveness in Addressing CO Hazard” (Feb. 16, 2022) provides a detailed description of these simulations.<sup>27</sup>

Staff’s analysis of the simulation results found that under simulated conditions, generators compliant with the CO emission rate and shutoff requirements of the UL 2201 standard would avert nearly all of the 511 deaths, or nearly 100%, with three survivors requiring hospitalization, and 24 survivors seeking medical treatment and being released. Staff’s analysis found that generators compliant with the shutoff requirements of the PGMA G300–2018 standard would avert about 87 percent of the 511 deaths, resulting in 69 deaths, with 54 survivors requiring hospitalization and 88 survivors seeking medical treatment and being released. The results of that analysis are shown in Table 2.<sup>28</sup>

TABLE 2—RESULTS OF EFFECTIVENESS ANALYSIS OF VOLUNTARY STANDARDS, BASED ON SIMULATIONS OF 511 CO DEATHS IN CPSC DATABASES FROM GENERATORS, 2004–2012

Outcome for operators and collateral occupants	Baseline vs. Standards		
	Baseline	G300	UL 2201
Fatality .....	511	68.50	0.04
Percentage of death averted versus baseline generators .....		86.6%	99.99%
Survivors who are hospitalized or transferred to specialized treatment center .....		54.22	3.22
Survivors who seek medical treatment and are treated and released .....		87.96	24.28
Survivors who are likely not symptomatic and not seeking medical treatment .....		300.42	483.56

2. Estimates of Deaths and Injuries Assuming Compliance With Either Voluntary Standard

This section discusses the fatalities in CPSC databases and provide estimates of generator-related CO deaths and injuries seen in EDs, if generators meeting either voluntary standard had been involved in those incidents. At least 1,332 fatalities occurred from 1,009

separate incidents in CPSC’s databases as of May 10, 2022, for the 18-year period 2004 through 2021.<sup>29 30</sup>

The Commission applied the information from the simulations and actual fatal incidents to the NEISS injury estimates (and inputs from the Injury Cost Model) to derive the estimates of generator-related CO deaths, hospital admissions, and injuries seen in EDs if generators

uniformly meeting one or the other voluntary standard had been used in the incident scenarios instead of the generators that actually were involved. The results are presented in Table 3 below. This estimation assumed that the distribution of NEISS injuries was similar to the distribution of 511 fatality scenarios used in the NIST simulations. In fact, because the simulations used in the effectiveness analysis accounted for

<sup>25</sup> Staff conducted surveys of a subset of large manufacturers in 2021 and 2022. In 2022, in addition to assessing compliance with the voluntary standards, staff obtained cost information regarding the required modifications to make portable generators compliant with each of these voluntary standards.

<sup>26</sup> CONTAM is a multizone airflow and contaminant transport IAQ modeling program that was developed by NIST and has been used for several decades. It accurately models the buildup and transport of contaminants within, into, and out of a building. (Why delete?)

<sup>27</sup> <https://www.cpsc.gov/s3fs-public/Briefing-Package-on-Portable-Generator-Voluntary->

[Standards.pdf?VersionId=hLnAkkQ6bCD\\_SKin8RE6Iax.BjZsB5x3](Standards.pdf?VersionId=hLnAkkQ6bCD_SKin8RE6Iax.BjZsB5x3) (Document Id number CPSC–2006–0057–0107 in [www.Regulations.gov](http://www.Regulations.gov)).

<sup>28</sup> Some of the results differ slightly from those previously published in staff’s briefing package on effectiveness of the voluntary standards because staff found a tabulation error in the analysis of the simulation results after publication. See Tab A of Staff’s SNPR Briefing Package.

<sup>29</sup> Death data for years 2004 through 2010 are from the following report, with an additional death included in 2004 that was reported in the NEISS data but was not previously accounted for: Hnatov, M.V., *Generators Involved in Fatal Incidents, by Generator Category, 2004–2014*, U.S. U.S. Consumer

Product Safety Commission, Bethesda, MD, Sept. 2016 (TAB B in Document ID CPSC–2006–0057–0032 in [www.regulations.gov](http://www.regulations.gov)).

<sup>30</sup> Death data for years 2011 through 2021 are from the following report, with 5 deaths from 3 incidents in 2011 excluded because they involved stationary generators, which are outside the scope of the proposed rule: Hnatov, M.V., *Fatal Incidents Associated with Non-Fire Carbon Monoxide Poisoning from Engine-Driven Generators and Other Engine-Driven Tools, 2011–2021*. U.S. Consumer Product Safety Commission, Bethesda, MD, June 2022 (Document ID CPSC–2006–0057–0108 in [www.regulations.gov](http://www.regulations.gov)).

the generator operating only outside in just 2 percent (8 of the 511) of the deaths, yet this scenario accounts for 6

percent (79 out of 1,332) of the deaths in CPSC’s databases, unaddressed

injuries from G300-compliant generators may exceed these estimates.

TABLE 3—ESTIMATES OF GENERATOR-RELATED CO DEATHS AND INJURIES SEEN IN EDS IF GENERATORS MEETING EITHER VOLUNTARY STANDARD HAD BEEN INVOLVED, 2004–2021

Outcome for operators and collateral occupants	Baseline vs. Standards		
	Baseline	G300	UL 2201
Fatalities .....	1,332	183.77	0.09
Percentage of deaths averted versus baseline (BL) generators .....	.....	86.20%	99.99%
Survivors who are hospitalized or transferred to specialized treatment center .....	7,307.67	1,136.54	8.85
Survivors who seek ED treatment and are treated and released .....	17,568.97	3,227.44	62.21
Survivors who visit doctor/clinic and are treated and released .....	52,781.62	9,544.73	242.20

The analysis found that under simulated conditions, generators compliant with the CO emission rate and shutoff requirements of the UL 2201 standard would avert nearly 100 percent of the 511, with three survivors requiring hospitalization, and 24 survivors seeking medical treatment and being released. Staff’s analysis found that generators compliant with the shutoff requirements of the PGMA G300 standard would avert about 87 percent of the deaths, resulting in 69 deaths, with 54 survivors requiring hospitalization, and 88 survivors seeking medical treatment and being released. See Tab A of Staff’s SNPR Briefing Package.

E. CO Shutoff System Requirements

The foregoing analysis demonstrates that UL 2201’s weighted CO emission rate limit of 150 g/h and shutoff concentrations of 150 ppmv at a rolling 10-minute rolling average or an instantaneous measurement of 400 ppmv are extremely effective in the simulated conditions where the system, including shutoffs, operates as designed. To ensure that these simulated performance requirements are effective in real-world scenarios, however, the CO shutoff system must be reliable, functional, and durable.

1. Functionality of the CO Shutoff System

The analysis of the effectiveness of the performance requirements in the voluntary standards assumed the shutoff system functioned properly and shut the generator off when the shutoff criteria in each voluntary standard were met. If the shutoff system is bypassed, damaged, or overridden such that the generator can operate without the shutoff system functioning, or functioning properly, the effectiveness of the performance requirements would be reduced. Thus, requirements to maintain the functionality of the shutoff system are included in the proposed rule.

Specifically, as discussed in section IV.B. above, PGMA G300 has requirements regarding tamper resistance in sections 3.9.1.2.1. through 3.9.1.2.4. The Commission concludes that these requirements, with modifications as specified in section VI.C.5 of this preamble, are necessary and adequate to ensure the CO shutoff system maintain functionality.

2. Self-Monitoring of CO Shutoff System

Similarly, if the system has a fault, loss of power, or the system reaches end-of-life yet the generator operates without the shutoff system functioning, the effectiveness will be reduced. Therefore, the Commission assesses that requirements for self-monitoring of the shutoff system are necessary. PGMA G300 provides requirements for self-monitoring while UL 2201 does not. PGMA G300’s requirements in section 3.9.1.1 require that faults involving the CO sensing element, loss of power source for the CO shutoff system, and end of life condition, be applied one at a time to the system’s circuitry while the engine is running. The engine is required to shut off after each fault or end of life is introduced. The Commission concludes that these self-monitoring requirements are necessary for ensuring proper functioning of the shutoff system. Thus, the requirements are included in the proposed rule.

3. Durability Requirements for the Shutoff System

Durable and reliable operation of the CO shutoff system also is critical for effectiveness. Section 3.9.1 and 3.9.1.4 of PGMA G300 includes requirements from UL 2034, *Single and Multiple Station Carbon Monoxide Alarms*, to address the construction and performance of the CO safety shutoff system. This standard is the leading U.S. standard for CO alarms and provides a robust set of requirements for CO alarms. CO alarms that meet the requirements of UL 2034 have

demonstrated reliable operation for many years. UL 2034 provides design and performance requirements for CO alarms that cover topics related to the construction of the CO shutoff system such as gas and vapor interference, dust exposure, vibration, corrosion, and extreme temperature and humidity exposure. Additionally, section 3.9.1.4 of PGMA G300 requires that the carbon monoxide sensor used in the shutoff system have a UL mark or equivalent NRTL mark, which is indicative that the sensor is capable of meeting the requirements for use in UL 2034 compliant systems.

UL 2201 on its own is not adequate to address the CO shutoff system because it does not prescribe requirements for the construction of the CO shutoff system. If the system does not function properly because of conditions affecting its durability and ability to reliably shut the generator off when the shutoff criteria are met, the effectiveness will be reduced below the near-100 percent level modeled in the simulation by CPSC staff and NIST. The Commission concludes that the related construction and performance requirements in section 3.9.1 and 3.9.1.4 of PGMA G300, with the modification that the shutoff criteria need to correspond to those of the proposed rule, are necessary to address the environmental conditions (gas and vapor interference, dust, vibration, corrosion, and variable temperature and humidity) that the shutoff system could be exposed to when mounted on a portable generator.

4. Test Method To Verify Compliance With CO Shut-Off Criteria

An effective test method must expose the CO safety shutoff system to CO concentrations that will initiate shutoff. The test method also must verify that the CO safety shutoff system functions properly or does not allow the generator to start when the power supply to the

system is not functioning. The Commission assesses that the test method in PGMA G300 provides a reasonable foundation for a test method to reliably assess the safety shutoff system.

UL 2201 and PGMA G300 provide similar test methods for evaluating the performance of the CO safety shutoff system to a set of acceptance criteria. Both test the generator assembly in an enclosed space that is filled with exhaust emissions from the generator while an air sample is taken from above the generator to determine if the generator shuts off before the room reaches the shutoff acceptance criteria. Tab E of Staff's SNPR Briefing Package provides a detailed description of the test methods in PGMA G300 and UL 2201.

The Commission concludes that the test method in Section 6.2.11.2 of PGMA G300 and related definitions from Section 2 of PGMA G300 are generally appropriate to evaluate the CO safety shutoff system. However, some changes to the PGMA test method and definitions in Section 2 will result in better assessment of the CO safety shutoff system and therefore further reduce the risk of death and injury associated with portable generator CO poisoning. Accordingly, the Commission is proposing to modify the test method as follows.

*(a) Test Room Volume and Dimensions:* The Commission preliminarily assesses that it is not necessary for the room volume to be constrained to the volumes identified in PGMA G300 or UL 2201, and additional flexibility is appropriate. Currently, there are generators on the market that certify to UL 2201 and generators on the market that certify to PGMA G300; therefore, testing has been performed using both ranges of test room volumes specified in each standard. Increasing the range of volumes to 895–2,100 ft<sup>3</sup> (25.34–59.47 m<sup>3</sup>)—a greater range than in either test alone—encompasses the ranges specified in both standards. Accordingly, the proposed rule specifies that the test room shall be designed such that the room volume is between 895–2,100 ft<sup>3</sup> (25.34–59.47 m<sup>3</sup>) with a ceiling height between 8–12 ft (2.44–3.66 m) and be capable of meeting the requirements for generator position.

*(b) Test Room Air Inlet and Outlet Specifications:* PGMA G300's test method does not specify the location and dimensions of the air inlet and outlet of the test room. The Commission preliminarily assesses that specifying the location and dimensions of the air inlet and outlet is necessary because the air flow near the inlet and outlet could

affect CO concentrations near the onboard sensor or the sample port for the CO analyzer. Accordingly, the proposed rule defines the location of the air inlet and outlet by specifying their configuration based on performance. Specifically, the proposed rule requires that the configuration of the air inlet and outlet for ventilation be designed such that neither port creates a flow directly onto or near the CO analyzer sample port above the generator or the CO sensor onboard the generator that is used as part of the CO safety shutoff system.

*(c) Ventilation:* PGMA G300 does not specify a requirement for how ventilation is induced. Requiring a fan on the air outlet will ensure that the ventilation system will not create a positive pressure within the room. A scenario with no ventilation, or 0 air changes per hour (ACH), induced by an air inlet fan can pose a safety risk to test operators because the pressure in the room may exceed the pressure outside of the room as the generator heats the space. This could result in leakage from the test room. Specifying a minimum of 0.1 ACH will create a slightly negative pressure in the room, which will assist in preventing leakage. Accordingly, the Commission is proposing to change the ventilation range from "0–1.0 ACH" as stated in the PGMA G300 standard to "0.1–1.0 ACH," to reduce the potential of gas leakage from the test room. Additionally, the Commission is requiring an exhaust fan on the air outlet to induce ventilation from the room and prescribing that no air inlet fan can be used. The proposed rule requires that the ventilation rate of the test room shall be between 0.1–1.0 ACH and ventilation shall be induced by a fan on the air outlet.

*(d) Generator Position within the Room:* The Commission proposes that it is necessary to provide constraints on the position of the generator to accommodate different test room dimensions. These constraints address concerns related to airflow around the CO sensor onboard the generator and CO analyzer sampling port, as well as exhaust gas diffusion within the space. Accordingly, the proposed rule requires that the generator be positioned such that the exhaust jet centerline is along one of the test room centerlines; the exhaust outlet on the generator be at least 6 ft (1.83 m) from the opposite wall; the outer surfaces of the generator housing or frame are at least 3 ft (0.91 m) from the walls on all other sides; and the onboard CO sensor used for the CO safety shutoff system be at least 1 ft (0.30 m) away from any obstruction.

*(e) CO Measurement Location:* PGMA G300 specifies that the CO sample port, which is used in conjunction with the CO analyzer to measure the concentration of CO above the generator, be placed 1 to 2 inches above the approximate center of the generator's top surface. CPSC staff has assessed that this location is too close to the generator and the sample may be affected by low flow/mixing conditions present near the surfaces of the generator. Accordingly, the Commission is proposing to increase the height of the CO sample port above the generator. The proposed rule requires that the CO sample port connected to the CO analyzer for determining room concentration shall be placed 1 ft (0.30 m) above the center point of the top of the generator.

*(f) Load Bank and Power Meter Specifications:* The load bank is used to apply an electrical load on the generator. Applying an electrical load to the generator will simulate the conditions of a generator under typical use. PGMA G300 specifies a range of requirements for a voltmeter, wattmeter, ammeter, frequency sensor, and load bank. These requirements include tolerances for measurement of true root mean square (RMS) voltage, wattage, and current. The Commission believes that these requirements are unnecessary and an exact load or associated emission rate is not required to test the CO safety shutoff system. Instead, the proposed rule reflects the Commission's preliminary assessment that a resistive load bank and power meter with an accuracy of 5 percent is sufficient to achieve the goals of testing.

#### 5. PGMA G300 Shutoff Notification Requirements

PGMA G300 includes several requirements specific to notifying consumers if the generator automatically shuts off in response to detecting sufficiently high levels of CO in its vicinity. In contrast, UL 2201 lacks such notification requirements, even though it, too, includes CO shutoff performance requirements. The Commission considers CO shutoff notification requirements to be reasonably necessary for any portable generator standard that includes CO shutoff performance requirements.

The PGMA G300 shutoff "notification" requirements consist of two main parts: (1) a "red indication" (section 3.9.1.3.1) and (2) associated product markings. However, the voluntary standard does not specify many of the qualities of the "red indication." For example, the G300 standard permits the indication to be

“blinking, with a maximum period of 2 seconds” (§ 3.9.1.3.1), but this is not required and there is no requirement for the indication to be illuminated. However, the standard does require that the indication:

- Be able to be viewed by a user with normal vision, under expected visibility conditions (§ 3.9.1.3);
- Be “prominent and conspicuous . . . in a readily visible location” that is “not easily obscured during use” (§ 3.9.1.3);
- Contrast with the background color (§ 3.9.1.3);
- “[R]emain” for at least 5 minutes after shutoff occurs, or until the generator is restarted (§ 3.9.1.3.1);
- Not be present if the generator is restarted (§ 3.9.1.3.1); and
- Be labeled or marked with an indication of its function and the required action to activate its function (§ 4.1.1.1.3).

As noted, the PGMA G300 standard also requires product markings that relate to the notification system. These markings include the following, which must be “in a readily visible location” (§ 7.2.2.4):

- An identification of the hazard associated with tampering with the CO shutoff system;
- An identification and description of the CO shutoff system notifications that are “in close proximity to each CO shutoff notification”;
- An identification of the engine exhaust, including instructions to direct the exhaust away from occupied structures;
- A label, “in close proximity to the notification,” with the content as shown in Tab F, Figure 26 of the Staff’s SNPR Briefing Package, or as “Figure 5—User instruction label” in PGMA G300.

#### (a) Notification Indicator Requirements

The Commission considers the notification requirements in PGMA G300 to be a reasonable foundation for similar requirements in the proposed rule. However, the Commission preliminarily considers the “indication” requirements specified in PGMA G300 to be insufficient for the proposed rule, for the reasons outlined below, and concludes that the following revisions are reasonably necessary to further reduce the risk of injury or death associated with portable generators. Tab F of the Staff’s SNPR Briefing Package provides a detailed discussion of the rationale for these changes.

- *Require that the “red indication” be illuminated.* PGMA G300 permits, but does not require, the “red indication” to be “blinking” and does not require the indication to be illuminated. Human

engineering and human factors guidelines for displays most commonly recommend illuminated (also known as “transilluminated”) indicators, generally taking the form of simple indicator lights or legend lights for detectability. Red indicator lights typically are used to alert operators that a system is inoperative, that corrective action is needed to restore operation, or that there has been a malfunction. Thus, the proposed rule requires that the red light be illuminated.

- *Require the indicator to meet visibility and conspicuousness requirements for a consumer positioned in front of the startup controls.* PGMA G300 specifies that the indication must be prominent, conspicuous, and in a “readily visible location” that is “not easily obscured during use.” The Commission generally agrees with these requirements but believes additional specificity about where around the generator one would make these assessments would be beneficial. Positioning the indicator, and associated label, so they are prominent, conspicuous, and not obscured when viewed from the startup controls increases the likelihood that consumers will notice the indicator and follow the recommended action before restarting. Accordingly, the proposed rule specifies such placement.

- *Require the red indicator to be at least 0.4 inches diameter in size.* PGMA G300 does not include any size requirements for the indication, meaning an indication of any size would be permitted. Based on the analysis in Tab F of Staff’s SNPR Briefing Package, the Commission considers a minimum indicator size of 0.4 inches, or 10 mm, diameter to be a reasonable requirement.

- *Specify that the indicator, if flashing, must flash at a rate of between 3 and 10 Hertz (Hz), with equivalent light and dark durations.* Although the Commission does not consider requiring a flashing light to be necessary, if a manufacturer chooses to use a flashing light, then it should be no less visible than a steady light. The proposed rule therefore specifies that the indicator, if flashing, must be at a more detectable flash rate, with equal light and dark periods.

In addition to the proposed requirements above, the Commission seeks public comments on the following issues:

- *Minimum indicator brightness or luminance.* PGMA G300 does not specify the brightness of the indication. The Commission seeks comments regarding whether a minimum luminance requirement is needed for

the notification indicator, and if so, what would be an appropriate requirement.

- *Minimum indicator duration, if not restarted.* PGMA G300 specifies that the indicator must “remain” for at least 5 minutes after shutoff occurs, or until the portable generator is restarted. Although the Commission agrees that the indicator should not remain illuminated after the generator has restarted, we question whether 5 minutes is an appropriate minimum duration for the indicator to remain. A more appropriate requirement would base the duration on the amount of time needed before CO concentrations in the environment have dropped to a reasonably safe level. The Commission is uncertain whether 5 minutes achieves this goal, particularly given the range of possible environmental conditions. Therefore, the Commission seeks public comment on this issue.

- *Shutoff Notification for visually impaired consumers.* The Commission seeks public comment on the need for shutoff notification requirements that are accessible to consumers other than “a user with normal vision,” such as an audible warning to alert visually impaired consumers when a portable generator shuts off and a means to communicate actions to take in response to the shutoff to reduce the risk of CO poisoning.

#### (b) Labeling for the CO Shutoff System

The Commission considers the notification-related marking and labeling requirements in PGMA G300 to be a reasonable basis for similar requirements in the proposed rule for portable generators. For example, the Commission agrees with the PGMA G300 requirements for portable generators to be marked with the location of the engine exhaust and instructions to direct the exhaust away from occupied structures, and the requirement is worded in a way that allows for substantial flexibility regarding how to communicate these two issues. The Commission also agrees with the PGMA G300 requirement for portable generators to be marked for the “hazard due to tampering with” the CO shutoff system and to identify and describe the CO shutoff system notifications “in close proximity to each CO shutoff notification.”

However, for the reasons given below and explained more fully in Tab F of the Staff’s SNPR Briefing Package, the Commission concludes that the PGMA G300 requirements specific to the label are insufficient and the following revisions are reasonably necessary to adequately reduce the risk of injury or

death associated with CO emissions from portable generators.

- *Require the label to be located no more than 0.25 inches from the notification indicator, or for the indicator to be incorporated into the label.* PGMA G300 specifies that the notification label must be “in a readily visible location . . . in close proximity to the notification” (§ 7.2.2.4); however, it is unclear how “close” the label must be to the notification indicator to meet the requirement. Given that the label is intended to communicate to consumers what must be done when the CO shutoff system activates, and for clarity of administration, the Commission is proposing that the label be located where consumers are likely to be looking when they are notified that the generator has shut off due to elevated CO levels.

- *State explicitly why the generator shutoff.* The label specified in PGMA G300 instructs consumers what to do in response to the generator shutting off but does not explain why the generator shut off. Consumers should not be required to infer why they should move the generator, and an explicit description of the potential hazard associated with not performing the recommended action is likely to increase consumers’ motivation to comply. Thus, the Commission proposes that the phrase “YOU MUST” be replaced with “HIGH LEVELS OF CARBON MONOXIDE.” Figure 27 in Tab F of Staff’s SNPR Briefing Package provides an illustration of how this change may be accomplished.

- *Use sentence capitalization rather than all-uppercase text, except when highlighting key phrases.* Words in all-uppercase text are less legible than words in lowercase text, and all-uppercase text is less readable than mixed-case text (*i.e.*, both uppercase and lowercase letters) particularly under low-light conditions or for longer strings of text.

- *Clarify that the generator must be moved before restarting the generator, and reduce redundancy with the mandatory DANGER label.* This change advances the primary function of the notification label, *i.e.*, to explain why the generator shut off, and what actions the consumer should take before restarting the generator. The label is not intended to reiterate the information that is already present on the mandatory DANGER label. The Commission is also proposing that consumers be told upfront to move the generator to a “more open” outdoor area “before restarting,” to emphasize that moving the generator is directly relevant to restarting the generator, and to make it

clear that even if consumers believed that the generator was already in an open area, the generator must be moved to a more open area.

- *Add sizing requirements for the label.* PGMA G300 currently does not include any requirements for the size of the label, suggesting that a label of any size, even one too small to be reasonably legible or readable, would be permitted. In the label presented in the PGMA G300 standard document itself, the header text measures approximately 0.12 inches in height and the remaining text is printed in text whose uppercase letters measure about 0.10 inches in height. The Commission considers these to be reasonable dimensions and the proposed rule specifies these as the minimum text size for the label.

## VI. Description of the Proposed Rule

This section summarizes the provisions of the proposed rule to improve the safety of portable generators.<sup>31</sup>

### A. Description of Proposed Section 1281.1—Scope, Application, and Effective Date

Proposed section 1281.1 provides that new part 1281 establishes a consumer product safety standard for portable generators to address the acute CO poisoning hazard associated with portable generators.

Proposed section 1281.1 provides that, for purposes of the rule, portable generators include single-phase, 300 V or lower, 60-hertz generators that are provided with receptacle outlets for alternating current (AC) output circuits and intended to be moved by the consumer, although not necessarily with wheels. The engines in these portable generators are small, nonroad spark-ignition engines, based on the EPA’s engine classifications per 40 CFR 1054.801, and are fueled by gasoline, LPG, or natural gas. Proposed section 1281.1 provides that, for purposes of this rule, portable generators do not include:

- (1) Permanent stationary generators;
- (2) 50-hertz generators;
- (3) Marine generators;
- (4) Generators solely intended to be pulled by, or mounted on vehicles;
- (5) Generators permanently mounted in recreational vehicles or motor homes;
- (6) Generators powered by compression-ignition engines fueled by diesel;
- (7) Industrial-type generators intended solely for connection to a

temporary circuit breaker panel at a jobsite.

Proposed section 1281.1 provides that the rule would apply to generators manufactured after 180 days following publication of the final rule in the **Federal Register**.

### B. Description of Proposed Section 1281.2—Definitions

Proposed section 1281.2 provides definitions that apply for purposes of part 1281, in addition to the definitions in section 3 of the CPSA (15 U.S.C. 2051). These definitions include: units of measurement; maximum available observed wattage; air change rate; CO analyzer; engine; ordinary tools; portable generator system for controlling CO exposure; rated wattage; CO shutoff system, and test room. Many of these definitions define terms that are used in the incorporated voluntary standards.

### C. Description of Proposed Section 1281.3—Requirements

Proposed section 1281.3 sets forth the requirements for portable generators.

#### 1. CO Emission Rate Requirements (§ 1281.3(a))

The Commission proposes to require that, as specified in sections 5.2.8 and 5.3.3 of UL 2201, portable generators shall emit no more than a weighted CO rate of 150 g/h, when tested to one of two methods specified in sections 5.2.2 and 5.3.2 of UL 2201. The first method measures the CO emission rate with the engine installed in the generator assembly, in the configuration as purchased by the consumer. The second method measures the CO emission rate of a standalone engine mounted on a dynamometer.

#### 2. CO Shutoff Construction Requirements (§ 1281.3(b))

Section 3.9.1 of PGMA G300 prescribes concentrations required to be achieved in the test chamber for purposes of determining activation to the CO shutoff requirements. The Commission proposes to require that portable generators meet section 3.9.1 of PGMA G300, with changes to the concentrations to align the concentrations required to be achieved in the test chamber with the shutoff concentration requirements in UL 2201. Testing to these modified concentrations ensures that the sensor is tested to the full range of concentrations within the bounds of the shutoff requirements in UL 2201.

<sup>31</sup> Note the change in the CFR Part. The NPR proposed to add a new Part 1241. Because Part 1241 is now associated with a final regulation, this SNPR proposes to add a new Part 1281.

3. Shutoff Requirements (§ 1281.3(c) and (d))

The Commission proposes to require that portable generators meet the shutoff levels in UL 2201, specifically, CO concentrations of 400 ppm instantaneous or 150 ppm for a 10-minute rolling average, measured above the generator during compliance testing, in place of the concentrations in section 6.2.11.1 of PGMA G300. The Commission proposes to require that the portable generator be tested in accordance with section 6.2.11.2 of PGMA G300, using the proposed definition of “test room” in section 1281.2 for purposes of the test.

4. Self-Monitoring System (§ 1281.3(e))

The Commission proposes requirements for self-monitoring of the portable generator. Section 1281.3(e) requires that, pursuant to section 3.9.1.1 of PGMA G300, faults indicative of a fault with the CO sensing element, loss of power source for the CO shutoff system, and end-of-life condition, be applied one at a time to the system’s circuitry while the engine is running. The engine is required to shut off after each fault or end of life is introduced.

5. Tamper Resistance (§ 1281.3(f))

Section 1281.3(f) proposes requirements for tamper resistance for a portable generator system for controlling exposures. The system is considered tamper resistant when any part that is shorted, disconnected, or removed to disable the operation of the system prevents the engine from running. In addition, all parts, including wiring, that affect proper operation of the portable generator system for controlling CO exposure, must be (a) permanently sealed or (b) not normally accessible by hand or with ordinary tools. Under section 1281.3(f)(1), it is permissible for different parts of the portable generator system for controlling CO exposure to meet either option (a) or (b), provided

all of the different parts meet at least one of these two options.

In addition, section 1281(f)(2) would require that, pursuant to PGMA G300, the construction of the portable generator must minimize the risk of intentional blockage of the portable generator’s system for controlling CO exposure and minimize the risk of incidental damage to that system. The portable generator system for controlling exposure is not permitted to incorporate any type of override function or feature.

6. Notification (§ 1281.3(g))

Section 1281.3(g) includes CO shutoff notification requirements. The proposed rule requires that the portable generator system for controlling CO exposure include a prominent and conspicuous notification in a readily visible location to a consumer who is positioned in front of the start-up controls. The portable generator system for controlling CO exposure must provide a notification after a CO shutoff event. The notification must be at least 0.4 inches (10mm) in diameter, illuminated and, if flashing, must flash at a rate of between 3 and 10 Hertz (Hz), with equivalent light and dark durations. Section 1281.3(g) requires a non-red system fault event notification if an end-of-life condition or a system electrically detectable fault is present, except for loss of the power source for the portable generator system for controlling CO exposure.

7. Carbon Monoxide Sensor (§ 1281.3(h))

The Commission proposes to require that a portable generator system for controlling exposure contain a carbon monoxide sensing element bearing the UL recognized Component Mark or an equivalent NRTL component mark.

8. Shut-Down Safety (§ 1281.3(i))

As specified in section 4.1.1.3 of PGMA G300–2018, the Commission proposes to require that portable

generators be equipped with a means for shut-down that requires only one action and overrides all run commands. Additionally, as specified in PGMA G300–2018, a minimum of one shut-down mechanism shall be open for access at all times and shall not be positioned in such a manner that requires the removal or opening of any material that requires use of a tool, and all shut down mechanisms are to be labeled or marked with an indication of their function and the required action to activate the function.

9. Marking, Labeling, and Instructional Requirements (§ 1281.3(j))

Section 1281.3(j) of the proposed rule incorporates the requirements pertaining to the operator’s manual, operating instructions, and warnings from section 8 of PGMA G300–2018. The Commission proposes to include Figure 5 from PGMA G300–2018 (see Tab F of Staff NPR Briefing Package) with the following changes: the label is to be located not more than 0.25 inches from the notification indicator, or the indicator is to be incorporated into the label; the header must read “AUTOMATIC SHUTOFF—HIGH LEVELS OF CARBON MONOXIDE”; use sentence capitalization rather than all-uppercase text in the message panels, except when highlighting key phrases; revise the language to clarify that the generator must be moved before restarting the generator, and to reduce redundancy with the content of the mandatory DANGER label; the size height of the text in the header must be at least 0.12 inches, and all other text in the label must be sized so the height of its uppercase letters measure at least 0.1 inches.

Table 4 summarizes the performance and labeling requirements of the proposed rule and provides a comparison with the corresponding requirements in PGMA G300 and UL 2201.

TABLE 4—REQUIREMENTS OF THE PROPOSED RULE VERSUS VOLUNTARY STANDARDS

Requirement	PGMA G300	UL 2201	Proposed rule
Limit weighted CO emissions rate of portable generator to a maximum of 150 g/h, including test methods for verifying compliance .....	.....	✓	✓ <i>Same as UL 2201</i>
Require the generator to shut off before the concentration measured above the generator exceeds a threshold for either an instantaneous reading or 10-minute rolling average .....	✓ <i>800 ppmv instantaneous &amp; 400 ppmv over 10 minute average</i>	✓ <i>400 ppmv instantaneous &amp; 150 ppmv over 10 minute average</i>	✓ <i>Same concentrations as UL 2201</i>
Test Method for Verifying Compliance with CO shutoff requirement .....	✓	✓	✓ <i>PGMA G300 with modifications</i>

TABLE 4—REQUIREMENTS OF THE PROPOSED RULE VERSUS VOLUNTARY STANDARDS—Continued

Requirement	PGMA G300	UL 2201	Proposed rule
Sensor/Shutoff System—Maintaining functionality .....	✓	.....	✓ PGMA G300 with modifications
Sensor/Shutoff System—Self-monitoring .....	✓	.....	✓ Same as PGMA G300
Sensor/Shutoff System—Durability & Reliability .....	✓	.....	✓ Same as PGMA G300
Notification, Markings, and Labeling .....	✓	.....	✓ PGMA G300 with modifications

*D. Description of Proposed Section 1281.4—Prohibited Stockpiling*

Pursuant to section 9(g)(2) of the CPSA, 15 U.S.C. 2058(g)(2), the proposed rule would prohibit a manufacturer from “stockpiling” or substantially increasing the manufacture or importation of noncompliant portable generators between the promulgation of the final rule and the effective date. The provision, which is explained more fully in Tab B of Staff’s SNPR Briefing Package, would prohibit the manufacture or importation of noncompliant products at a rate that is greater than 105 percent at which the firm manufactured and/or imported portable generators during the base period. The base period is the calendar month with the median manufacturing or import volume within the last 13 months immediately preceding the month of promulgation of the final rule.

The Commission seeks comment on these proposals.

*E. Proposed Findings—Section 1281.5*

The findings required by section 9 of the CPSA are discussed throughout this preamble and set forth in section 1281.5 of the proposed rule.

**VII. Preliminary Regulatory Analysis**

Pursuant to section 9(c) of the CPSA, publication of a proposed rule must include a preliminary regulatory analysis containing:

- A preliminary description of the potential benefits and potential costs of the proposed rule, including any benefits or costs that cannot be quantified in monetary terms, and an identification of those likely to receive the benefits and bear the costs.
- A discussion of why a relevant voluntary safety standard would not eliminate or adequately reduce the risk of injury addressed by the proposed rule.
- A description of any reasonable alternatives to the proposed rule, together with a summary description of their potential costs and benefits and

why such alternatives should not be published as a proposed rule.

This preamble contains a summary of the preliminary regulatory analysis for the proposed rule. Tab B of Staff’s SNPR Briefing Package contains a detailed analysis.

*A. Market Information*

1. The Product

Portable generators have historically been the leading product among all engine-driven tools (EDTs) to cause non-fire CO poisoning deaths and injuries to consumers, accounting for over 90 percent of the 900 reported fatalities associated with all EDTs during the period 2011 to 2021, and 88 percent of the 710 EDT incidents that occurred in this period. The pattern of deaths and injuries has not subsided over time. While data collection is ongoing, the number of CO deaths caused by portable generators in year 2020 is likely to exceed the highest number of annual deaths (103) that was previously reported, in 2005.

The expected useful life of portable generators is largely a function of engine size, loads placed upon the unit, hours of use, and appropriate maintenance and storage. Staff’s evaluation of data on historical sales in relation to surveys of product ownership suggests an expected useful product life of 11 years.

New series of portable generator models are introduced every year. Staff estimates that the average shelf life (period when a particular model is on the market) for a specific model is 12 years. Staff assumes the market has reached a steady state in the number of models available for sale. Under this assumption, firms introduce new models to essentially replace retiring models.

Staff collected retail prices of 108 portable generators of various sizes from top selling manufacturers. The weighted average price across different sizes of portable generators from that sample of models is \$1,000.

2. Current Market Trends for Portable Generators

Staff identified 110 manufacturers of portable generators sold in the United States in 2021. The largest 10 firms by volume sold accounted for roughly 70 percent of sales. Top sellers fluctuate yearly, but a majority of the top 10 firms each year are U.S. based companies. In recent years, portable generators manufactured in the U.S. represented between 55 and 60 percent of all portable generator sales.

Staff used multiple sources to estimate portable generator sales in 2021 of 2.1 million units, which results in total revenue for the portable generator industry of \$2.1 billion. Staff estimated the total number of portable generators in use to be 21.46 million in 2021. Staff estimated the number of individual models available for sale each year from the Power Systems Research sales dataset; in 2021, there were a total of 1,355 models for sale in the U.S. Staff also produced estimates of the number of new portable generator models introduced each year, as well as the total number of models for sale in any given year within the time horizon of the analysis. Based on staff’s estimations, there was a net gain of six additional models available for sale in 2021. See Tab B of Staff’s SNPR Briefing Package.

3. Future Market Size for Portable Generators

Consumer demand for portable generators fluctuates annually with power outages, which are generally caused by hurricanes and other storms along the Gulf and Atlantic coasts, or by winter storms in other areas. Power outages or the presence of storms create periods of increased demand for portable generators that tend to be followed by periods of reduced demand, because the purchases in the prior period saturated a portion of the market demand. This cyclicity of demand can impact the industry, whose inventories

and orders vary along the same continuum. In spite of this cyclicity of demand, staff projected future sales at a rate of growth that is unrelated to the occurrence of specific weather events. Staff postulates that the sales of portable generators are linked in the long run to the growth in the number of households

in the U.S.; however, due to the increased frequency of weather events in the last decades and the predictions of more frequent and severe storms in the future,<sup>32</sup> staff expects demand for portable generator to grow more quickly than the expected growth in the number of households over time. See TAB B of

Staff's SNPR Briefing Package for additional information regarding this analysis.

Staff estimated the rate of growth of portable generator sales for the 30-year period of analysis, as displayed in Table 5.

TABLE 5—GROWTH RATE OF PORTABLE GENERATOR SALES, 2022–2053

Growth rates in sales	Population growth rates (%)	Household growth: 1.26 × population growth (%)	Sales growth: 2.13 × household growth (%)
2022–2030 .....	0.60	0.75	1.60
2030–2040 .....	0.46	0.58	1.24
2040–2050 .....	0.37	0.46	0.98
2050–2053 .....	0.29	0.37	0.78

Figure 2 displays projected portable generator sales from 2024 through 2053 in the absence of the proposed rule and distinguishes their compliance with either of the voluntary standards: PGMA G300 or UL 2201.<sup>33</sup> Based on

information provided by manufacturers and in market research, staff estimates a 30 percent compliance rate with PGMA G300's sensor and shutoff requirements. One-sixth of those PGMA-compliant units (or 5 percent of the total) are

estimated to also be compliant with the emissions requirements of UL 2201. Staff assumed that in the absence of the proposed rule those compliance rates would continue into the future.

Figure 2: Portable Generator Forecast of Sales by Compliance Status, 2024-2053

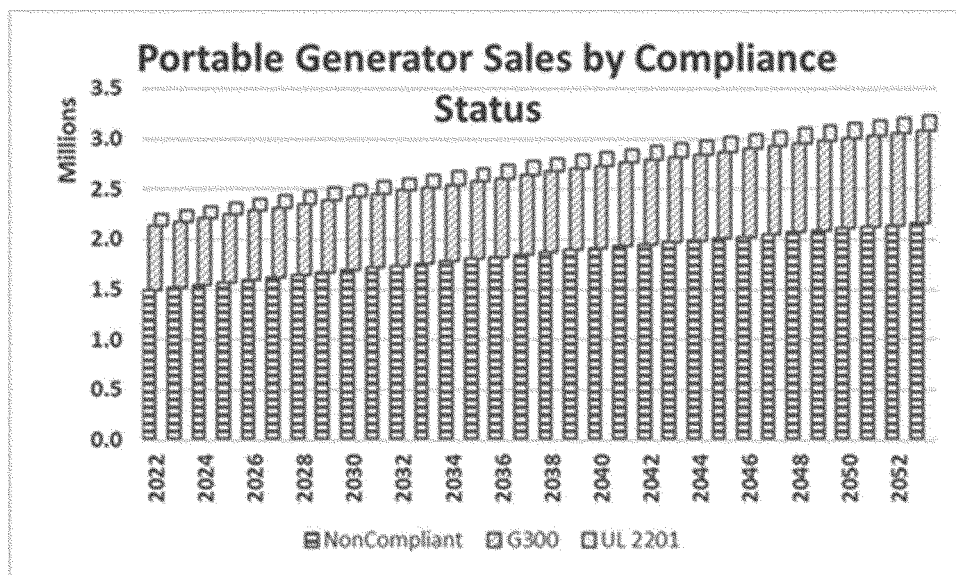


Figure 2 shows that under these assumptions the number of portable generators sold per year is expected to reach three million units by 2045, and close to 3.25 million units by the end of the period of analysis.

Portable generators have an expected product life of 11 years. Staff used forecasted sales and the expected product life with a statistical distribution to estimate the likelihood of their continued use by consumers, and as a result produced an estimate of the

total number of portable generators in use every year during the 30-year period of the analysis. Figure 3 shows the estimated number of products in use without the implementation of the proposed rule.

<sup>32</sup> See the U.S. Environmental Protection Agency's Climate Change Indicators at Climate Change Indicators: Weather and Climate | US EPA.

<sup>33</sup> Staff assumed that if a generator complies with the emission requirements included in UL 2201, it also complies with the sensor/shutoff requirements from PGMA G300; therefore, some portable

generators comply with the sensor/shutoff requirements only, while others would comply with both sensor/shutoff and emission requirements.

Figure 3: Forecast of Portable Generators in Use by Compliance Status, 2022-2053

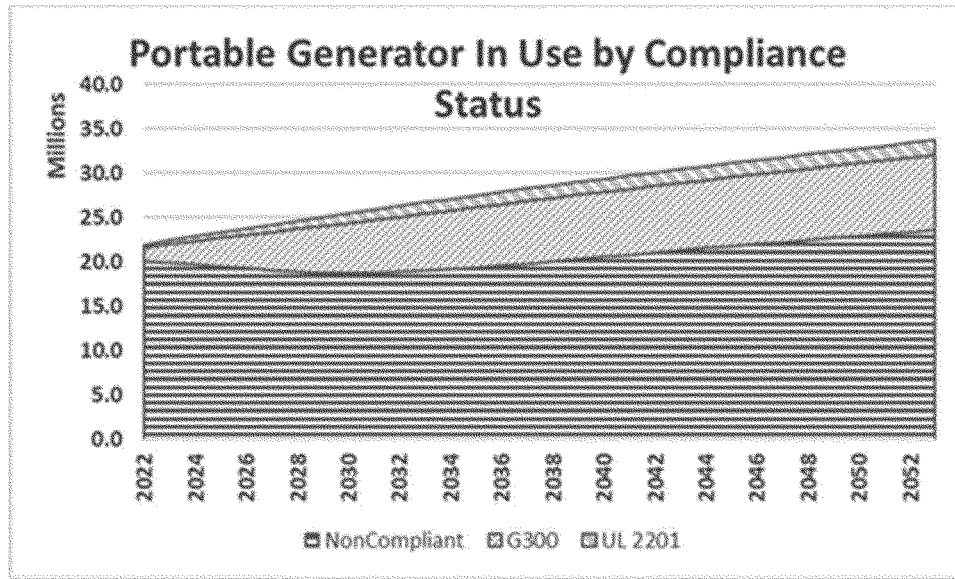


Figure 3 shows that under staff’s assumptions the number of portable generators that would be in use without the proposed rule are roughly 22 million in 2022 and expected to grow by more than 50 percent over the next 30 years. By 2053, staff estimates that the total number of portable generators in use will reach nearly 34 million. The share of noncompliant portable generators decreases over time, from 91.4 percent in 2022, to 70 percent by 2053, matching the share of noncompliant portable generators continuing to be sold on a year-by-year basis, as older noncompliant units are retired.

Staff also estimated the number of models available for sale each year during the period of analysis, as well as the number of new models introduced

each year. Staff concluded that the number of models has essentially reached a steady state and that the number of new models introduced each year replaces models being retired at a rate of 8.3 percent per year. Staff estimates that approximately 113 or 114 new portable generator models are introduced each year. The number of models available for sale will reach 1,414 in 2023, and only 1,424 in 2053.

*B. Preliminary Regulatory Analysis: Cost Analysis*

The proposed rule would impose the following costs: one-time conversion costs of redesigning existing portable generator models and modifying manufacturing operations for the development of portable generators with reduced emissions and with CO

sensors/shutoff systems; increased variable costs of producing portable generators with reduced CO emission rates and CO sensors with shutoff capabilities; recurrent testing cost to validate compliance of each new model with the proposed standard; sensor replacement costs to consumers for the substitution of failed CO sensors or CO sensors that have reached end of life; and deadweight loss<sup>34</sup> caused by price increases resulting from increased manufacturing costs.

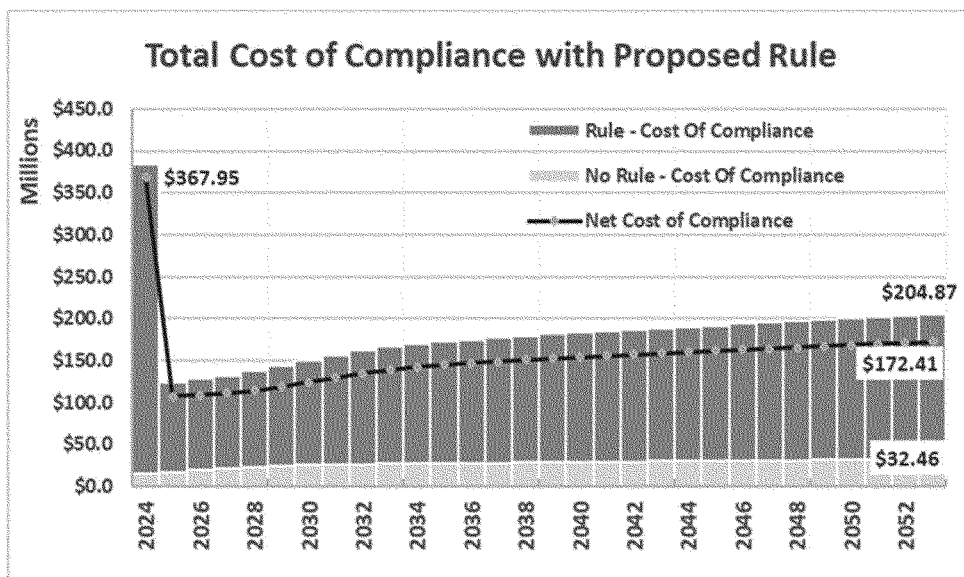
1. 30-Year Total Cost of the Proposed Rule

Staff added up all cost categories to determine the total cost of the proposed rule over the 30-year study period, as show in Figure 4.

<sup>34</sup> Deadweight loss is the net loss to consumers and producers of the value generated from lost

transactions that would have occurred in the absence of the new regulation.

Figure 4: Total Costs over the 30-Year Study Period



Over the 30 years, the net cost of implementing the proposed rule add up to \$4.63 billion undiscounted, \$2.92 billion discounted at 3 percent, and \$1.78 billion discounted at 7 percent.

2. Annualized and per Unit Cost of the Proposed Rule

This section converts the aggregate costs over the 30-year study period into

annualized and per-unit outputs. An annualized output converts the aggregate costs over 30 years into a consistent annual amount while considering the time value of money. This metric is helpful when comparing the costs among different rules or policy alternatives that may have different timelines, or those that have similar timelines but costs for one are front-

loaded while the other's maybe backloaded. A per-product metric expresses the costs from the rule in one unit of product. This metric is helpful when assessing the impact in marginal terms—for example, comparing costs to an increase in retail price.

Table 6 summarizes the net cost of the proposed rule in annualized terms under staff's assumptions:

TABLE 6—ANNUALIZED COST OF THE PROPOSED RULE

Cost categories	Annualized cost (\$M)		
	Undiscounted	3% Discount	7% Discount
Manufacturing .....	\$127.31	\$120.86	\$113.20
Model Redesign and Testing .....	6.39	10.33	16.27
CO Sensor Replacement .....	19.83	16.90	13.30
Deadweight Loss .....	0.90	0.85	0.80
<b>Total Cost .....</b>	<b>154.43</b>	<b>148.94</b>	<b>143.56</b>

Table 7 summarizes these net costs in per unit terms:

TABLE 7—PER UNIT COST OF THE PROPOSED RULE

Cost per product	Cost per product (\$)		
	Undiscounted	3% Discount	7% Discount
Manufacturing Cost .....	\$50.83	\$31.53	\$18.69
Model Redesign and Testing .....	2.55	2.69	2.69
CO Sensor Replacement .....	7.92	4.41	2.20
Deadweight Loss .....	0.36	0.22	0.13
<b>Total Cost .....</b>	<b>61.66</b>	<b>38.85</b>	<b>23.71</b>

*C. Preliminary Regulatory Analysis: Benefits Analysis*

To estimate benefits from the proposed rule, staff estimated the number of injuries from casualties reported through the NEISS—a national probability sample of U.S. hospital emergency departments (ED)—and counted the number of deaths entered in the Consumer Product Safety Risk Management System (CPSRMS), a database of consumer incident reports. In addition to these two databases, staff used estimates generated by the CPSC’s Injury Cost Model (ICM). See Section IV

of this preamble and Tab A of Staff’s SNPR Briefing Package for further description.

Staff then used death counts and the ICM national estimates of the number of injuries to forecast the number of expected deaths and injuries for a 30-year study period. To produce a forecast, staff assumed the incident rates by type of injury per million portable generators would remain at the same levels experienced during the period 2004 through 2021. Staff then used the expected effectiveness of the proposed rule in preventing deaths and injuries to estimate the number of prevented

fatalities and injuries, which were then monetized using the value of statistical life (VSL) for deaths and ICM cost estimates for injuries. Over 30 years, the Commission estimates the rule would prevent 2,148 deaths (nearly 72 deaths per year) and 126,377 injuries (roughly 4,213 injuries per year).

Staff then converted the aggregate benefits over the 30-year study period into annualized and per unit outputs. For detailed information on this analysis, see Tab B of Staff’s SNPR Briefing Package.

Table 8 summarizes the benefits of the proposed rule in annualized terms.

**TABLE 8—ANNUALIZED BENEFITS OF THE PROPOSED RULE**

Prevented casualties	Annualized benefits (\$M)		
	Undiscounted	3% Discount	7% Discount
Deaths .....	\$977.85	\$848.90	\$695.08
Injuries .....	224.24	197.10	164.05
<b>Total Benefits .....</b>	<b>1,202.09</b>	<b>1,046.00</b>	<b>859.13</b>

Table 9 summarizes the cost of the proposed rule in per unit terms.

**TABLE 9—PER UNIT BENEFITS OF THE PROPOSED RULE**

Prevented casualties	Per unit benefits (\$)		
	Undiscounted	3% Discount	7% Discount
Deaths .....	\$390.39	\$221.43	\$114.78
Injuries .....	89.52	51.41	27.09
<b>Total Benefits .....</b>	<b>479.92</b>	<b>272.84</b>	<b>141.88</b>

Based on these estimates, the benefits of the rule outweigh the costs by a factor of 7.02, when discounted at 3 percent. Table 10 displays annualized metrics for

both the benefits and costs of the proposed rule. The benefits of the proposed rule far exceed the estimated costs. The Commission calculates net

benefits, discounted at 3 percent, to be \$1.046 billion in benefits less \$148.94 million in costs, or \$897.06 million on an annualized basis.

**TABLE 10—ANNUALIZED NET BENEFITS AND B/C RATIO**

Annualized net benefits (\$M)	Benefits compared to costs		
	Undiscounted	3% Discount	7% Discount
Benefits .....	\$1,202.09	\$1,046.00	\$859.13
Costs .....	\$154.43	\$148.94	\$143.56
Net Benefits (Benefits – Costs) .....	\$1,047.65	\$897.06	\$715.57
B/C Ratio .....	7.78	7.02	5.98

**3. Sensitivity Analysis**

Even in the absence of the rule, there are a number of portable generators for sale in the market that currently comply with PGMA G300, and a smaller number of generators that comply with UL 2201. Based on information provided by large U.S. manufacturers about their existing models and plans, which was then supported by an analysis of portable

generators for sale online, CPSC staff estimated that the current level of compliance with the sensor and shutoff requirement (*i.e.*, PGMA G300) is at 30 percent, while compliance with both requirements (*i.e.*, UL 2201) is at 5 percent of total annual sales. The Commission assumes that in the absence of the proposed rule, those

compliance rates would stay constant in future years.

Because voluntary compliance with either standard can potentially reduce the costs and benefits of the proposed rule, and because PGMA has suggested that staff’s estimate of 30 percent compliance with PGMA G300 is too low, the Commission provides a sensitivity analysis to assess the

significance of a higher level of compliance in the baseline scenario (*i.e.*, no proposed rule implemented) on the net benefits of the proposed rule. For this analysis, CPSC doubles the assumed level of compliance with PGMA G300 to 60 percent, while

maintaining the level of compliance with UL 2201 at 5 percent. Table 11 presents the annualized and per product benefits of the main analysis and the corresponding metrics for this sensitivity analysis. A higher compliance with the PGMA G300 voluntary standard reduces the

annualized benefits from the proposed the rule from \$1,046 million to \$678.17 million and reduces the benefits per product from \$272.84 to \$176.72. Estimated benefits would still exceed estimated costs by a ratio of more than five to one.

TABLE 11—SENSITIVITY ANALYSIS—CHANGE IN ANNUALIZED AND PER PRODUCT BENEFITS OF THE RULE

Benefits – costs (present values disc. at 3%)	Annualized net benefits (\$M)		Net benefits per product (\$)	
	Main analysis	Sensitivity at 60 percent	Main analysis	Sensitivity at 60 percent
Benefits .....	\$1,046.00	\$678.17	\$272.84	\$176.72
Costs .....	\$148.94	\$132.31	\$38.85	\$34.48
Net Benefits (Benefits – Costs) .....	\$897.06	\$545.86	\$233.99	\$142.24
B/C Ratio .....	7.02	5.13	7.02	5.13

Because there is significant uncertainty about the levels of current compliance with the sensor/shutoff and emission requirements in the voluntary standards, including PGMA’s recent assertion that over 68% of the PGMA member company generators comply with the CO shutoff requirement, the Commission has conducted additional sensitivity analyses to produce a more comprehensive assessment of the benefits and costs of the proposed rule. The levels of assumed compliance used for this purpose may either overstate or understate actual compliance with

particular requirements of the standards, but they are useful to illustrate the direction of the benefit-cost analysis under these threshold situations. With this objective in mind, Commission staff conducted a sensitivity analysis that increased compliance with the sensor/shutoff requirement (*i.e.*, PGMA G300) from the estimated 30 percent used in the main analysis to 80 percent, while maintaining compliance with the UL 2201 emissions requirement at 5 percent of total annual sales. As shown in Table

12, even with such high compliance rate with the sensor/shutoff requirement of the PGMA G300 in the baseline, the implementation of the rule generates annualized net benefits of \$311.4 million due to reduced deaths and injuries. The benefits are less than half the benefits in the main analysis, and the cost of implementation are also lower. However, this modeled situation again produces benefits that significantly exceed the costs, with every \$1 in costs generating \$3.56 in benefits.

TABLE 12—SENSITIVITY ANALYSIS AT 80 PERCENT COMPLIANCE RATE WITH SENSOR/SHUTOFF REQUIREMENT—ANNUALIZED AND PER PRODUCT BENEFITS OF THE RULE

Benefits – costs (present values disc. at 3%)	Annualized net benefits (\$M)		Net benefits per product (\$)	
	Main analysis	Sensitivity at 80 percent	Main analysis	Sensitivity at 80 percent
Benefits .....	\$1,046.00	\$432.95	\$272.84	\$112.75
Costs .....	\$148.94	\$121.55	\$38.85	\$31.65
Net Benefits (Benefits – Costs) .....	\$897.06	\$311.40	\$233.99	\$81.09
B/C Ratio .....	7.02	3.56	7.02	3.56

Commission staff also conducted a sensitivity analysis that changed compliance with the emissions requirement of UL 2201 from the estimated 5 percent used in the main analysis to 1 and 10 percent, while maintaining compliance with the

sensor/shutoff requirement of PGMA G300 at 30 percent of total annual sales. Table 13 displays annualized benefits, costs, net benefits and benefit-cost ratios of the proposed rule under these assumptions. These compliance rates have small impacts on the annualized

net benefits compared to the baseline, with a change of less than \$5 million in each case. Benefits still exceed costs by a factor of almost seven, with every \$1 in costs generating \$6.87 in benefits at the 1 percent compliance rate, and \$7.20 at the 10 percent compliance rate.

TABLE 13—SENSITIVITY ANALYSIS AT 1 AND 10 PERCENT COMPLIANCE RATE WITH THE EMISSIONS REQUIREMENT—ANNUALIZED AND PER PRODUCT BENEFITS OF THE RULE

Benefits – costs (present values disc. at 3%)	Annualized net benefits (\$M)		Net benefits per product (\$)	
	Sensitivity at 1 percent	Sensitivity at 10 percent	Sensitivity at 1 percent	Sensitivity at 10 percent
Benefits .....	\$1,053.90	\$1,036.12	\$263.77	\$285.34
Costs .....	\$153.49	\$143.92	\$38.41	\$39.64
Net Benefits (Benefits—Costs) .....	\$900.42	\$892.20	\$225.36	\$245.70

TABLE 13—SENSITIVITY ANALYSIS AT 1 AND 10 PERCENT COMPLIANCE RATE WITH THE EMISSIONS REQUIREMENT—ANNUALIZED AND PER PRODUCT BENEFITS OF THE RULE—Continued

Benefits – costs (present values disc. at 3%)	Annualized net benefits (\$M)		Net benefits per product (\$)	
	Sensitivity at 1 percent	Sensitivity at 10 percent	Sensitivity at 1 percent	Sensitivity at 10 percent
B/C Ratio .....	6.87	7.20	6.87	7.20

4. Unquantified Benefits and Costs

The benefit-cost analyses above estimate the cost to consumers and producers pushed out of the market by calculating deadweight loss. However, Commission staff was unable to quantify the increased utility to consumers from having safer portable generators. This utility is derived from the sense of additional safety or reduction in anxiety when operating the product knowing that the hazard has been mitigated. This benefit is in addition to the reduced deaths and injuries quantified in this analysis and would indicate that the benefits estimated in this analysis are likely an underestimate of all benefits accrued to consumers. See Tab B of Staff’s SNPR Briefing Package for further discussion of the assessment of intangible benefits.

The Commission was also unable to quantify precisely the benefits of reducing injuries from the increased level of safety provided by the proposed rule’s CO emissions requirement with respect to the outdoor operation of G300-compliant portable generators.<sup>35</sup> Although the hazard pattern of injuries is largely unknown because of minimal narratives from NEISS records, the Commission believes it is reasonable to assume that at least some of the injuries—like some of the reported deaths for which scenarios are known—were caused by portable generators operated outdoors.

The Commission assumed the effectiveness shown in the simulations could be extended to all incidents; however, of the 511 deaths replicated in the simulations, less than 2 percent (8 deaths) replicated the scenario of the generator operating outdoors the entire time, whereas CPSC’s fatality data shows that 6 percent of the deaths were reported to have occurred with the

generator operating outdoors (79 out of 1332 deaths, as of May 10, 2022). Thus, the outdoor scenario is underrepresented in the injury estimates. Taking into consideration the diminished CO concentrations around the portable generator when it is operated outside, the Commission believes the effectiveness rate of G300-compliant generators in reducing injuries may be overstated, and the benefits of implementing the emission requirements of UL 2201 are consequently understated. The Commission requests information regarding CO exposures, CO injuries, and CO alarm activations that have occurred from portable generators operating outdoors as well as indoors.

Depending on the emission control strategy that manufacturers use to meet the CO emission rate performance requirement in the proposed rule, it is possible product modifications made to comply with the proposed rule could improve portable generators’ fuel-efficiency, as well as other characteristics such as ease of starting, altitude compensation, fuel adaptability, power output, reliability, and engine life. The Commission did not quantify the secondary benefits associated with these features, but if these incremental benefits were realized, they would improve the overall benefit-cost ratio of the proposed rule.

Regarding costs, an underlying assumption in this assessment is that there would be no behavioral adaptation in response to the reduced rate of CO emissions from portable generators under the proposed rule. However, consumers’ perceptions of injury likelihood and health impacts may be affected by the reduced CO emissions and shutoff features under the rule, which may give consumers a greater sense of security from CO hazards. This, in turn, could result in less careful behavior.

In addition, the portable generators within the scope of this proposed rule are commonly used by consumers to provide electrical power during power outages caused by storms, and at other times when power has been shut off to a home. In a small number of instances, CO sensor failures that cause shutoff

pursuant to the Commission’s rule, that would not have occurred absent the rule, may disrupt these critical uses of portable generators and produce disutility costs that are not reflected in the costs estimated above. We seek comment on this possibility.

*D. Evaluation of Voluntary Standards*

The Commission finds that while the existing voluntary standards are not adequate to address the CO hazard for portable generators, requirements in the UL 2201 and PGMA G300 voluntary standards are effective when paired with the additional requirements in the proposed rule. In particular, under simulated conditions, the sensor/shutoff and emission requirements in UL 2201 would have averted essentially all of the deaths related to portable generators. Consequently, high levels of compliance with these requirements would greatly reduce deaths associated with consumers’ use of portable generators. However, to achieve the simulated level of efficacy in real-life situations, there are a number of environmental factors and other considerations that must be addressed. These considerations create the need for additional requirements, which in some cases can be found in the PGMA G300 standard. Some of these requirements relate to the shutoff system’s construction, ability to self-monitor, and tamper resistance. There are also requirements related to the inclusion of a CO shutoff notification system and labeling (to make the consumer aware of the reason for the shutoff), as well as requirements related to the inclusion of a notification marking the direction of the engine exhaust and instructions to direct the exhaust away from the occupied structures (to ensure safe operation outdoors), among others. Without these additional requirements, the real-world effectiveness of the standard is unlikely to approach the simulated level of efficacy. For these reasons, the proposed rule does not implement UL 2201 as the mandatory standard, but instead takes key requirements from both standards and adds additional requirements needed to reduce the risk of CO poisoning from operation of portable generators by consumers.

<sup>35</sup> The shutoff systems required by PGMA G300 and UL 2201 are expected to perform well indoors. When the generator is operated outdoors, however, weather conditions, the direction of the generator exhaust, and other situational factors may lower the level of CO concentration near the generator and not activate the shutoff system. Because G300 does not require a CO emission rate reduction, a G300-compliant portable generator (that is not compliant with UL 2201) running outdoors that does not shut off presents the same risk of CO poisoning as a noncompliant generator.

Even if UL 2201 included all the requirements discussed in the previous paragraph, the need for a mandatory standard arises also as a result of a low level of manufacturer compliance with either voluntary standard, and the UL standard in particular. Staff reviewed portable generator models available for sale and found that non-compliant generators are prevalent. The large majority of models produced by smaller manufacturers abroad are non-compliant with either standard. Staff also conducted surveys of large U.S. manufacturers and found that compliance with UL 2201 is minimal, with most manufacturers lacking a clear path for implementation or even plans to become compliant with UL 2201. See Tab B of Staff's SNPR Briefing Package.

#### E. Alternatives to the Proposed Rule

The Commission considered five alternatives to the proposed rule: (1) implement the proposed rule without the emission requirements included in UL 2201 and using the CO concentration limits required for shutoff that are found in PGMA G300–2018; (2) rely on the voluntary standard organizations' adoption of the requirements of the proposed rule into one of the voluntary standards; (3) issue a rule that relies on either UL 2201 2nd Edition or PGMA G300–2018 as they are currently written; (4) continue to conduct education and information campaigns regarding the CO hazard from portable generators, and (5) take no action. Each alternative is discussed below.

##### 1. Implement the Proposed Rule Without the Emission Requirements and CO Concentrations for Shutoff From UL 2201

An alternative to the proposed rule is to require portable generator manufacturers to comply with the PGMA G300–2018 voluntary standard with only the modifications required to ensure durability, reliability, and safe operation of the sensor/shutoff system. The Commission considered this alternative because it provides some reduction of risk of acute CO poisoning from portable generators in enclosed spaces, and also because implementation costs are likely lower, while current compliance with the voluntary sensor/shutoff requirement is higher (compared to compliance with the UL standard's emission requirement). The Commission preliminarily rejects this alternative because it would result in 372 more deaths and 11,135 more injuries over 30 years compared to the proposed rule, and the net benefits of the proposed rule

are higher than the benefits of this alternative. Tab B of Staff's SNPR Briefing Package provides a more in-depth analysis of this alternative.

##### 2. Await Possible Adoption of the Proposed Rule Requirements Into UL 2201 or PGMA G300

Alternative 2 proposes reliance on voluntary standard stakeholders to adopt all the requirements included in the proposed rule into either the UL 2201 or the PGMA G300 voluntary standard. The Commission is not proposing to adopt this alternative because obtaining consensus on a voluntary standard that has all the requirements of the proposed rule is unlikely, and staff assesses that current compliance with either voluntary standard is low. Therefore, it is reasonable to assume that even if a voluntary standard with all of the proposed rule's requirements were to achieve consensus, it would not be substantially complied with by manufacturers.

##### 3. Issue a Rule That Relies on Either UL 2201 2nd Edition or PGMA G300–2018 as Currently Written

This alternative to the proposed rule would require portable generators to comply with either the UL 2201 (2nd Edition; 2018) or PGMA G300–2018. The Commission is not proposing this alternative because, as explained earlier, neither standard is adequate. The Commission assesses that the shutoff requirements in PGMA G300 would leave 69 of the 511 fatalities in the staff/NIST simulation unaddressed. In addition, other requirements of PGMA G300 are not adequate such as those for tamper resistance, verifying compliance with the shutoff requirements, and notification and labeling requirements.

The Commission assesses that the CO emission rate and shutoff performance requirements from UL 2201 are extremely effective in reducing the risk injury or death associated with CO poisoning from portable generators. This standard, however, lacks the requirements necessary to ensure the durability, reliability, and functionality of the CO shutoff system and notification and labeling requirements.

##### 4. Not Issue a Rule and Continue To Conduct Information and Education Campaigns

The Commission considered the merits of continuing to conduct education and information campaigns without a rule, as an alternative to the proposed rule. Existing CPSC education and information campaigns on the hazards associated with CO, and

continued CPSC advocacy on smoke and CO alarm adoption, could potentially avoid some deaths associated with portable generators. The Commission supports and acknowledges the importance of such efforts; however, these efforts have not resulted in a decrease in the number of annual generator-related CO deaths, and in fact, deaths have increased in recent years.

##### 5. Take No Action

Finally, the Commission considered the merits of taking no action. An assessment of the trends in deaths and injuries and the low adoption of the voluntary standards, indicate this problem will not correct itself. Over the next 30 years at current levels of compliance with the voluntary standards, deaths are expected to exceed 2,600 with roughly 154,000 injuries, and a total societal cost in excess of \$27 billion (discounted at 3 percent). See Tab B of Staff's SNPR Briefing Package. For these reasons, the Commission is not adopting this alternative.

#### VIII. Initial Regulatory Flexibility Analysis

Whenever an agency publishes an NPR, Section 603 of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, requires agencies to prepare an initial regulatory flexibility analysis (IRFA), unless the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The IRFA, or a summary of it, must be published in the **Federal Register** with the proposed rule. Under Section 603(b) of the RFA, each IRFA must include:

(1) a description of why action by the agency is being considered;

(2) a succinct statement of the objectives of, and legal basis for, the proposed rule;

(3) a description and, where feasible, an estimate of the number of small entities to which the proposed rule will apply;

(4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

(5) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule. The IRFA must also describe any significant alternatives to the proposed rule that would accomplish the stated objectives and that minimize any

significant economic impact on small entities. Staff's initial regulatory flexibility analysis is provided in Tab C of Staff's SNPR Briefing Package.

#### A. Reason for Agency Action

The purpose of this rulemaking is to reduce the risk of death or injury from acute CO poisoning resulting from consumer use of portable generators. There were at least 1,332 deaths involving portable generators from 2004 through 2021 as of May 10, 2022 (see Section IV. of this preamble), or an average of about 74 annually. From 2004 through 2021, there were a total of 17,569 nonfatal CO poisonings involving portable generators that were treated in hospital emergency departments (about 976 annually); 7,308 hospital admissions (an average of 406 per year); and 52,782 medically attended injuries treated in other settings (an estimated 2,932 per year). The Commission is promulgating the proposed rule to reduce these generator-related CO injuries and deaths and the associated societal costs. Although there are two voluntary standards that address CO poisoning from portable generators, the Commission assesses that there is not substantial compliance with these voluntary standards throughout the industry, nor would adoption of either of these standards reduce the hazard risk as effectively as the proposed rule.

#### B. Objectives and Legal Basis for the Rule

The Commission proposes this rule to reduce deaths and injuries resulting from acute exposure to CO associated with portable electric generators. The Commission published an advance notice of proposed rulemaking in December 2006, which initiated this proceeding to evaluate regulatory options and potentially develop a mandatory standard to address the risks of acute CO poisoning associated with the use of portable generators. In 2016, the Commission published a notice of proposed rulemaking (NPR) that proposed CO emission rate requirements for portable generators based on four different categories of engine sizes. PGMA and UL published revisions to their voluntary standards in 2018. The Commission has assessed the effectiveness of the CO-mitigation provisions in the voluntary standards and preliminarily concludes that neither standard is adequate to address the unreasonable risk of injury associated with portable generators. Additionally, Commission data indicate that compliance with PGMA G300 and UL 2201 has not increased substantially since the publication of their 2018

revisions while the number of deaths and injuries has continued to increase. See Tab B of Staff's SNPR Briefing Package. The Commission concludes a mandatory standard is required to reduce the significant hazards associated with this consumer product. The proposed rule is being issued under the authority of sections 7 and 9 of the CPSA.

#### C. Small Entities to Which the Rule Will Apply

The proposed rule would apply to all entities that manufacture or import portable generators that are powered by spark-ignited engines. Based on data collected by Power Systems Research, along with other market research, staff identified 110 manufacturers of generators that have at some time supplied portable generators to the U.S. market. Most of these manufacturers were based in other countries. Staff identified 13 domestic manufacturers of gasoline, natural gas, and LPG-powered portable generators, four of which would be considered small based on the Small Business Administration size guidelines. Three of the four small manufacturers are primarily engaged in the manufacture or supply of larger, commercial, industrial, or backup generators, or other products, such as electric motors, that are not subject to the proposed rule. For the one remaining small manufacturer, portable generators likely account for a significant portion of that firm's total sales.

Using the same sources of data described above, staff identified more than 90 firms that have produced or imported gasoline and LPG-powered portable generators. However, in most cases, these firms have not imported portable generators regularly, or portable generators account for an insignificant portion of their sales. Of these 90 firms, staff assessed that 20 may be small importers of gasoline and propane-powered portable generators that could be affected by the proposed rule.

#### D. Compliance, Reporting, and Record-Keeping Requirements of Proposed Rule

The CPSA requires manufacturers (the term includes importers) to certify that their products comply with applicable CPSC standards and regulations. 15 U.S.C. 2063(a)(1). If the Commission should finalize a portable generator rule, manufacturers, including importers, would need to certify that the product conforms to the standard. For products that manufacturers certify, manufacturers would issue a general certificate of conformity (GCC). The

requirements for the GCC are stated in Section 14 of the CPSA and discussed in Tab C of Staff's SNPR Briefing Package.

#### E. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

CPSC has not identified any other Federal rules involving the risk of acute CO poisoning from portable generators that duplicate, overlap, or conflict with the proposed rule.

#### F. Potential Impact on Small Entities

##### 1. Impact on Small Manufacturers

To comply with the proposed rule, small manufacturers would incur the costs to redesign, test, and manufacture compliant generators. As discussed in the preliminary regulatory analysis (Section VII of this preamble), the undiscounted cost of redesigning, testing, and manufacturing associated with the proposed rule is expected to be, on average, about \$53.38 per portable generator upgraded because of the proposed rule, or \$34.22 discounted at 3 percent. The retail prices staff observed for portable generators from manufacturers and importers of all sizes ranged from a low of \$149 to \$6,649, depending upon the characteristics of the generator. The estimated average increase of \$34.22 in discounted costs represents roughly 3 percent of the average retail price of a portable generator.

Generally, impacts that exceed one percent of a firm's revenue are considered to be potentially significant. Depending on the size of the generator, the average discounted cost of the upgrade would be between 0.5 percent and 23 percent of the retail prices (or average revenue) of generators; therefore, the proposed rule could have a significant impact on manufacturers and importers that receive a significant portion of their revenue from the sale of the lowest priced portable generators.

##### 2. Impact on Small Importers

For small importers, the impact of the proposed rule would be similar to small manufacturers. In some cases, the foreign suppliers could opt to withdraw from the U.S. market rather than incur the costs of redesigning their generators to comply with the proposed rule. If this occurs, the domestic importers will have to find other suppliers of portable generators or exit the portable generator market. Exiting the portable generator market could be considered a significant impact if portable generators accounted for a significant percentage of the firm's revenue. However, at least three of these

firms focus on mobile generators, which are not the same as portable and are generally larger products that are trucked to a site in need of electricity for industrial or business requirements.

Small importers will be responsible for issuing a GCC certifying that their portable generators comply with the proposed rule should it become final. However, importers may rely upon testing performed and GCCs issued by their suppliers in complying with this requirement.

### 3. Alternatives Considered To Reduce the Burden on Small Entities

Under section 603(c) of the Regulatory Flexibility Act, 5 U.S.C. 603(c), an initial regulatory flexibility analysis should “contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of the applicable statutes and which minimize any significant impact of the proposed rule on small entities.” The Commission examined several alternatives to the proposed rule which could reduce the impact on small entities. These alternatives, along with the reasons the Commission is not adopting them, are discussed in section VII.G of this preamble.

## IX. Response to Comments

Based on changes to the proposed requirements in the SNPR compared to those initially proposed in the NPR, many of the comments to the 2016 NPR are no longer pertinent. Many other comments have been addressed since the NPR through staff’s simulation plan and effectiveness analysis of the CO mitigation requirements in the voluntary standards. Following is a summary of and response to significant comments received following publication of the 2016 NPR.

### *Different Emission Rates Based on Engine Size*

*(Comment 1)* Four commenters (PGMA, Briggs & Stratton, Champion Power Equipment, and Generac) objected to the 2016 NPR’s proposal of four different levels of maximum CO emissions, depending on the size of engine. Commenters claimed that the tiered emission levels were based on achievable rates using best available technology rather than evidence regarding the safety of the levels. These commenters claimed that the impact on consumer safety or the reduction of CO injuries was not clearly presented for each of these tiered levels.

*(Response 1)* The proposed requirements detailed in this SNPR do not require different rates for different engine sizes. The requirements of the

current proposed rule, which are applicable to generators of all engine sizes, are expected to eliminate nearly all deaths and most injuries.

### *Mandatory Label for Portable Generators Has Accomplished What Is Necessary*

*(Comment 2)* PGMA and Briggs & Stratton claimed that, since the introduction of CPSC’s 2007 mandatory portable generator safety label, 16 CFR part 1407, the rate of unintentional CO fatalities associated with portable generators had decreased.

*(Response 2)* Staff disagrees. The effective date of CPSC’s mandatory label was February 2007, which was more than 15 years ago. As the data in Figure 1 of this preamble show, there has been no obvious and consistent reduction in CO fatalities since that time, and CO fatalities associated with portable generators have been increasing in recent years. While data collection for 2020 is ongoing, the number of CO deaths caused by portable generators in 2020 is likely to exceed the highest number of annual deaths over the reporting period of 2004 to 2021, which occurred in 2005 (103 deaths), prior to the mandatory label.

### *Authority To Regulate*

*(Comment 3)* Four commenters (PGMA, Briggs & Stratton, Generac, and the Truck and Engine Manufacturers Association) stated that pursuant to section 31 of the CPSA, the CPSC lacks the authority to regulate the risk of injury associated with CO emissions from portable generators because that risk could be addressed by EPA under the Clean Air Act (CAA), 42 U.S.C. 7401 *et seq.*

*(Response 3)* Section 31 provides that the CPSC lacks authority to regulate a consumer product if that risk “could be eliminated or reduced to a sufficient extent through actions” taken under the CAA or other listed statutes. 15 U.S.C. 2080(a). The legislative history reveals that Congress contemplated a stricter ban on CPSC’s jurisdiction but rejected it. The Senate version of the language that became section 31 would have precluded CPSC’s jurisdiction if the product was “subject to safety regulation,” defined as “authorized to be regulated for the purpose of eliminating any unreasonable risk of injury or death,” under any of the statutes listed.<sup>36</sup> The House version of the bill, which was eventually enacted, instead gave the Commission the authority to regulate if the risk of injury

cannot be reduced to a sufficient extent under one of the enumerated Acts.<sup>37</sup> The Conference Report explains:

In determining whether a risk of injury can be reduced to a sufficient extent under one of the Acts referred to in this section, it is anticipated that the Commission will consider all aspects of the risk, together with the remedial powers available, to it under both the bill and the remedial powers under the other law available to the agency administering the law.

*Id.*

Case law confirms that section 31 does not restrict CPSC from regulating simply because another agency has acted or could act in the same area. In *ASG Industries, Inc. v. CPSC*, 593 F.2d 1323 (D.C. Cir. 1979), the D.C. Circuit rejected the argument that the Commission lacked authority to regulate architectural glazing materials used in most non-residential buildings because it could be regulated under the Occupational Safety and Health Act (OSHA), which is a statute listed in section 31. The court concluded “that CPSA § 31 was not intended to preclude the exercise of jurisdiction by CPSC whenever a product-hazard either potentially could be or was in part being regulated under OSHA. Congress required CPSC to make a judgement.” 593 F.2d at 1328–29.

Section 213(a)(1) of the CAA directs the EPA to conduct a study of emissions from nonroad engines to determine if they cause or contribute to air pollution, “which may reasonably be anticipated to endanger public health or welfare.” Within 12 months of completion of the study, section 213 directs the EPA to make a determination on whether CO emissions from nonroad engines are “significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide.” 42 U.S.C. 7547(a)(2).

The statutory authority for EPA to address CO emissions thus is tied to a determination that the emissions are contributing to air pollution. The CPSC does not seek to address the effects of CO emission on ambient air pollution, but instead, the acute CO poisoning hazard to consumers associated with use of portable generators in which nonroad spark engines are installed.

EPA’s large-scale focus on carbon monoxide emissions is not directed to the protection of individual consumers from carbon monoxide poisoning. The risk of CO poisoning from portable generators has persisted, and deaths and

<sup>36</sup> S. Rep. No. 92–749, 92d Cong., 2d Sess. 12–13 (1972).

<sup>37</sup> H.R. Rep. No. 92–1593, 92d Cong., 2d Sess. 38 (1972).

injuries associated with CO emissions from portable generators have increased, even with EPA's adoption of regulations to limit CO emissions from nonroad spark engines to address air pollution and ambient air quality. This rulemaking is intended to address this acute risk to consumers of CO poisoning from portable generators and is within CPSC's regulatory authority.

#### *Include Compression Units Within the Scope of the Rule*

(*Comment 4*) PGMA stated that any proposed requirement should be applicable to all portable generators, not just spark-ignited units. PGMA pointed out that compression units, as well as are within the scope of the PGMA G300 voluntary standard.

(*Response 4*) The Commission disagrees. Compression ignition engines<sup>38</sup> (i.e., diesel engines) emit significantly less CO compared to spark ignited engines. CPSC staff has not identified any fatality as involving emissions from a diesel generator. Furthermore, diesel generators are primarily used by individuals in a work-related setting or environment, and typically are not consumer products. Thus, the Commission is not including diesel generators in the scope of the proposed rule.

#### *CO Shutoff System*

(*Comment 5*) Four commenters (PGMA, Briggs & Stratton, Generac, and Champion) stated that the 2016 NPR did not adequately consider the potential for using generator shutoff concepts. The commenters asserted that the CO shutoff solution was a morefeasible and reliable solution to that proposed in the 2016 NPR.

(*Response 5*) The revised proposed rule includes requirements for a CO shutoff system.

#### *Modeling of Generators Running Outdoors*

(*Comment 6*) PGMA and Briggs & Stratton stated that CPSC needs to conduct modeling of generators running outdoors.

(*Response 6*) The analyses of the PGMA G300 and UL 2201 voluntary standards that support this SNPR include results from testing and modeling of generators running outdoors.

<sup>38</sup> Compression ignition engines use a higher compression ratio than a spark to heat air in the engine cylinder, and thus do not use a spark plug to ignite the air-fuel mixture.

#### *Closed Loop Electronic Fuel Injection System (EFI) and Catalyst*

(*Comment 7*) Four commenters (PGMA, Generac, Briggs & Stratton, and the Truck and Engine Manufacturers Association) stated that the NPR proposed to reduce CO emission rates using closed loop electronic fuel ignition (EFI) and 3-way catalysts, and that these technologies can be detrimental to a catalyst-equipped air-cooled engine's durability, performance, and emissions maintenance. PGMA has also alleged that the elevated exhaust temperatures from these technologies could lead to burn and fire hazards.

(*Response 7*) The 2016 NPR did not prescribe emissions control technologies. As discussed in more detail in Staff's SNPR Briefing Package, staff has observed portable generator models currently in the marketplace that are certified to UL 2201 and/or appear to meet the CO emission rate of the proposed rule, using various technologies as well as techniques to address additional heat.

#### *Elimination of LPG and Dual Fuel Generators From the Market*

(*Comment 8*) In response to the requirements in the 2016 NPR, Champion and Generac stated that if EFI is the primary technical solution adopted to achieve compliance, then the standard would eliminate conventional and dual fuel generators from the market. The commenters stated that LPG and dual fuel generators represent a significant portion of portable generator sales.

(*Response 8*) The proposed rule does not prescribe how manufacturers must meet the CO emission rate requirement. Manufacturers are using different emission control strategies to lower the CO emission rate to levels the Commission expects will meet the CO emission rate requirement in the proposed rule. Furthermore, due to propane's chemical composition, it produces less CO compared to gasoline, thereby making it less challenging for an LPG generator to meet the proposed rule than a gasoline generator of equivalent rated wattage.

#### *False Sense of Security*

(*Comment 9*) Four commenters (PGMA, Briggs & Stratton, Champion, and Generac) claimed that consumers may mistakenly believe that reduced CO emissions means it is safe to operate a portable generator indoors.

(*Response 9*) The revised proposed rule does not rely on reduced emissions alone. The proposed rule's addition of a shutoff requirement, similar to that

supported by PGMA in response to the 2016 NPR, further reduces the risk of death and injury from these products.

#### *PGMA G300*

(*Comment 10*) Three commenters (PGMA, Generac, Briggs & Stratton) asserted that the then-proposed revisions to PGMA G300 (now part of PGMA G300–2018), would address nearly all fatalities resulting from misuse of portable generators in enclosed spaces.

(*Response 10*) The Commission disagrees. The effectiveness analysis that replicated 511 generator-related CO deaths in CPSC's databases found that if the generators complied with PGMA G300, there still would have been 69 deaths. Moreover, of the 442 survivors from the 511 simulations assuming G300 compliance, 142 would have been injured such that 54 would have been hospitalized and 88 would have been treated and released.

Additionally, staff's testing of commercially available generators compliant with PGMA G300 and UL 2201, documented in NIST Technical Note 2200,<sup>39</sup> show that two generators that were PGMA G300-compliant, when run in an attached garage with the bay door fully open, did not result in localized CO levels sufficient to activate the CO shutoff system, yet resulted in CO concentrations in the living space of the house that would have caused injuries to the home's occupants. In one test, the generator ran out of fuel after 329 minutes, resulting in COHb values for theoretical occupants in the house that peaked in the range of 27 percent to 37 percent. This is in the range of where symptoms such as severe headache, nausea, vomiting, and cognitive impairment are expected to occur. In the other test, the generator ran for 468 minutes before the test operator manually shut the generator off because of time constraints and stopped data collection. The COHb values for theoretical occupants at the time the generator was stopped ranged from 20 percent to 26 percent, which is in the range of where symptoms such as throbbing headache and mild nausea are expected to occur. Furthermore, PGMA G300 does not address deaths and injuries from generators used outdoors, where local CO concentrations are less likely to build to a sufficient level to activate the CO shutoff system, as evidenced by a 3-fatality incident

<sup>39</sup> NIST TN 2200 *Carbon Monoxide Concentrations and Carboxyhemoglobin Profiles from Commercially Available Portable Generators Equipped with a CO Hazard Mitigation System*, available online <https://doi.org/10.6028/NIST.TN.2200>.

involving a PGMA G300 generator used outside and near a home. See Tab G of Staff's SNPR Briefing Package.

**X. Incorporation by Reference**

The Commission proposes to incorporate by reference UL 2201, *Standard for Safety, Carbon Monoxide (CO) Emission Rate of Portable Generators, Second Edition*, and ANSI/PGMA G300–2018 (Errata Update), *Safety and Performance of Portable Generators*. The Office of the Federal Register (OFR) has regulations regarding incorporation by reference. 1 CFR part 51. Under these regulations, agencies must discuss, in the preamble, ways in which the material the agency incorporates by reference is reasonably available to interested parties, and how interested parties can obtain the material. In addition, the preamble must summarize the material. 1 CFR 51.5(b).

In accordance with the OFR regulations, section V of this preamble summarizes the major provisions of UL 2201 and PGMA G300 that the Commission proposes to incorporate by reference into 16 CFR part 1281. The standards are reasonably available to interested parties. Interested parties can schedule an appointment to inspect a copy of the standard at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, telephone: (301) 504–7479; email: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). In addition, UL 2201 is available for free digital view at [www.shopulstandards.com/ProductDetail.aspx?productId=UL2201\\_2\\_S\\_20180109](http://www.shopulstandards.com/ProductDetail.aspx?productId=UL2201_2_S_20180109). Interested parties can purchase a copy of UL 2201 from [www.shopulstandards.com](http://www.shopulstandards.com). PGMA G300 is available for free download at [www.pgmaonline.com/publications.asp](http://www.pgmaonline.com/publications.asp).

**XI. Environmental Considerations**

Generally, the Commission's regulations are considered to have little or no potential for affecting the human environment, and environmental assessments and impact statements are not usually required. See 16 CFR

1021.5(a). The proposed rule is not expected to have an adverse impact on the environment and is considered to fall within the "categorical exclusion" for the purposes of the National Environmental Policy Act. 16 CFR 1021.5(c).

**XII. Preemption**

Executive Order (E.O.) 12988, Civil Justice Reform (Feb. 5, 1996), directs agencies to specify the preemptive effect of a rule in the regulation. 61 FR 4729 (Feb. 7, 1996). The proposed regulation for portable generators is issued under authority of the CPSA. 15 U.S.C. 2051–2089. Section 26 of the CPSA provides that "whenever a consumer product safety standard under this Act is in effect and applies to a risk of injury associated with a consumer product, no State or political subdivision of a State shall have any authority either to establish or to continue in effect any provision of a safety standard or regulation which prescribes any requirements as to the performance, composition, contents, design, finish, construction, packaging or labeling of such product which are designed to deal with the same risk of injury associated with such consumer product, unless such requirements are identical to the requirements of the Federal Standard." *Id.* 2075(a). Thus, the proposed rule for portable generators, if finalized, would preempt non-identical state or local requirements for portable generators designed to protect against the same risk of injury.

States or political subdivisions of a state may apply for an exemption from preemption regarding a consumer product safety standard, and the Commission may issue a rule granting the exemption if it finds that the state or local standard: (1) provides a significantly higher degree of protection from the risk of injury or illness than the CPSA standard, and (2) does not unduly burden interstate commerce. *Id.* 2075(c).

**XIII. Paperwork Reduction Act**

This proposed rule contains information collection requirements that are subject to public comment and review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA). 44 U.S.C. 3501–3520. We describe the provisions in this section of the document with an estimate of the annual reporting burden. Our estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

*CPSC particularly invites comments on:* (1) whether the collection of information is necessary for the proper performance of the CPSC's functions, including whether the information will have practical utility; (2) the accuracy of the CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; (4) ways to reduce the burden of the collection of information on respondents, including the use of automated collection techniques, when appropriate, and other forms of information technology; and (5) estimated burden hours associated with label modification, including any alternative estimates.

*Title: Safety Standard for Portable Generators.*

*Description:* The proposed rule would require each portable generator to comply with the labeling requirements in PGMA G300, *Safety and Performance of Portable Generators*, with modifications. Sections 7.2 of PGMA G300 contains requirements for labels, warnings and instructional literature.

*Description of Respondents:* Persons who manufacture or import portable generators.

Staff estimates the burden of this collection of information as follows in Table 14:

TABLE 14—ESTIMATED ANNUAL REPORTING BURDEN

Burden type	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total burden hours	Annual cost
Labeling .....	110	12	.....	1	1,320	\$39,930.00
Testing .....	110	12	.....	4	5,280	384,964.80
Total Burden .....	.....	.....	.....	.....	6,600	424,894.80

Our estimate is based on the following. There are 110 known entities supplying portable generators to the

U.S. market. On average, each entity supplies 12 portable generator models to the market. All 110 entities are assumed

to already use labels on both their products and packaging. However, all of the entities will need to make

modifications to their existing labels to comply with the proposed rule. The estimated time required to make these modifications to the labeling is about 1 hour per model. Each entity supplies an average of 12 different portable generator models. Therefore, the estimated burden associated with labels is 1,320 hours (110 entities  $\times$  12 models per entity  $\times$  1 hour per model = 1,320 hours). We estimate the hourly compensation for the time required to create and update labels is \$30.25 (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," March 2022, total compensation for all sales and office workers in goods-producing private industries: [www.bls.gov/ncs/](http://www.bls.gov/ncs/).) Therefore, the estimated annual cost to industry associated with the labeling requirements is \$39,930 (\$30.25 per hour  $\times$  1,320 hours). There are no operating, maintenance, or capital costs associated with the collection.

The proposed rule would also require that manufacturers certify that their products conform to the rule and issue a GCC. There are 110 known entities supplying portable generators to the U.S. market. On average, each entity supplies 12 portable generators to the market. Issuing a GCC would be new for all 110 manufacturers. The estimated time required to test the product and issue a GCC is about 4 hours per model. Each entity supplies an average of 12 different portable generator models. Therefore, the estimated burden associated with testing and issuance of a GCC is 5,280 hours (110 entities  $\times$  12 models per entity  $\times$  4 hours per model = 5,280 hours). We estimate the hourly compensation for the time required to test and issue GCCs is \$72.91 (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," March 2022, total compensation for all sales and office workers in goods-producing private industries: [www.bls.gov/ncs/](http://www.bls.gov/ncs/).) Therefore, the estimated annual cost to industry associated with testing and issuance of a GCC is \$384,964.80 (\$72.91 per hour  $\times$  5,280 hours). There are no operating, maintenance, or capital costs associated with the collection.

Based on this analysis, the proposed standard for portable generators would impose a burden to industry of 6,600 hours, at an estimated cost of \$424,894.80 annually (\$39,930.00 + \$384,964.80). Existing portable generator entities would incur these costs in the first year following the proposed rule's effective date. In subsequent years, costs could be less, depending on the number of new portable generator models introduced by

existing entities and/or by entities entering the portable generator market. As required under the PRA (44 U.S.C. 3507(d)), CPSC has submitted the information collection requirements of this proposed rule to the OMB for review. Interested persons are requested to submit comments regarding information collection by May 22, 2023, to the Office of Information and Regulatory Affairs, OMB as described under the **ADDRESSES** section of this notice.

#### XIV. Certification

Section 14(a) of the CPSA requires that products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard or regulation under any other act enforced by the Commission, must be certified as complying with all applicable CPSC-enforced requirements. 15 U.S.C. 2063(a). A final rule would subject portable generators to this requirement.

#### XV. Effective Date

The Administrative Procedure Act (APA) generally requires that the effective date of a rule be at least 30 days after publication of a final rule. 5 U.S.C. 553(d). Section 9(g)(1) of the CPSA states that a consumer product safety rule shall specify the date such rule is to take effect, and that the effective date must be at least 30 days after promulgation but cannot exceed 180 days from the date a rule is promulgated, unless the Commission finds, for good cause shown, that a later effective date is in the public interest and publishes its reasons for such finding.

For this proposed rule, the Commission is proposing an effective date of 180 days after publication of the final rule in the **Federal Register**, and the rule would apply to portable generators manufactured after the effective date. The 2016 NPR proposed an effective date 1 year after publication of the final rule for larger generators and 3 years for smaller generators, to allow enough time to comply. However, significant changes have occurred since the NPR. The Commission assesses that a 1-year effective date for larger generators, and 3-year effective date for smaller generators, is no longer necessary.

Since the NPR, industry has published voluntary standards and some manufacturers have adopted them, which demonstrate their feasibility. In 2018, UL published UL 2201, which has a requirement of a maximum weighted CO emission rate of 150 g/h for all

portable generators.<sup>40</sup> At least one portable generator manufacturer currently certifies products to both UL 2201 and PGMA G300. Two other manufacturers each have one model in the marketplace that are certified to PGMA G300; and although not certified to UL 2201, CPSC staff expects these models would meet the proposed rule's CO emission rate requirement. One is a popular model of a brand-name gasoline generator that has been converted to run on propane, and the other is a recently introduced gasoline generator.

Notwithstanding these models currently on the market, the Commission assesses that most manufacturers will likely need time to develop, test, and plan for production of portable generators that would meet the proposed requirements, particularly the CO emission rate requirement. While the technology that the proposed rule would require is based on existing technology and the requirements are based on those in the existing voluntary standards, portable generators will need to be altered to be compliant. Therefore, the Commission is proposing 180 days, the maximum time allowed under CPSA section 9 absent a special showing of good cause, and seeks public comment on this time frame.

#### XVI. Request for Comments

We invite all interested persons to submit comments on any aspect of the proposed rule. Specifically, the Commission seeks comments on the following:

- Information regarding CO exposures, CO injuries, and CO alarm activations that have occurred from portable generators operating outdoors as well as indoors;
- The appropriateness of both the base period and the production limits included in the stockpiling provision. This would include evidence of variation in monthly portable generator manufacturing volumes, including whether any portable generator manufacturers vary their production seasonally, information regarding the growth rate and variability of production and sales, and any other useful information;
- Information regarding any potential costs or benefits of the proposed rule that were not included in the foregoing preliminary regulatory analysis;
- Information regarding the number of small businesses impacted by the proposed rule and the magnitude of the impacts of the proposed rule;

<sup>40</sup> UL 2201, *Standard for Safety for Carbon Monoxide (CO) Emission Rate of Portable Generators*, Second Edition, Dated January 9, 2018.

- Information regarding potential differential impacts of the proposed rule on small manufacturers or suppliers that compete in different segments of the portable generator market;

- Whether any manufacturing costs that might disproportionately impact small businesses were not considered in this analysis;

- Whether the potential for CO sensor failures during usage in emergency situations that cause shutoff, that would not have occurred absent the rule, should be considered as a reduction in consumer welfare;

- Information regarding the necessity of a minimum luminance requirement for the indication associated with the notification for the portable generator system for controlling CO exposure, and what an appropriate luminance requirement might be;

- Information regarding CPSC's jurisdiction to regulate the acute CO poisoning hazard from portable generators, including information from interested agencies;

- Information regarding whether PGMA G300's minimum notification indication duration of 5 minutes after shutoff occurs, unless the generator is restarted, is sufficient;

- Information regarding the costs of the testing and certification requirements of the proposed rule;

- The appropriateness of the 180-day effective date. Comments recommending a longer effective date should describe the problems associated with meeting the proposed effective date and the justification for a longer one; and

- Information demonstrating whether it would be useful to add to the automatic shutoff warning either a visual representation of the risk presented, such as a skull and crossbones symbol, and/or the word "DANGER," "DANGEROUS," or "POISONOUS" before "CARBON MONOXIDE."

### **XVII. Notice of Opportunity for Oral Presentation**

Section 9 of the CPSA requires the Commission to provide interested parties "an opportunity for oral presentation of data, views, or arguments." 15 U.S.C. 2058(d)(2). The Commission must keep a transcript of such oral presentations. *Id.* Any person interested in making an oral presentation must contact the Commission, as described under the **DATES** and **ADDRESSES** section of this notice.

### **XVIII. Promulgation of a Final Rule**

Section 9(d)(1) of the CPSA requires the Commission to promulgate a final consumer product safety rule within 60 days of publishing a proposed rule. 15 U.S.C. 2058(d)(1). Otherwise, the Commission must withdraw the proposed rule if it determines that the rule is not reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with the product or is not in the public interest. *Id.* However, the Commission can extend the 60-day period, for good cause shown, if it publishes the reasons for doing so in the **Federal Register**. *Id.*

The Commission finds that there is good cause to extend the 60-day period for this rulemaking. There have been substantial changes to the relevant voluntary standards, as well as extensive technical investigation requiring substantial time, since publication of the NPR in 2016. Regarding this SNPR and a final rule, under both the APA and the CPSA, the Commission must provide an opportunity for interested parties to submit written comments on a proposed rule. 5 U.S.C. 553; 15 U.S.C. 2058(d)(2). The Commission is providing 60 days for interested parties to submit written comments. Additionally, the CPSA requires the Commission to provide interested parties with an opportunity to make oral presentations of data, views, or arguments. 15 U.S.C. 2058. This requires time for the Commission to arrange a public meeting for this purpose and provide notice to interested parties in advance of that meeting, if any interested party requests the opportunity to present such comments. After receiving written and oral comments, CPSC staff must have time to review and evaluate those comments.

These factors make it impractical for the Commission to issue a final rule within 60 days of this proposed rule. Issuing a final rule within 60 days of this SNPR may limit commenters' ability to provide useful input on the rule, and CPSC's ability to evaluate and take that information into consideration in developing a final rule. Accordingly, the Commission finds that there is good cause to extend the 60-day period for promulgating the final rule.

#### **List of Subjects in 16 CFR Part 1281**

Administrative practice and procedure, Consumer protection, Incorporation by reference, Portable generators.

■ For the reasons discussed in this preamble, the Commission proposes to amend Title 16 of the Code of Federal

Regulations by adding a new part to read as follows:

### **PART 1281—SAFETY STANDARD FOR PORTABLE GENERATORS**

Sec.

1281.1 Scope, purpose, and effective date.

1281.2 Definitions.

1281.3 Requirements.

1281.4 Prohibited stockpiling.

1281.5 Findings.

1281.6 Standards Incorporated by Reference.

**Authority:** 15 U.S.C. 2056, 2058.

### **PART 1281—SAFETY STANDARD FOR PORTABLE GENERATORS**

#### **§ 1281.1 Scope, purpose, and effective date.**

(a) This part 1281 establishes a consumer product safety standard for portable generators, as defined in § 1281.1(b), to address the acute carbon monoxide (CO) poisoning hazard associated with portable generators.

(b) For purposes of this rule, portable generators include single-phase, 300 V or lower, 60-hertz generators that are provided with receptacle outlets for alternating current (AC) output circuits and intended to be moved by the consumer, although not necessarily with wheels. The engines in these portable generators are small, nonroad spark-ignition engines, based on the EPA's engine classifications per 40 CFR 1054.801, and are fueled by gasoline, liquified propane gas, or natural gas. For purposes of this rule, portable generators do not include:

- (1) Permanent stationary generators;
- (2) 50-hertz generators;
- (3) Marine generators;
- (4) Generators solely intended to be pulled by, or mounted on vehicles;
- (5) Generators permanently mounted in recreational vehicles or motor homes;
- (6) Generators powered by compression-ignition engines fueled by diesel;
- (7) Industrial-type generators intended solely for connection to a temporary circuit breaker panel at a jobsite, and not for consumer use.

(c) Any portable generator manufactured after [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **FEDERAL REGISTER**] shall comply with the requirements stated in § 1281.3.

#### **§ 1281.2 Definitions.**

In addition to the definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2051), the following definitions apply for purposes of this part 1281.

*Air change rate*, as defined in section 2 of PGMA G300–2018.

*CO analyzer*, as defined in section 2 of PGMA G300–2018.

*CO shutoff system*. Same as “portable generator system for controlling CO exposure.”

*Engine*, as defined in section 2 of PGMA G300–2018.

*Maximum available observed wattage*. Same as rated wattage.

*Ordinary tools*, as defined in section 2 of PGMA G300–2018.

*Portable generator system for controlling CO exposure*, as defined in section 2 of PGMA G300–2018.

*Rated wattage*. The output power rating of a portable generator as determined under section 6.3.2 of PGMA G300–2018.

*Test room*. A fully enclosed space with a volume of 895–2,100 ft<sup>3</sup> (25.34–59.47 m<sup>3</sup>) and a ceiling height of 8–12 ft (2.44–3.66 m). The room dimensions shall allow for the requirements of the generator position to be met. The generator shall be positioned such that the exhaust jet centerline is along one of the room centerlines; the exhaust outlet on the generator is at least 6 ft (1.83 m) from the opposite wall; the outer surfaces of the generator housing or frame is at least 3 ft (0.91 m) from the walls to other sides; and the onboard CO sensor used for the CO safety shutoff system be at least 1 ft (0.30 m) away from any obstruction. The room shall be constructed to control ventilation within a range of 0.1–1.0 air changes per hour (ACH). Ventilation shall be induced by a fan on the air outlet. The configuration of the air inlet and outlet for ventilation shall be designed such that neither port creates a flow directly onto or near the CO analyzer sample port above the generator or the CO sensor onboard the generator that is used as part of the CO safety shutoff system. The CO sample port connected to the CO analyzer for determining the concentration of CO within the test room shall be placed 1 ft (0.30 m) above the center point of the portable generator’s top surface.

*Units of measurement*, as defined in section 2.1 of UL 2201.

### § 1281.3 Requirements.

(a) *CO Emission Rate Requirements*. The calculated weighted CO emission rate of the generator shall not exceed 150 g/h using one of two test methods, either the Portable Generator Assembly CO Emissions Method, as described in section 5.2 of UL 2201, or the Portable Generator Engine-Only CO Emissions Method, as described in section 5.3 of UL 2201.

(b) *CO shutoff construction requirements*. Comply with section 3.9.1 of PGMA G300, except replace all

instances of “810–850 ppm” with “410–450 ppm”; “800 ppm” with “400 ppm”; “810–850 ppm” with “410–450 ppm”; “410–430 ppm” with “160–180 ppm”; and “400 ppm” with “150 ppm”. Replace each instance of “before” with “at or before”.

(c) *CO shutoff levels*. Comply with section 6.2.11.1 of PGMA G300, except replace 800 ppm with 400 ppm and 400 ppm with 150 ppm.

(d) *CO shutoff test method*. Comply with section 6.2.11.2 of PGMA G300. The definition of “test room” in § 1281.2 shall apply for purposes of the CO shutoff test method.

(e) *Self-monitoring system*. Comply with section 3.9.1.1 of PGMA G300–2018.

(f) *Tamper resistance*. (1) A portable generator system for controlling CO exposure shall be tamper resistant. The system is considered tamper resistant when any part that is shorted, disconnected, or removed to disable the operation of the system prevents the engine from running. In addition, all parts, including wiring, which affect proper operation of the portable generator system for controlling CO exposure, must be (a) permanently sealed or (b) not normally accessible by hand or with ordinary tools. It is permissible for different parts of the portable generator system for controlling CO exposure to meet either option (a) or (b), provided all of the different parts meet at least one of these two options.

(2) Comply with section 3.9.1.2.2–3.9.1.2.4 of PGMA G300–2018.

(g) *Notification*. (1) Comply with section 3.9.1.3 of PGMA G300–2018.

(2) The portable generator system for controlling CO exposure shall include a prominent and conspicuous notification of shutoff event or system fault event in a readily visible location to a consumer who is positioned in front of the start-up controls.

(3) *CO Shutoff Event Notification*. The portable generator system for controlling CO exposure shall provide a notification after a CO shutoff event. The notification shall be a red indication. The red indication shall be at least 0.4 inches (10 mm) in diameter, illuminated and, if flashing, must flash at a rate of between 3 and 10 Hertz (Hz), with equivalent light and dark duration. The notification shall remain for a minimum of 5 minutes after a shutoff occurs unless the portable generator engine is restarted. If the portable generator engine is restarted, the notification shall not be present.

(4) *System Fault Event Notification*. Comply with 3.9.1.3.2 of PGMA G300–2018.

(h) *Carbon Monoxide Sensor*. Comply with section 3.9.1.4 of PGMA G300–2018.

(i) *Shut-Down Safety*. Comply with section 4.1.1.1.3 of PGMA G300–2018.

(j) *Marketing, labeling and instructional requirements*. (1) Comply with section 7.2.1, 7.2.2.1, 7.2.2.2, 7.2.2.3, and 7.2.2.5 of PGMA G300–2018.

(2) Comply with section 7.2.2.4 of PGMA G300–2018, with the following changes:

(i) When referring to the placement of the label shown in Figure 5 of PGMA G300–2018, replace “shall be in close proximity to” the notification with “shall be no more than 0.25 inches (6.35 mm) from” the notification.

(ii) Revise the label shown in Figure 5 of PGMA G300–2018 as follows: replace the phrase, “YOU MUST:” with “HIGH LEVELS OF CARBON MONOXIDE.”; replace the language in the second panel with the following: “BEFORE RESTARTING, move generator to a more open, outdoor area. Point exhaust away. See DANGER label and product manual for more information.”; in the bottom panel, change replace the phrase “IF SICK” with “if you feel sick.”; specify that the text in all but the top panel must be formatted using sentence capitalization, except for the following words and phrases: “BEFORE RESTARTING,” “DANGER,” and “MOVE TO FRESH AIR AND GET MEDICAL HELP.” The text in the top panel, or header, must have letter heights of at least 0.12 inches, and all other text in the label must have text whose uppercase letters measure at least 0.1 inches in height.

(3) Comply with section 8 of PGMA G300–2018.

### § 1281.4 Prohibited stockpiling.

(a) *Prohibited acts*. Manufacturers and importers of portable generators shall not manufacture or import portable generators that do not comply with the requirements of this part in any 1-month period between [DATE OF PUBLICATION OF FINAL RULE] and [EFFECTIVE DATE OF FINAL RULE] at a rate that is greater than 105 percent of the rate at which they manufactured or imported portable generators during the base period for the manufacturer or importer.

(b) *Base period*. The base period for portable generators is the calendar month with the median manufacturing or import volume within the last 13 months immediately preceding the month of promulgation of the final rule.

**§ 1281.5 Findings.**

(a) *General.* The CPSA requires the Commission to make certain findings when issuing a consumer product safety standard. 15 U.S.C. 2058(f). This section discusses support for those findings.

(b) *Degree and Nature of the Risk of Injury.* As of May 10, 2022, there were at least 1,332 deaths involving portable generators from 2004 through 2021, or an average of about 74 annually. Because death certificate data often have a lag time of around two to three years from the date of reporting to CPSC, the actual number of incidents for 2020 and 2021 is likely higher. From 2004 through 2021, there were a total of 17,569 nonfatal CO poisonings involving portable generators that were treated in hospital emergency departments (about 976 annually); 7,308 hospital admissions (an average of 406 per year); and 52,782 medically attended injuries treated in other settings (an estimated 2,932 per year).

(c) *Number of Consumer Products Subject to the Rule.* In 2021, there were approximately 1,355 individual models for sale in the U.S. There were an estimated 2.1 million units sold in 2021.

(d) *Need of the Public for the Products and Probable Effect on Utility, Cost, and Availability of the Product.* (1) The portable generators within the scope of this proposed rule are commonly purchased by household consumers, particularly to provide electrical power during emergencies (such as power outages caused by storms); when power to the home has been shut off or it is needed at locations around or away from the home that lack access; and for recreational activities such as camping. Built-in wheels or optional wheel kits are often available for heavier, more powerful units (e.g., those with 3 kW power ratings or more).

(2) The proposed rule's emission requirement may improve portable generator's fuel efficiency, as well as other characteristics such as ease of starting, altitude compensation, fuel adaptability, power output, reliability, and engine life; features that would likely increase the utility of the generator to the consumer in a meaningful way. In addition to this, safer portable generators from the implementation of the emissions and sensor/shutoff requirements would mitigate the anxiety of operating a hazardous product, and hence improve consumer utility as well. Conversely, consumer utility may decrease as a result of potential consumer behavioral adaption to a safer product that could lessen the attention paid to CO safety.

(3) The proposed rule would increase the undiscounted cost of redesigning,

testing, and manufacturing portable generators by an average of \$53.38. About three fifths of the cost increase would be transferred to consumers through price increases. The cost increase represents slightly more than 5 percent of the average price of a portable generator, of which more than 3 percent would be transferred to consumers. This transfer would increase the average price per portable generator from about \$1,000 to \$1,034. The quantity of portable generators demanded by consumers would decrease as a result of this price increase by less than 2 percent. Nevertheless, except for potential shortages associated with the inability of manufacturers to comply with the requirements of the rule prior to the effective date, it is unlikely that the rule has any significant impact on the availability of the product to consumers. The potential transitional shortages would likely last only for a brief period of time, and would be alleviated as manufacturers become increasingly compliant with the proposed rule.

(e) *Any Means to Achieve the Objective of the Proposed Rule, While Minimizing Adverse Effects on Competition and Manufacturing.* (1) The rule achieves the objective of addressing acute CO poisoning hazards from portable generators while minimizing the effect on competition and manufacturing. The rule is largely based on requirements in two existing voluntary standards, and manufacturers are generally aware of the requirements. At least one manufacturer already complies with the main requirements of the rule, and has done so cost-effectively. The rule would apply to all manufacturers and importers of portable generators, so its economic impacts should not be highly burdensome for any particular manufacturer or importer. Additionally, manufacturers can transfer some, or all, of the increased production cost to consumers through price increases. Finally, the regulatory flexibility analysis concluded that only one small business is likely to be significantly impacted by the implementation of the rule.

(2) The Commission considered alternatives to the rule to minimize impacts on competition and manufacturing including: (1) implementing the proposed rule without the emission requirements and shutoff requirement levels from UL 2201; (2) relying on the voluntary adoption of the proposed rule requirements into UL 2201 or PGMA G300; (3) issuing a rule that relies on either UL 2201 or PGMA G300 as currently written; (4) not issuing a rule

and continue to conduct information and education campaigns; and (5) taking no action. The Commission determines that none of these alternatives would adequately reduce the risk of deaths and injuries associated with the acute CO poisoning hazard associated with portable generators that the rule addresses. The rule is expected to generate more net societal benefits (benefits minus costs) than any of these alternatives.

(f) *Unreasonable Risk.* (1) Based on the data from the reports that were entered in CPSC's databases as of May 10, 2022, there have been at least 1,332 deaths for years 2004 through 2021.

(2) Based on data from the National Electronic Injury Surveillance System, for the 18-year period from 2004 through 2021 there were at least 17,569 CO injuries associated with portable generators that were treated in emergency departments (ED) in which the patient was subsequently released without being admitted, and 5,727 injuries that required hospitalization after the ED.

(3) Based on data from CPSC's Injury Cost Model (ICM), for the years 2004 through 2021, there were an estimated 1,580 injuries that resulted in direct hospital admissions and 52,782 injuries resulted in a doctor's or clinic's visit. Combined with the NEISS estimates, there were an estimated 77,658 nonfatal injuries that were treated in the same 18-year period.

(4) Data from the Centers for Disease Control and Prevention (CDC) provide a source of comparison of the relative risk of CO poisoning associated with portable generators. CDC estimates that at least 430 people die in the United States from accidental CO poisoning every year. These are deaths caused by CO from any source, including motor vehicles. The average number of generator-related consumer CO deaths per year in CPSC's databases for the three most recent years of complete data, years 2017 through 2019, is 85, which is nearly 20 percent of CDC's estimate.

(5) The Commission estimates that the rule would result in aggregate net benefits of about \$897.06 million annually, discounted at 3 percent. The Commission estimates that the net benefits on a per-unit basis, when discounted at 3 percent, are \$233.99. These net benefits per product represent roughly 23 percent of the average price of a portable generator, whereas total unit costs discounted at 3 percent are less than 4 percent of the average price. The Commission concludes that portable generators pose an unreasonable risk of injury and finds

that the rule, including its effective date, are reasonably necessary to reduce the unreasonable risk of injury.

(g) *Public Interest.* The rule addresses an unreasonable risk of acute CO poisoning associated with portable generators. Adherence to the requirements of the proposed rule would reduce deaths and injuries from portable generator acute CO poisoning; thus, the rule is in the public interest.

(h) *Voluntary Standards.* (1) Under section 9(f)(3)(D) of the CPSA, if a voluntary standard addressing the risk of injury has been adopted and implemented, then, in order to proceed with rulemaking, the Commission must find either that: the voluntary standard is not likely to eliminate or adequately reduce the risk of injury, or substantial compliance with the voluntary standard is unlikely.

(2) There are two voluntary standards that address the risk of acute CO poisoning from portable generators: UL 2201, *Standard for Safety for Carbon Monoxide (CO) Emission Rate of Portable Generators, Second Edition* ("UL 2201") and ANSI/PGMA G300–2018 (Errata Update), *Safety and Performance of Portable Generators* ("PGMA G300").

(3) Based on information provided by manufacturers and in market research materials, the Commission estimates a 30 percent compliance rate with PGMA G300's sensor and shutoff requirements. One sixth of those PGMA-compliant units (or 5 percent of the total) are estimated to also be compliant with the emissions requirements of UL 2201. In addition, the CO hazard mitigation requirements have been included in both standards since 2018, approximately 5 years ago, yet the number of fatalities since then have not only not abated but appear to be increasing. The Commission concludes that compliance in the marketplace with either voluntary standard is not substantial, and substantial compliance is unlikely in the future.

(4) The Commission finds that the CO emission rate requirements and CO shutoff levels from UL 2201 are extremely effective in reducing deaths and injuries associated with acute CO poisoning from portable generators in simulations. The Commission concludes that these requirements are not adequate without additional requirements that ensure the durability, reliability and functionality of the CO shutoff system, and requirements pertaining to CO shutoff notification and labeling. Therefore, the rule incorporates PGMA G300's CO shutoff test method, and requirements from PGMA G300 specifying aspects of the shutoff

system's construction, ability to self-monitor, and tamper resistance, and labeling, with modifications that are necessary to ensure the effectiveness of these requirements.

(i) *Reasonable Relationship of Benefits to Costs.* (1) The rule would impose the following quantifiable costs: (a) increased variable costs of producing portable generators with reduced CO emission rates and CO sensors with shutoff capabilities; (b) one-time conversion costs of redesigning existing portable generator models, modifying manufacturing operations, and the recurrent testing costs to validate compliance of each new model with the proposed standard; (c) sensor replacement costs to consumers for failed CO sensors or sensors that have reached end of life; and (d) deadweight loss caused by price increases resulting from increased manufacturing costs. The Commission performed a 30-year prospective cost assessment (2024–2053) of these four cost categories and estimated the total annualized cost from the proposed rule to be \$148.94 million, discounted at 3 percent. The Commission estimated the costs per portable generator to be \$38.85, discounted at 3 percent.

(2) The Commission also conducted a benefits assessment of the rule. The benefits assessment accounted for the prevention of deaths and injuries from introducing compliant portable generators, which the Commission monetized using the value of statistical life for deaths and estimates of the cost per type of injury from the CPSC's Injury Cost Model. Over the 30-year study period, the Commission estimated the rule would prevent 2,148 deaths (nearly 72 deaths per year) and 126,377 injuries (roughly 4,213 injuries per year). The total annualized benefits from the rule are \$1,046 million, discounted at 3 percent. The Commission estimates the per-unit benefits from the rule to be \$272.84, discounted at 3 percent.

(3) The estimated benefits of the rule far exceed its estimated costs. The Commission calculates net benefits (benefits less costs) to be \$897.06 million on an annualized basis, discounted at 3 percent.<sup>41</sup> The net benefits on per-unit basis are \$233.99, discounted at 3 percent. Overall, the rule has a benefit-cost ratio of 7.02; that is, for every \$1 in direct cost to consumers and manufacturers, the proposed rule generates \$7.02 in benefits from mitigated deaths and injuries.

<sup>41</sup> Over the 30-year period, net benefits reach \$17.58 billion, discounted at 3 percent.

(j) *Least-Burdensome Requirement that Would Adequately Reduce the Risk of Injury.* The Commission considered five alternatives to the rule including: (1) implementing the rule without the emission requirements and shutoff requirement levels from UL 2201; (2) relying on voluntary adoption of the rule requirements into UL 2201 or PGMA G300; (3) issuing a rule that relies on either UL 2201 or PGMA G300 as currently written; (4) not issuing a rule and continue to conduct information and education campaigns; and (5) taking no action. Although most of these alternatives may be a less burdensome alternative to the rule, the Commission determines that none of the less burdensome alternatives would adequately reduce the risk of deaths and injuries associated with portable generators that is addressed in the rule.

#### § 1281.6 Standards Incorporated by Reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This material is available for inspection at the U.S. Consumer Product Safety Commission and at the National Archives and Records Administration (NARA). Contact the U.S. Consumer Product Safety Commission at: Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, telephone (301) 504-7479, email [cpssc-os@cpssc.gov](mailto:cpssc-os@cpssc.gov), and is available from the sources listed below. For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(b) Portable Generator Manufacturers' Association, 1300 Summer Avenue, Cleveland, OH 44115-2851; phone: 216.241.7333; email: [pgma@pgmaonline.com](mailto:pgma@pgmaonline.com); [www.pgmaonline.com](http://www.pgmaonline.com). ANSI/PGMA G300–2018 (Errata Update) *Safety and Performance of Portable Generators*, approved [DATE]; IBR approved for [SECTIONS]. A read-only copy is available at [www.pgmaonline.com/pdf/ANSI\\_PGMA\\_G300-2018\(ErrataUpdate\\_April2020\).pdf](http://www.pgmaonline.com/pdf/ANSI_PGMA_G300-2018(ErrataUpdate_April2020).pdf).

(c) Underwriters Laboratories, 1850 M St. NW, STE. 1000, Washington, DC 20036; 202.296.7840; [www.ul.com](http://www.ul.com). UL 2201, 2nd Edition, *Standard for Carbon Monoxide (CO) Emission Rate of Portable Generators*, approved January 24, 2018; IBR approved for [SECTIONS]. A read-only copy is available at [www.shopulstandards.com/ProductDetail.aspx?UniqueKey=33821](http://www.shopulstandards.com/ProductDetail.aspx?UniqueKey=33821),

or it can be purchased at  
[www.shopulstandards.com](http://www.shopulstandards.com).

**Alberta E. Mills,**

*Secretary, Consumer Product Safety  
Commission.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR 165

[USCG—USCG–2023–0229]

1625–AA00

#### Safety Zone; Illinois River Mile Markers 163.3 to 162.7, Peoria, IL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish a temporary safety zone for all navigable waters in the Illinois River at Mile Marker (MM) 162.7 through 163.3. This action is necessary to provide for the safety of life on these navigable waters near Peoria, IL, during a drone show on June 10, 2023. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Sector Upper Mississippi River or a designated representative. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before April 30th, 2023.

**ADDRESSES:** You may submit comments identified by docket number USCG–2023–0229 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email MSTC Nathaniel Dibley, Sector Upper Mississippi River Waterways Management Division, U.S. Coast Guard; telephone 314–269–2550, email [Nathaniel.D.Dibley@uscg.mil](mailto:Nathaniel.D.Dibley@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking

§ Section  
U.S.C. United States Code

##### II. Background, Purpose, and Legal Basis

The Peoria, IL Parks District notified the Coast Guard that it will be conducting a drone show from 9 p.m. to 10 p.m. on June 10, 2023. The drones are to be launched shoreside from Peoria Riverfront Park over the Illinois River at MM 162.9. Hazards from the displays include nonresponsive drones falling from the sky and lights associated with the display interfering with lighted bridge or navigation aids. The Captain of the Port Sector Upper Mississippi River (COTP) has determined that potential hazards associated with the drones to be used in this display would be a safety concern for anyone within a quarter miles radius on the event.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a quarter mile of MM 162.9 before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

##### III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from MM 162.7 through 163.3 on June 10, 2023, 8:45 p.m. through June 10, 2023, 10:15 p.m. The safety zone would cover all navigable waters within a quarter mile MM 162.9 in the Illinois River. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 9 p.m. to 10 p.m. drone display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

##### IV. Regulatory Analyses

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

###### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This NPRM has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly,

the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, duration of the drone show, and time-of-day of the safety zone.

###### B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

###### C. Collection of Information

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

###### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the

relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

#### E. Unfunded Mandates Reform Act

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

#### F. Environment

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

on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### G. Protest Activities

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

#### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

**Submitting comments.** We encourage you to submit comments through the Federal Decision-Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2023–0229 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

**Viewing material in docket.** To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you click on the Dockets tab and then the proposed rule, you should see a “Subscribe” option for email alerts. The option will notify you when comments are posted, or a final rule is published.

We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic,

inappropriate, or duplicate comments that we receive.

**Personal information.** We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

#### List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0229 to read as follows:

#### § 165.T08–0229 Safety Zone; Illinois River from MM 162.7 through 163.3, Peoria, IL.

(a) Location. The following area is a safety zone: all navigable waters within the Illinois Waterway from MM 162.7 through 163.3.

(b) Effective period. June 10, 2023, 9 p.m. to 10:15 p.m. for the purposes of enforcement, actual notice will be provided from June 10, 2023, 8:45 p.m.

(c) *Regulations.*

(1) In accordance with the general safety zone regulations in § 165.23, entry of persons or vessels into this safety zone described in paragraph (a) of this section is prohibited unless authorized by the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of USCG Sector Upper Mississippi River.

(2) To seek permission to enter, contact the COTP or a designated representative via VHF–FM channel 16, or through USCG Sector Upper Mississippi River at 314–269–2332. Persons and vessels permitted to enter the safety zone must comply with all lawful orders or directions issued by the COTP or designated representative.

(d) Informational broadcasts. The COTP or a designated representative will inform the public of the effective period for the safety zone as well as any

changes in the dates and times of enforcement, as well as reductions in size or scope of the safety zone, through Local Notice to Mariners (LNMs), Broadcast Notices to Mariners (BNMs), and/or Safety Marine Information Broadcast (SMIB) as appropriate.

Dated: April 14, 2023.

**A.R. Bender,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Upper Mississippi River.*

[FR Doc. 2023-08283 Filed 4-19-23; 8:45 am]

BILLING CODE 9110-04-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2023-0104; FRL-10907-01-R3]

#### Air Plan Approval; Virginia; Startup, Shutdown, and Malfunction Amendments to Facility and Control Equipment Maintenance or Malfunction Regulations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the Commonwealth of Virginia. This revision pertains to several state regulatory changes affecting startup, shutdown and malfunction. This SIP revision was submitted in response to a finding of substantial inadequacy and SIP call published on June 12, 2015, for provisions in the Virginia SIP. EPA is proposing to approve the provisions of the submitted SIP revision and proposing to determine that the SIP revision corrects the deficiencies in Virginia's SIP identified in the June 12, 2015 SIP call. This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before May 22, 2023.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R03-OAR-2023-0104 at [www.regulations.gov](http://www.regulations.gov), or via email to [gordon.mike@epa.gov](mailto:gordon.mike@epa.gov). For comments submitted at [Regulations.gov](http://Regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://Regulations.gov). For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI)

or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit [www.epa.gov/dockets/commenting-epa-dockets](http://www.epa.gov/dockets/commenting-epa-dockets).

#### FOR FURTHER INFORMATION CONTACT:

Sean Silverman, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-5511. Mr. Silverman can also be reached via electronic mail at [silverman.sean@epa.gov](mailto:silverman.sean@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### A. EPA's 2015 SSM SIP Action

On February 22, 2013, the EPA issued a **Federal Register** notice of proposed rulemaking (the February 2013 Proposal) outlining EPA's policy at the time with respect to SIP provisions related to periods of Startup, Shutdown, and Malfunction (SSM). EPA analyzed specific SSM SIP provisions and explained how each one either did or did not comply with the CAA with regard to excess emission events.<sup>1</sup> For each SIP provision that the EPA determined to be inconsistent with the CAA, the EPA proposed to find that the existing SIP provision was substantially inadequate to meet CAA requirements and thus proposed to issue a SIP call under CAA section 110(k)(5). On September 17, 2014, the EPA issued a document supplementing and revising what the Agency had previously proposed on February 22, 2013 (the supplemental notice of proposed rulemaking (SNPR)), in light of a D.C. Circuit decision that determined the CAA precludes authority of the EPA to

create affirmative defense provisions. EPA outlined its updated policy that affirmative defense SIP provisions are not consistent with CAA requirements. EPA proposed in the supplemental proposal document to apply its revised interpretation of the CAA to specific affirmative defense SIP provisions and proposed SIP calls for those provisions where appropriate (79 FR 55920, September 17, 2014).

On June 12, 2015, pursuant to CAA section 110(k)(5), the EPA finalized "State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction," (80 FR 33839, June 12, 2015), hereafter referred to as the "2015 SSM SIP Action." The 2015 SSM SIP Action clarified, restated, and updated the EPA's interpretation that SSM exemptions (whether automatic or discretionary) and affirmative defense SIP provisions are inconsistent with CAA requirements. The 2015 SSM SIP Action found that certain SIP provisions in 36 states were substantially inadequate to meet CAA requirements and issued a SIP call to those states to submit SIP revisions to address the inadequacies. EPA established an 18-month deadline by which the affected states had to submit such SIP revisions. States were required to submit corrective revisions to their SIPs in response to the SIP calls by November 22, 2016. One regulation in Virginia's SIP was included in the 2015 SSM SIP Action. 80 FR 33840 at 33961 (June 12, 2015).

EPA issued a Memorandum in October 2020 (2020 Memorandum), which stated that certain provisions governing SSM periods in SIPs could be viewed as consistent with CAA requirements.<sup>2</sup> Importantly, the 2020 Memorandum stated that it "did not alter in any way the determinations made in the 2015 SSM SIP Action that identified specific state SIP provisions that were substantially inadequate to meet the requirements of the Act." Accordingly, the 2020 Memorandum had no direct impact on the SIP call issued to Virginia in the 2015 SSM SIP Action. The 2020 Memorandum did, however, indicate the EPA's intent at the time to review SIP calls that were issued in the 2015 SSM SIP Action to determine whether the EPA should

<sup>1</sup> State Implementation Plans: Response to Petition for Rulemaking; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction, 78 FR 12460 (February 22, 2013).

<sup>2</sup> October 9, 2020, Memorandum "Inclusion of Provisions Governing Periods of Startup, Shutdown, and Malfunctions in State Implementation Plans," from Andrew R. Wheeler, Administrator.

maintain, modify, or withdraw particular SIP calls through future agency actions.

On September 30, 2021, EPA's Deputy Administrator withdrew the 2020 Memorandum and announced EPA's return to the policy articulated in the 2015 SSM SIP Action (2021 Memorandum).<sup>3</sup> As articulated in the 2021 Memorandum, SIP provisions that contain exemptions or affirmative defense provisions are not consistent with CAA requirements and, therefore, generally are not approvable if contained in a SIP submission. This policy approach is intended to ensure that all communities and populations, including overburdened communities, receive the full health and environmental protections provided by the CAA.<sup>4</sup> The 2021 Memorandum also retracted the prior statement from the 2020 Memorandum of EPA's plans to review and potentially modify or withdraw particular SIP calls. That statement no longer reflects the EPA's intent. EPA intends to implement the principles laid out in the 2015 SSM SIP Action as the agency takes action on SIP submissions, including Virginia's SIP submittal provided in response to the 2015 SIP call.

#### *B. Virginia's Provision Related to Emissions Limitations*

With respect to the Virginia SIP, in the 2015 SSM SIP Action, EPA determined that one provision, 9 Virginia Administrative Code 5–20–180(G), was substantially inadequate to meet CAA requirements.<sup>5</sup> The 2015 SSM SIP Action raised three separate concerns regarding 9 Va. Admin. Code 5–20–180(G),<sup>6</sup> but it was not clear whether the provision operated as an automatic exemption from otherwise applicable SIP emissions limitations, a director's discretion provision allowing an exemption for excess emissions during malfunctions because the provision gives the state the authority to determine whether a violation “shall be judged to have taken place,” or an affirmative defense by which the state must make a judgment that the event is not a violation. EPA found in the 2015 SSM SIP Action that any of the three would render the provision

substantially inadequate to comply with the requirements of the CAA. This rationale underlying EPA's determination that 9VAC5–20–180(G) was substantially inadequate to meet CAA requirements, and therefore to issue a SIP call to Virginia to remedy the provisions, is detailed in the 2015 SSM SIP Action and its accompanying proposals.<sup>7</sup>

In response to the 2015 SSM SIP Action, Virginia submitted a SIP revision on August 1, 2016. The submission requests the approval of a revision to 9VAC5–20–180 (Pertaining to Facility Control Equipment and Malfunction) as well as several administrative updates to other portions of the Virginia Code to add a reference to 9VAC5–20–180. The revisions in the August 1, 2016 submission are discussed more extensively in section II of this document, but summarized here. Revision B16, adopted by the Commonwealth on March 11, 2016 (effective June 1, 2016), contains the revised portions of 9VAC5–20–180(G) developed by Virginia to address the deficiencies cited as substantially inadequate in the 2015 SSM SIP Action.<sup>8</sup> The second provision, called Revision D97, originally amended 9VAC5–20–180 on May 21, 2002 (effective August 1, 2002), but this change to the regulation was not submitted as a SIP revision until it was included with Virginia's 2016 SIP revision.<sup>9</sup> The changes made in the 2002 amendments changed portions of 9VAC5–20–180 that were not subject to the 2015 SIP call, mainly 9VAC5–20–180(A) through (C), and 9VAC5–20–180(H) through (J). Revisions labeled as C09, D09 and E09 ask EPA to update the SIP to capture amendments to five regulations in the Virginia Administrative Code that are already in the Virginia SIP. These regulations were each amended to add a reference to the provisions in 9VAC5–20–180.<sup>10</sup>

## **II. Summary of SIP Revision and EPA Analysis**

### *A. Revision D97*

As discussed in the previous section, portions of Revision D97 are being submitted as a SIP revision. See attachment “B16–SIP–2b” on the 3rd page of the PDF for the addition/ strikeout copies of the regulation, and attachment “B16-sip-signed” for the cover letter accompanying Virginia's August 1, 2016, SIP submission, found

in the docket for this action, for additional clarification. In attachment “B16–SIP–2b,” portions of the regulation not intended for inclusion in the SIP are redacted from Virginia's notice as indicated by the blue boxes covering the text. The revisions to 9VAC5–20–180 begin on page 10 of the PDF.<sup>11</sup> As noted in the previous section, the changes in D97 only impact the “non-SIP called” portions of 9VAC5–20–180 (*i.e.*, 9VAC5–20–180(A) through (C) and 9VAC5–20–180(H) through (J)). These changes were adopted by Virginia on May 21, 2002 but were not submitted as a SIP revision at that time. It appears that Virginia is now submitting the 2002 changes embodied in D97 to demonstrate that these changes went through the appropriate state notice and comment procedures required by CAA section 110. Revision B16 is the most material to the discussion in this section, as it is what is currently adopted and effective in the Virginia Administrative Code. Revision B16 captures all of the changes made in revision D97 to 9VAC5–20–180(A) through (C) and 9VAC5–20–180(H) through (J).

### *B. Revision B16*

In the 2015 SSM SIP Action, EPA found that 9VAC5–20–180(G) created an automatic exemption, an impermissible director's discretion exemption, and/or a director's discretion determination that could also be construed as an impermissible affirmative defense for violations of emission limits. Revision B16 removed the discretionary exemption language from 9VAC5–20–180(G) and modified several other sections in 9VAC5–20–180 which referenced the discretionary exemption. Prior to Revision B16, 9VAC5–20–180(G) stated:

No violation of applicable emission standards or monitoring requirements shall be judged to have taken place if the excess emissions or cessation of monitoring activities is due to a malfunction, provided that:

- (1) The procedural requirements of this section were met or the owner has submitted an acceptable application for a variance, which is subsequently granted;
- (2) The owner has taken expeditious and reasonable measures to minimize emissions during the breakdown period;
- (3) The owner has taken expeditious and reasonable measures to correct the malfunction and return the facility to a normal operation; and
- (4) The source is in compliance at least 90% of the operating time over the most recent 12-month period.

<sup>3</sup> September 30, 2021, Memorandum “Withdrawal of the October 9, 2020, Memorandum Addressing Startup, Shutdown, and Malfunctions in State Implementation Plans and Implementation of the Prior Policy,” from Janet McCabe, Deputy Administrator.

<sup>4</sup> See 80 FR 33840, 33985, June 12, 2015.

<sup>5</sup> *Id.* at 33961.

<sup>6</sup> This document will hereafter use the abbreviated form of 9 Virginia Administrative Code § 5–20–180(G), which is 9VAC5–20–180(G) or 9 Va. Admin Code. 5–20–180(G).

<sup>7</sup> See 78 FR 12460 at 12498 (February 22, 2013), 79 FR 55920 at 55937 (September 17, 2014).

<sup>8</sup> 32:18 VA.R. 2422–2423, May 2, 2016.

<sup>9</sup> 18:21 VA.R. 2793–2818, July 1, 2002.

<sup>10</sup> 32:7 VA.R. 1153–1191, November 30, 2015.

<sup>11</sup> 18:21 VA.R. 2793 at 2800, July 1, 2002.

Virginia’s 2016 change to 9VAC5–20–180(G), embodied in Revision B16, modified 9VAC5–20–180(G) by removing any reference to violations. The updated language in B16 states:

In accordance with subsection C of this section, if the excess emissions or cessation of monitoring activities is due to a malfunction, the owner may demonstrate the following:

- (1) the cause of the excess emissions or cessation of monitoring activities meets the definition of malfunction provided in 9VAC5–10–20;
- (2) the procedural requirements of this section were met or the owner has submitted an acceptable application for a variance, which is subsequently granted;
- (3) the owner has taken expeditious and reasonable measures to minimize emissions during the breakdown period;
- (4) the owner has taken expeditious and reasonable measures to correct the malfunction and return the facility to a normal operation; and
- (5) the source is in compliance with related applicable emission standards or monitoring requirements at least 90% of the operating time over the most recent 12-month period.

The provision which previously potentially allowed for no violation to be found was removed, but the criteria

which previously would be used to judge that no violation occurred remain. Virginia has not explained the purpose for the submission of this information, but EPA interprets the revised 9VAC5–20–180(G) as a reporting provision only. EPA finds that this new reporting provision no longer has the potential to bar Virginia, the EPA, or citizens from taking an enforcement action if excess emissions result from a malfunction of emission control or monitoring equipment. The facility may explain the circumstances surrounding the excess emission, but the excess emission would still be a violation of applicable SIP limitations. In addition to the change to 9VAC5–20–180(G), Revision B16 also includes 2016 amendments to 9VAC5–20–180(C) to allow 9VAC5–20–180(G) to operate properly,<sup>12</sup> and to make several minor administrative changes. Revision B16 also includes an amendment to 9VAC5–20–180(F) to add language stating that if there are differences in provisions governing malfunction for sources subject to the New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAP)

under 40 CFR parts 60, 61 and 63, the more restrictive standard shall apply.

*C. Revisions C09, D09 and E09*

Revisions C09, D09 and E09 contain updates to five regulations in the Virginia Administrative Code addressing control techniques guidelines (CTGs) for the Northern Virginia Area which were incorporated into the Virginia SIP by EPA in 2016.<sup>13</sup> These updates add a reference to the provisions in 9VAC5–20–180. The C09, D09 and E09 additions each state “The provisions of 9VAC5–20–180 (Facility and control equipment maintenance or malfunction) apply.” See Table 1 in this document, for a list with the name of each regulation for which a reference to 9VAC5–20–180 was added. At the time these regulations were promulgated by Virginia, there was uncertainty as to the status of Virginia’s malfunction regulations so Virginia did not submit them as a SIP revision. When Virginia submitted revision B16, it included Revisions C09, D09 and E09 as part of the SIP package.

TABLE 1—UPDATED REFERENCES IN REVISIONS C09, D09 AND E09

Revision	Title of regulation updated to reference 9 Va. admin. code §5–20–180	Regulatory citation and updated text
C09	Article 56. Emission Standards for Letterpress Printing Operations in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-Hour Ozone Standard (Rule 4–56).	<i>9VAC5–40–8416. Facility and control equipment maintenance or malfunction.</i> The provisions of 9VAC5–20–180 (Facility and control equipment maintenance or malfunction) apply.
C09	Article 56.1. Emission Standards for Offset Lithographic Printing Operations in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4–56.1).	<i>9VAC5–40–8470. Facility and control equipment maintenance or malfunction.</i> The provisions of 9VAC5–20–180 (Facility and control equipment maintenance or malfunction) apply.
D09	Article 57. Emission Standards for Industrial Solvent Cleaning Operations in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4–57).	<i>9VAC5–40–8640. Facility and control equipment maintenance or malfunction.</i> The provisions of 9VAC5–20–180 (Facility and control equipment maintenance or malfunction) apply.
D09	Article 58. Emissions Standards for Miscellaneous Industrial Adhesive Application Processes in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4–58).	<i>9VAC5–40–8790. Facility and control equipment maintenance or malfunction.</i> The provisions of 9VAC5–20–180 (Facility and control equipment maintenance or malfunction) apply.
E09	Article 59. Emission Standards for Miscellaneous Metal Parts and Products Coating Application Systems in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4–59).	<i>9VAC5–40–8940. Facility and control equipment maintenance or malfunction.</i> The provisions of 9VAC5–20–180 (Facility and Control Equipment Maintenance or Malfunction) apply.

**III. Proposed Action**

EPA is proposing to approve the Virginia SIP revision, submitted August 1, 2016, which addresses the deficiency cited in EPA’s 2015 SSM SIP Action and makes other small changes to Virginia’s SIP. The revision removes the language from 9VAC5–20–180 which stated that

no violation of applicable emission standards or monitoring requirements shall be judged to have taken place if the excess emissions or cessation of monitoring activities is due to a malfunction, under certain circumstances. EPA is therefore also proposing to determine that this portion of Virginia’s 2016 SIP revision corrects

the deficiencies identified in EPA’s 2015 SSM SIP Action. EPA is not reopening the 2015 SSM SIP Action and is only taking comment on whether this SIP revision is consistent with CAA requirements and whether it addresses the inadequacies in the specific Virginia SIP provision (9VAC5–20–180) identified in the 2015 SSM SIP Action.

<sup>12</sup> 9VAC5–20–180(C) contains requirements a facility must undertake in the event that “air pollution control equipment fails, or malfunctions

...” Revision B16 adds text to 9VAC5–20–180(C) which states “and the demonstrations in subsection

G of this section.” making the criteria in 9VAC5–20–180(G) a reporting requirement.

<sup>13</sup> See 81 FR 72711 (October 21, 2016).

#### IV. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) “privilege” for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia’s legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia’s Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information “required by law,” including documents and information “required by Federal law to maintain program delegation, authorization or approval,” since Virginia must “enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. . . .” The opinion concludes that “[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.”

Virginia’s Immunity law, Va. Code Sec. 10.1–1199, provides that “[t]o the extent consistent with requirements

imposed by Federal law,” any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General’s January 12, 1998, opinion states that the quoted language renders this statute inapplicable to enforcement of any federally authorized programs, since “no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.”

Therefore, EPA has determined that Virginia’s Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

#### V. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the amendments to 9VAC5–20–180 (Pertaining to Facility Control Equipment and Malfunction), 9VAC5–40–8416, 9VAC5–40–8470, 9VAC5–40–8640, 9VAC5–40–8790, and 9VAC5–40–8940 in section 52.2420, as explained in Section II of this document. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document for more information).

#### VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions,

EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the

negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.” The air agency did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as

part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

The SIP is not approved to apply on any Indian reservation land as defined in 18 U.S.C. 1151 or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule pertaining to Virginia’s Startup, Shutdown, and Malfunction Amendments to Facility and Control Equipment Maintenance or Malfunction

Regulations does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements.

**Diana Esher,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2023–08235 Filed 4–19–23; 8:45 am]

**BILLING CODE 6560–50–P**

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by May 22, 2023 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

### Food and Nutrition Service

*Title:* Review of Major Changes in the Supplemental Nutrition Assistance Program (SNAP).

*OMB Control Number:* 0584–0579.

*Summary of Collection:* Section 11 of the Act (7 U.S.C. 2020) requires the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) to develop standards for identifying major changes in the operations of State agencies that administer SNAP. Section 272.15 of the regulations requires State agencies to notify the Department when planning to implement a major change in operations and State agencies to collect any information required by the Department to identify and correct any adverse effects on program integrity or access, including access by vulnerable households.

*Need and Use of the Information:* FNS will use the information to for the purpose of administering an ongoing program. This information is also collected to allow FNS to properly monitor program integrity and compliance.

*Description of Respondents:* State, local, or Tribal government.

*Number of Respondents:* 13 out of 53.

*Frequency of Responses:* Recordkeeping; reporting: annually.

*Total Burden Hours:* 8,860.

### Ruth Brown,

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2023–08334 Filed 4–19–23; 8:45 am]

**BILLING CODE 3410–30–P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Pennsylvania 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 Pennsylvania Advisory Committee to the U.S. Commission on Civil Rights

will hold a public meeting via Zoom. The purpose of the meeting is for the Committee to discuss the current draft of its upcoming report on fair housing.

**DATES:** Thursday, May 4, 2023, from 1:30 p.m.–2:30 p.m. Eastern Time.

**ADDRESSES:** The meeting will be held via Zoom. <https://www.zoomgov.com/j/1613217382>.

*Registration Link (Audio/Visual):*

<https://www.zoomgov.com/j/1613217382>.

*Join by Phone (Audio Only):* 1–833–435–1820 USA Toll-Free; Meeting ID: 161 321 7382.

**FOR FURTHER INFORMATION CONTACT:** David Mussatt, Chief of RPCU, at [dmussatt@usccr.gov](mailto:dmussatt@usccr.gov) or (312) 353–8311.

**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 [csanders@usccr.gov](mailto:csanders@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 David Mussatt at [dmussatt@usccr.gov](mailto:dmussatt@usccr.gov). Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 794–9856.

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](http://www.facadatabase.gov) under the

Commission on Civil Rights, Pennsylvania 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 [canders@usccr.gov](mailto:canders@usccr.gov).

#### Agenda

- I. Welcome & Roll Call
- II. Discussion:
  - Review of draft report and approve final vote
- III. Public Comment
- IV. Next Steps
- V. Adjournment

Dated: April 14, 2023.

#### David Mussatt,

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2023-08259 Filed 4-19-23; 8:45 am]

**BILLING CODE P**

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## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Virginia Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Notice of public meetings.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Virginia Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold public meetings via Zoom. The purpose of these meetings is to review, discuss, revise, and vote, as needed, on matters related to the Committee's civil rights project on Police Oversight and Accountability in Virginia.

#### DATES:

Friday, April 28, 2023, from 1:00 p.m.–2:00 p.m. Eastern Time

Wednesday, May 31, 2023, from 3:00 p.m.–4:00 p.m. Eastern Time

Friday, June 16, 2023, from 11:00 a.m.–12:00 p.m. Eastern Time

**ADDRESSES:** The meetings will be held via Zoom.

*April 28th Business Meeting:*

—*Registration Link (Audio/Visual):*

<https://www.zoomgov.com/j/1600850868>

—*Join by Phone (Audio Only):* 1-833-435-1820 USA Toll-Free; Meeting ID: 160 085 0868#

*May 31st Business Meeting:*

—*Registration Link (Audio/Visual):*

<https://www.zoomgov.com/j/1609753120>

—*Join by Phone (Audio Only):* 1-833-435-1820 USA Toll-Free; Meeting ID: 160 975 3120#

*June 16th Business Meeting:*

—*Registration Link (Audio/Visual):*

<https://www.zoomgov.com/j/1616744701>

—*Join by Phone (Audio Only):* 1-833-435-1820 USA Toll-Free; Meeting ID: 161 674 4701#

#### FOR FURTHER INFORMATION CONTACT:

Victoria Moreno, Designated Federal Officer, at [vmoreno@usccr.gov](mailto:vmoreno@usccr.gov) or 1-434-515-0204.

**SUPPLEMENTARY INFORMATION:** These committee meetings are available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email [svillanueva@usccr.gov](mailto:svillanueva@usccr.gov) at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Sarah Villanueva at [svillanueva@usccr.gov](mailto:svillanueva@usccr.gov). Persons who desire additional information may contact the Regional Programs Coordination Unit at 1-434-515-0204.

Records generated from these meetings 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](http://www.facadatabase.gov) under the Commission on Civil Rights, Virginia Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at [svillanueva@usccr.gov](mailto:svillanueva@usccr.gov).

#### Agenda

- I. Welcome & Roll Call
- II. Discussion: Draft Report on Police Oversight and Accountability in Virginia
- III. Vote (if applicable)
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

*Exceptional Circumstance:* Pursuant to 41 CFR 102-3.150, the notice for this meeting is given fewer than 15 calendar days prior to the meeting, as the Committee's project needs to reach completion before their term ends.

Dated: April 17, 2023.

#### David Mussatt,

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2023-08340 Filed 4-19-23; 8:45 am]

**BILLING CODE P**

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## DEPARTMENT OF COMMERCE

### Office of the Secretary

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Challenge and Prize Competition Solicitations Generic Clearance

**AGENCY:** Office of the Secretary, Department of Commerce.

**ACTION:** Notice; request for comments.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before June 20, 2023.

**ADDRESSES:** Interested persons are invited to submit written comments to the Department Paperwork Reduction Act Clearance Officer, Department of Commerce, at [PRAComments@doc.gov](mailto:PRAComments@doc.gov). All comments received are part of the public record. Comments will generally be posted without change. Please reference OMB Control Number 0690-0031 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or specific questions related to collection activities should be directed to S. Dumas, the DOC PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, 14th and Constitution Avenue NW, Washington, DC 20230, (202) 482-3306 or at [PRAComments@doc.gov](mailto:PRAComments@doc.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

This request is for an extension of a currently approved generic clearance for the collection of routine information requested of respondents in challenges and competitions that the Department of Commerce posts on the General Service Administration (GSA)'s *Challenge.gov* website since passage of the America COMPETES Act of 2011. In order for DOC to launch competitions quickly and effectively on a continual basis, DOC seeks generic clearance to collect information for these challenges and competitions, which will generally include first name, last name, email, city, state and when applicable other demographic information. It can also include other information necessary to evaluate submissions and understand their impact related to the general goals of the competition. Upon entry or during the judging process, applicants under the age of 18 may be asked to confirm parental consent, requiring students under 18 to have a parent's signature on a parental consent form provided by the DOC in order to qualify for the contest. For certain challenges we may also need to collect data such as types of data sets used in the solution, types of software tools used in the solution, and information regarding uses of proprietary software (*i.e.*, licenses or use agreements). Information obtained from participants will be used by the program managers (challenge manager), technical reviewers, and other agency officials (such as agency counsels).

In 2011, Federal agencies including DOC were given prize authority for administering challenges and competitions. Section 105(a) of the America Competes Act, adds Section 24 to the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701 *et seq.*) that addresses provisions for challenges and competitions with prizes conducted by Federal agencies. Challenges and competitions enable DOC to tap into the expertise and creativity of the public in new ways. DOC evaluates submissions and typically awarded monetary or non-monetary prizes to winning entries. DOC may sponsor challenges and

competitions in a wide variety of areas to increase public participation and solicit new ideas on a wide array of topics important to the agency's mission. DOC's goal is to engage a broader number of stakeholders who are inspired to work on some of our most pressing issues.

The information collected will be used to understand whether the participant has met the technical requirements for the challenge, assist in the technical review and judging of the solutions that are provided, and assess how the competition was administered. Information may be collected during the competition or after its completion.

This clearance applies to challenges posted on *Challenge.gov*, which uses a common platform for the solicitation of challenges from the public. Each agency designs the criteria for its solicitations based on the goals of the challenge and the specific needs of the agency. There is no standard submission format for solution providers to follow, and there is no set schedule for the issuance of challenges; they are developed and issued on an "as needed" basis in response to issues the federal agency wishes to solve.

**II. Method of Collection**

The primary method of collection will be electronic. Some supporting documents may be emailed, mailed, or collected in person.

**III. Data**

*OMB Control Number:* 0690-0031.

*Form Number(s):* None.

*Type of Review:* Regular submission [Extension of a current information collection].

*Affected Public:* Individuals or Households, Businesses or for-profit organizations, State, Local or Tribal Government, etc.

*Estimated Number of Respondents:* 1,100.

*Estimated Time per Response:* 10-30 minutes.

*Estimated Total Annual Burden Hours:* 800.

*Estimated Total Annual Cost to Public:* Nominal.

*Respondent's Obligation:* Voluntary.

*Frequency of Requests:* One-time.

*Legal Authority:* 15 U.S.C. 3701 *et seq.*

**IV. Request for Comments**

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and

cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

[FR Doc. 2023-08300 Filed 4-19-23; 8:45 am]

**BILLING CODE 3510-13-P**

**DEPARTMENT OF COMMERCE****Office of the Secretary**

**Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Generic Clearance Improving Customer Experience (OMB Circular A-11, Section 280 Implementation)**

**AGENCY:** Office of the Secretary, Department of Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before June 20, 2023.

**ADDRESSES:** Interested persons are invited to submit written comments to the Department Paperwork Reduction Act Clearance Officer, Department of Commerce, 14th and Constitution Avenue NW, Washington, DC 20230 or via the internet at [PRAComments@doc.gov](mailto:PRAComments@doc.gov). All comments received are part of the public record. Comments will generally be posted without change. Please reference OMB Control Number 0690–0035 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to S. Dumas, DOC PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, 14th and Constitution Avenue NW, Washington, DC 20230 (202) 482–3306 or at [PRAComments@doc.gov](mailto:PRAComments@doc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

This is a request for an extension of a currently approved information collection.

In March 2018, the Administration of President Trump launched the President's Management Agenda (PMA) and established new Cross-Agency Priority (CAP) Goals. Excellent service was established as a core component of the mission, service, stewardship model that frames the entire PMA, embedding a customer-focused approach in all of the PMA's initiatives. This model was also included in the 2018 update of the Federal Performance Framework in Circular A–11, ensuring 'excellent service' as a focus in future agency strategic planning efforts. The PMA included a CAP Goal on Improving Customer Experience with Federal Services, with a primary strategy to drive improvements within twenty-five of the nation's highest impact programs. This effort is supported by an interagency team and guidance in Circular A–11 requiring the collection of customer feedback data and increasing the use of industry best practices to conduct customer research.

The continuation of this information collection will enable the Department of Commerce to act in accordance with OMB Circular A–11 Section 280 to ultimately transform the experience of its customers to improve both efficiency and mission delivery and increase accountability by communicating about these efforts with the public.

Commerce will collect, analyze, and interpret information gathered through

this generic clearance to identify services' accessibility, navigation, and use by customers, and make improvements in service delivery based on customer insights gathered through developing an understanding of the user experience interacting with Government. To support this, OMB Circular A–11 Section 280 established government-wide standards for mature customer experience organizations in government and measurement. To enable Federal programs to deliver the experience taxpayers deserve, they must undertake three general categories of activities: conduct ongoing customer research, gather, and share customer feedback, and test services and digital products.

These data collection efforts may be either qualitative or quantitative in nature or may consist of mixed methods. Additionally, data may be collected via a variety of means, including but not limited to electronic or social media, direct or indirect observation (*i.e.*, in person, video and audio collections), interviews, questionnaires, surveys, and focus groups. DOC will limit its inquiries to data collections that solicit strictly voluntary opinions or responses. Steps will be taken to ensure anonymity of respondents in each activity covered by this request.

All High Impact Service Providers listed at <https://www.performance.gov/cx/HISPList.pdf> are required to ask questions in these domains of their customers. However, all agencies are encouraged to conduct their customer experience measurements in line with these standard measures.

As discussed in OMB guidance, agencies should identify their highest-impact customer journeys (using customer volume, annual program cost, and/or knowledge of customer priority as weighting factors) and select touchpoints/transactions within those journeys to collect feedback. For the purposes of this collection, Federal customer experience will focus on real-time transaction-level measures.

The results will be used to improve the delivery of Federal services and programs. It will also provide government-wide data on customer experience that can be displayed on [www.performance.gov](http://www.performance.gov) to help build transparency and accountability of Federal programs to the customers they serve.

As a general matter, these information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual

behavior and attitudes, and religious beliefs.

The Department of Commerce will only submit collections under this generic clearance if it meets the following conditions:

The collections are voluntary.

The collections are low-burden for respondents (based on considerations of total burden hours or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government.

The collections are non-controversial and do not raise issues of concern to other Federal agencies. Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future.

Personally identifiable information (PII) is collected only to the extent necessary and is not retained. Information gathered is intended to be used for general service improvement and program management purposes.

Upon agreement between OMB and the agency all or a subset of information may be released as part of A–11, Section 280 requirements only on [performance.gov](http://performance.gov). Summaries of customer research and user testing activities may be included in public-facing customer journey maps.

Additional release of data must be done coordinated with OMB. These collections will allow for ongoing, collaborative, and actionable communications between the Agency, its customers and stakeholders, and OMB as it monitors agency compliance on Section 280. These responses will inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on services will be unavailable.

**II. Method of Collection**

The Department of Commerce will collect this information by electronic means, when possible, as well as by mail, fax, telephone, technical discussions; and customer experience activities such as feedback surveys, focus groups, user testing, and in-person interviews.

The Department of Commerce may also utilize observational techniques to collect this information.

**III. Data**

*OMB Control Number:* 0690–0035.

*Form Number(s):* None.

*Type of Review:* Regular submission, extension without change of a currently approved collection.

*Estimated Number of Respondents:* 300,000.

*Estimated Time per Response:* Varied, dependent upon the data collection method used. The possible response time to complete a questionnaire or survey may be 3 minutes or up to 2 hours to participate in an interview or focus group.

*Estimated Total Annual Burden Hours:* 27,725.

*Estimated Total Annual Cost to the Public:* Zero.

*Respondent's Obligation:* Voluntary.

*Affected Public:* Collections will be targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future. For the purposes of this request, “customers” are individuals, businesses, and organizations that interact with a Federal Government agency or program, either directly or via a Federal contractor. This could include individuals or households; businesses or other for-profit organizations; not-for-profit institutions; State, local or tribal governments; Federal government; and Universities.

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

[FR Doc. 2023–08301 Filed 4–19–23; 8:45 am]

**BILLING CODE 3510–17–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B–29–2023]

#### Foreign-Trade Zone (FTZ) 7, Notification of Proposed Production Activity; AbbVie Ltd.; (Pharmaceutical Products); Barceloneta, Puerto Rico

AbbVie Ltd., submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Barceloneta, Puerto Rico within Subzone 7I. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on April 10, 2023.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz). The proposed finished product(s) and material(s)/component(s) would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed finished product is RINVOQ® (upadacitinib) tablets (duty-free).

The proposed foreign-status material is upadacitinib active pharmaceutical ingredient (duty rate 6.5%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: [ftz@trade.gov](mailto:ftz@trade.gov). The closing period for their receipt is May 30, 2023.

A copy of the notification will be available for public inspection in the “Online FTZ Information System” section of the Board's website.

For further information, contact Christopher Wedderburn at [Chris.Wedderburn@trade.gov](mailto:Chris.Wedderburn@trade.gov).

Dated: April 14, 2023.

**Elizabeth Whiteman,**  
*Acting Executive Secretary.*

[FR Doc. 2023–08327 Filed 4–19–23; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–533–874]

#### Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From India: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on certain cold-drawn mechanical tubing of carbon and alloy steel (cold-drawn mechanical tubing) from India would be likely to lead to the continuation or recurrence of countervailable subsidies at the levels indicated in the “Final Results of Sunset Review” section of this notice.

**DATES:** Applicable April 20, 2023.

**FOR FURTHER INFORMATION CONTACT:** Whitley Herndon, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6274.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 1, 2018, Commerce published in the **Federal Register** the *Order* on cold-drawn mechanical tubing from India.<sup>1</sup> On January 3, 2023, Commerce published the notice of initiation of the first sunset review of the *Order*, in accordance with section 751(c) of the Tariff Act of 1930, as amended (the Act).<sup>2</sup> On January 17, 2023, Commerce received a timely notice of intent to participate from ArcelorMittal Tubular Products, Michigan Seamless Tube LLC, PTC Alliance Corp., Webco Industries, Inc., and Zekelman Industries, Inc. (collectively, the domestic interested parties).<sup>3</sup> The domestic interested parties claimed interested party status under section 771(9)(C) of the Act as a group of domestic producers engaged in

<sup>1</sup> See *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China and India: Countervailing Duty Orders*, 83 FR 4637 (February 1, 2018) (*Order*); see also *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China and India: Countervailing Duty Orders; Correction*, 86 FR 30595 (June 9, 2021).

<sup>2</sup> See *Initiation of Five-Year (Sunset) Reviews*, 88 FR 63 (January 3, 2023).

<sup>3</sup> See Domestic Interested Parties' Letter, “Domestic Interested Parties' Notice of Intent to Participate,” dated January 17, 2023.

the production of cold-drawn mechanical tubing in the United States.

On February 1, 2023, Commerce received a timely and adequate substantive response from the domestic interested parties.<sup>4</sup> We received no substantive responses from any other interested parties, including the Government of India, nor was a hearing requested. On February 24, 2023, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.<sup>5</sup> As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order*.

### Scope of the Order

The merchandise covered by the *Order* is certain cold-drawn mechanical tubing of carbon and alloy steel. For a complete description of the scope, see the Issues and Decision Memorandum.<sup>6</sup>

### Analysis of Comments Received

All issues raised in this sunset review are addressed in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the topics discussed in the Issues and Decision Memorandum is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

### Final Results of Sunset Review

Pursuant to sections 751I(1) and 752(b) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to the continuation or recurrence of countervailable subsidies at the rates listed below:

<sup>4</sup> See Domestic Interested Parties' Letter, "Domestic Interested Parties' Substantive Response," dated February 1, 2023 (Substantive Response).

<sup>5</sup> See Commerce's Letter, "Sunset Reviews for January 2023," dated February 24, 2023.

<sup>6</sup> See Memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Countervailing Duty Order on Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Producer/exporter	Subsidy rate (percent <i>ad valorem</i> )
Goodluck India Limited .....	8.07
Tube Investments of India Limited .....	42.77
All Others .....	22.63

### Administrative Protective Order (APO)

This notice serves as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

### Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: April 14, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. History of *Order*
- V. Legal Framework
- VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Countervailable Subsidies
  2. Net Countervailable Subsidy Rates That Are Likely To Prevail
  3. Nature of the Subsidies
- VII. Final Results of Sunset Review
- VIII. Recommendation

[FR Doc. 2023-08365 Filed 4-19-23; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-883]

#### Certain Hot-Rolled Steel Flat Products From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2020-2021

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that the producers/exporters subject to this review made sales of subject

merchandise at less than normal value during the period of review (POR), October 1, 2020, through September 30, 2021. Commerce also determines that one mandatory respondent did not make sales of subject merchandise at less than normal value during the POR.

**DATES:** Applicable April 20, 2023.

#### FOR FURTHER INFORMATION CONTACT:

Christopher Williams or Thomas Schauer, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5166 or (202) 482-0410, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Background

On November 1, 2022, Commerce published in the **Federal Register** the preliminary results of the 2020-2021 administrative review of the antidumping duty order on hot-rolled steel flat products (hot-rolled steel) from the Republic of Korea (Korea).<sup>1</sup> This review covers 14 producers/exporters of the subject merchandise, Hyundai Steel Company (Hyundai Steel), POSCO,<sup>2</sup> and 12 non-selected companies. We invited parties to comment on the *Preliminary Results*.<sup>3</sup> On December 1, 2022, we received case briefs from the petitioners<sup>4</sup> and from the mandatory respondents, Hyundai Steel and POSCO.<sup>5</sup> On December 15, 2022, the petitioners and Hyundai Steel submitted rebuttal briefs.<sup>6</sup> On February 2, 2023,

<sup>1</sup> See *Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2020-2021*, 87 FR 65744 (November 1, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> Commerce treated POSCO and POSCO International Corporation (PIC) as a single entity in the most recently completed review. See *Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2019-2020*, 86 FR 59985 (October 29, 2021), and accompanying Preliminary Decision Memorandum at 6-13, unchanged in *Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2019-2020*, 87 FR 12660 (March 7, 2022). Therefore, we continue to treat POSCO and PIC as a single entity in this review; no party commented on this treatment.

<sup>3</sup> See *Preliminary Results*, 87 FR at 65745.

<sup>4</sup> See Petitioners' Letter, "Petitioners' Case Brief," dated December 1, 2022. The petitioners are SSAB Enterprises, LLC, and Steel Dynamics, Inc. (collectively, the petitioners).

<sup>5</sup> See Hyundai Steel's Letter, "Hyundai Steel's Case Brief," dated December 1, 2022; and POSCO's Letter, "POSCO/PIC's Case Brief," dated December 1, 2022.

<sup>6</sup> See Petitioners' Letter, "Petitioners' Rebuttal Brief," dated December 15, 2022; see also Hyundai Steel's Letter, "Hyundai Steel's Rebuttal Brief," dated December 15, 2022.

Commerce extended the deadline for the final results of review until April 28, 2023.<sup>7</sup> Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

**Scope of the Order**

The products covered by the *Order*<sup>8</sup> are hot-rolled steel. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.<sup>9</sup>

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs that were submitted by parties in this administrative review are addressed in the Issues and Decision Memorandum and are listed in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Changes Since the Preliminary Results**

Based on the comments received from interested parties regarding our *Preliminary Results*, and for the reasons explained in the Issues and Decision Memorandum, we made certain changes for the final results of review.

**Rates for Non-Examined Companies**

The Act and Commerce’s regulations do not address the establishment of a rate to be applied to companies not selected for examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for

<sup>7</sup> See Memorandum, “Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2020–2021,” dated February 2, 2023.

<sup>8</sup> See *Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Australia, the Republic of Korea, and the Republic of Turkey and Antidumping Duty Orders*, 81 FR 67962 (October 3, 2016) (*Order*).

<sup>9</sup> See Memorandum, “Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review; 2020–2021: Certain Hot-Rolled Steel Flat Products from the Republic of Korea,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely on the basis of facts available.

In this review, we calculated a weighted-average dumping margin for one of the mandatory respondents, Hyundai Steel, that is not zero, *de minimis*, or determined entirely on the basis of facts available. Accordingly, because the second mandatory respondent, POSCO’s margin is *de minimis*, Commerce assigned to the companies not individually examined, listed in the chart below, a margin of 0.88 percent based on Hyundai Steel’s calculated weighted-average dumping margin.

**Final Results of Review**

We determine that the following weighted-average dumping margins exist for the period October 1, 2020, through September 30, 2021.

Producer/exporter	Weighted-average dumping margin (percent)
Hyundai Steel Company .....	0.88
POSCO; POSCO International Corporation .....	0.00

**Review-Specific Average Rate Applicable to the Following Companies:**

Producer/exporter	Weighted-average dumping margin (percent)
Del Trading Inc .....	0.88
Dongkuk Industries Co., Ltd .....	0.88
Dongkuk Steel Mill Co., Ltd .....	0.88
Gs Global Corp .....	0.88
Gs Holdings Corp .....	0.88
KG Dongbu Steel Co., Ltd .....	0.88
Marubeni-Itochu Steel Korea, Ltd .....	0.88
Samsung C and T Corporation ..	0.88
Snp Ltd .....	0.88
Soon Ho Co., Ltd .....	0.88
Soon Hong Trading Co. Ltd .....	0.88
Sungjin Co., Ltd .....	0.88

**Disclosure**

We intend to disclose the calculations performed in connection with these final results to parties in this proceeding within five days after public announcement of the final results or, if

there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b).

**Assessment Rates**

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

For Hyundai Steel, we calculated importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer’s examined sales and the total entered value of those sales in accordance with 19 CFR 351.212(b)(1). Where an importer-specific assessment rate is *de minimis* (*i.e.*, less than 0.5 percent), the entries by that importer will be liquidated without regard to antidumping duties. Because POSCO’s weighted-average dumping margin is zero, we will instruct CBP to liquidate POSCO’s entries without regard to duties in accordance with 19 CFR 351.106(c)(1).

For entries of subject merchandise during the POR produced by either of the individually examined respondents for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

For the companies identified above that were not selected for individual examination, we will instruct CBP to liquidate entries at the rate established in these final results of review.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

**Cash Deposit Requirements**

Upon publication of this notice in the **Federal Register**, the following cash deposit requirements will be effective for all shipments of hot-rolled steel entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) the cash deposit

rates for the companies subject to this review will be equal to the weighted-average dumping margin established in the final results of the review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer has been covered in a prior completed segment of this proceeding, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 6.05 percent, the all-others rate established in the less-than-fair-value investigation for this proceeding.<sup>10</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

#### Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

#### Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: April 14, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Changes Since the *Preliminary Results*
- V. Discussion of the Issues
  - Comment 1: Hyundai Steel's Quarterly Costs
  - Comment 2: Hyundai Steel's Cost Adjustments
  - Comment 3: Cost Recovery Methodology
  - Comment 4: POSCO's Cost Smoothing
- VI. Recommendation

[FR Doc. 2023-08393 Filed 4-19-23; 8:45 am]

**BILLING CODE 3510-DS-P**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[RTID 0648-XC949]

##### North Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of hybrid meeting.

**SUMMARY:** The North Pacific Fishery Management Council's (Council) Crab Plan Team will meet May 16, 2023 through May 18, 2023.

**DATES:** The meeting will be held on Tuesday, May 16, 2023 to Thursday May 18, 2023, 2023, from 9 a.m. to 4:30 p.m. Alaska time.

**ADDRESSES:** The meeting will be a hybrid meeting. Attend in person at the Alaska Regional Office in Juneau, AK at 709 W 9th St., Juneau, AK 99802-1668 or join online through the link at <https://meetings.npfmc.org/Meeting/Details/2990>. Instructions for attending the meeting via video conference are given under **SUPPLEMENTARY INFORMATION**, below.

**FOR FURTHER INFORMATION CONTACT:** Sarah Rheinsmith, Council staff; phone: (907) 271-2809; email: [sarah.rheinsmith@noaa.gov](mailto:sarah.rheinsmith@noaa.gov). For technical support, please contact our admin Council staff, email: [npfmc.admin@noaa.gov](mailto:npfmc.admin@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

#### Agenda

*Tuesday May 16, 2023 Through Thursday, May 18, 2023*

*The agenda will include:* (a) the simpler modeling working group report; (b) WAIRKC final SAFE; (c) PIGKC final SAFE; (d) AIGKC final SAFE; (e) PIBKC proposed models; (f) BBRKC proposed model runs; (g) Snow crab proposed model runs; (h) Tanner crab proposed models; (i) Bering sea red crab stock structure template; (j) unobserved mortality ongoing research discussion; (k) BSFRF update; and (m) additional topics. The agenda is subject to change, and the latest version will be posted at <https://meetings.npfmc.org/Meeting/Details/2990> prior to the meeting, along with meeting materials.

#### Connection Information

You can attend the meeting online using a computer, tablet, or smart phone, or by phone only. Connection information will be posted online at: <https://meetings.npfmc.org/Meeting/Details/2990>.

#### Public Comment

Public comment letters will be accepted and should be submitted electronically to <https://meetings.npfmc.org/Meeting/Details/2990>.

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

Dated: April 17, 2023.

**Rey Israel Marquez,**

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

[FR Doc. 2023-08377 Filed 4-19-23; 8:45 am]

**BILLING CODE 3510-22-P**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[RTID 0648-XC938]

##### Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

**ACTION:** Notice; public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council) will hold a meeting of the Scientific and Statistical Committee (SSC).

**DATES:** The meeting will be held on Tuesday, May 9, 2023, starting at 9:30 a.m. and continue through 1:30 p.m. on Wednesday, May 10, 2023. See **SUPPLEMENTARY INFORMATION** for agenda details.

<sup>10</sup> See *Order*, 81 FR at 67963, 67965.

**ADDRESSES:**

*Meeting address:* This will be an in-person meeting with a virtual option. SSC members, other invited meeting participants, and members of the public will have the option to participate in person at the Hilton Baltimore Harbor Point, 1215 Wills Street, Baltimore, MD, or virtually via Webex webinar. Webinar connection instructions and briefing materials will be available at: [www.mafmc.org/ssc](http://www.mafmc.org/ssc).

*Council address:* Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331; website: [www.mafmc.org](http://www.mafmc.org).

**FOR FURTHER INFORMATION CONTACT:**

Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526-5255.

**SUPPLEMENTARY INFORMATION:** During this meeting, the SSC will review the most recent survey and fishery data and the previously recommended 2024 Acceptable Biological Catch (ABC) for Atlantic Surfclam, Ocean Quahog, Butterfish, Chub Mackerel, Golden Tilefish, and Blueline Tilefish. The SSC will also receive an introductory overview of the recently peer reviewed Spiny Dogfish and Bluefish research track stock assessment information. The Greater Atlantic Regional Fisheries Office will give an overview on the development and peer review outcomes for the Mid-Atlantic/New England Catch Accounting and Monitoring System (CAMS). The SSC will also develop guidance for Council consideration on constant/average ABC recommendations and possible updates to the overfishing limit (OFL) coefficient of variation (CV) guidance document. The SSC may take up any other business as necessary.

A detailed agenda and background documents will be made available on the Council's website ([www.mafmc.org](http://www.mafmc.org)) prior to the meeting.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526-5251, at least 5 days prior to the meeting date.

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

Dated: April 17, 2023.

**Rey Israel Marquez,**

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

[FR Doc. 2023-08375 Filed 4-19-23; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[RTID 0648-XC950]

**North Pacific Fishery Management Council; Public Meeting**

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

**ACTION:** Notice of hybrid meeting.

**SUMMARY:** The North Pacific Fishery Management Council (Council) Fishery Monitoring Advisory Committee (FMAC) will meet May 10, 2023 and May 11, 2023.

**DATES:** The meeting will be held on Wednesday, May 10, 2023 to Thursday, May 11, 2023, from 8:30 a.m. to 4 p.m. Alaska Time.

**ADDRESSES:** The meeting will be a hybrid meeting. Attend in-person at the North Pacific Fisheries office, 1007 West Third Ave., Suite 400, Anchorage, AK 99501 or join online through the link at <https://meetings.npfmc.org/Meeting/Details/2992>.

*Council address:* North Pacific Fishery Management Council, 1007 W 3rd Ave., Anchorage, AK 99501-2252; telephone: (907) 271-2809. Instructions for attending the meeting are given under **SUPPLEMENTARY INFORMATION** below.

**FOR FURTHER INFORMATION CONTACT:** Sara Cleaver, Council staff; phone: (907) 271-2809; email: [sara.cleaver@noaa.gov](mailto:sara.cleaver@noaa.gov). For technical support, please contact Council administrative staff, email: [npfmc.admin@noaa.gov](mailto:npfmc.admin@noaa.gov).

**SUPPLEMENTARY INFORMATION:****Agenda**

*Wednesday, May 10, 2023–Thursday, May 11, 2023*

The May 2023 FMAC agenda will include: (a) updates since the last FMAC meeting; (b) an abbreviated 2022 Observer Annual report; (c) discussion of draft 2024 Annual Deployment Plan (ADP) and partial coverage cost efficiencies analysis, (d) electronic monitoring (EM) issues and prioritization, and (e) other business. The agenda is subject to change, and the latest version will be posted at <https://meetings.npfmc.org/Meeting/Details/2936> prior to the meeting, along with meeting materials.

**Connection Information**

You can attend the meeting online using a computer, tablet, or smartphone; or by phone only. Connection

information will be posted online at: <https://meetings.npfmc.org/Meeting/Details/2992>. If you are attending the meeting in-person please note that all attendees will be required to wear a mask.

**Public Comment**

Public comment letters will be accepted and should be submitted electronically to <https://meetings.npfmc.org/Meeting/Details/2992>.

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

Dated: April 17, 2023.

**Rey Israel Marquez,**

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

[FR Doc. 2023-08378 Filed 4-19-23; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[RTID 0648-XC931]

**Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings**

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

**ACTION:** Notice of seminar series presentation via webinar.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will host a presentation on Florida's State Reef Fish Survey via webinar May 9, 2023.

**DATES:** The webinar presentation will be held on Tuesday, May 9, 2023, from 1 p.m. until 2:30 p.m.

**ADDRESSES:**

*Meeting address:* The presentation will be provided via webinar. The webinar is open to members of the public. Information, including a link to webinar registration will be posted on the Council's website at: <https://safmc.net/safmc-seminar-series/> as it becomes available.

*Council address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer, SAFMC; phone: (843) 302-8439 or toll free: (866) SAFMC-10; fax: (843) 769-4520; email: [kim.iverson@safmc.net](mailto:kim.iverson@safmc.net).

**SUPPLEMENTARY INFORMATION:** The Council will host a presentation from Florida Fish and Wildlife Research Institute staff on the State Reef Fish

Survey. The presentation will include information on why the survey was created, how the survey is conducted, species that are included, and information on landings. A question-and-answer session will follow the presentation. Members of the public will have the opportunity to participate in the discussion. The presentation is for informational purposes only and no management actions will be taken.

#### Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

**Note:** The times and sequence specified in this agenda are subject to change.

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

Dated: April 17, 2023.

#### Key Israel Marquez,

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

[FR Doc. 2023-08374 Filed 4-19-23; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC948]

#### North Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of hybrid meeting.

**SUMMARY:** The North Pacific Fishery Management Council's (NPFMC) Ecosystem Committee will meet May 8, 2023.

**DATES:** The meeting will be held on Monday, May 8, 2023, from 8:30 a.m. to 4:30 p.m. Alaska Time.

**ADDRESSES:** The meeting will be a hybrid meeting. Attend in-person at the North Pacific Fishery Management Council office in Anchorage, Alaska or join online through the link at <https://meetings.npfmc.org/Meeting/Details/2989>.

*Council address:* North Pacific Fishery Management Council, 1007 W 3rd Ave., Anchorage, AK 99501-2252; telephone: (907) 271-2809. Instructions for attending the meeting are given under **SUPPLEMENTARY INFORMATION**, below.

**FOR FURTHER INFORMATION CONTACT:** Nicole Watson, Council staff; phone:

(907) 271-2809 and email: [nicole.watson@noaa.gov](mailto:nicole.watson@noaa.gov). For technical support, please contact administrative Council staff, email: [npfmc.admin@noaa.gov](mailto:npfmc.admin@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Agenda

*Monday, May 8, 2023*

The Ecosystem Committee agenda will include: (a) Programmatic EIS, (b) Public Comment, (c) Committee discussion and next steps, and (d) Scheduling and other items. The agenda is subject to change, and the latest version will be posted at <https://meetings.npfmc.org/Meeting/Details/2989> prior to the meeting, along with meeting materials.

##### Connection Information

You can attend the meeting online using a computer, tablet, or smart phone; or by phone only. Connection information will be posted online at: <https://meetings.npfmc.org/Meeting/Details/2989>.

##### Public Comment

Public comment letters will be accepted and should be submitted electronically to <https://meetings.npfmc.org/Meeting/Details/2989>.

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

Dated: April 17, 2023.

#### Key Israel Marquez,

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

[FR Doc. 2023-08376 Filed 4-19-23; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC928]

#### Gulf of Mexico Fishery Management Council; Public Meetings

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

**ACTION:** Notice; public hearings and webinars.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will hold four in-person public hearings and two webinars to solicit public comments on Reef Fish Amendment 56: Modifications to Catch Limits, Sector Allocation, and Recreational Fishing Seasons for Gulf of Mexico Gag.

**DATES:** The public hearings will take place May 8–30, 2023. The in-person public hearings and webinars will begin at 6 p.m. and will conclude no later than 9 p.m., EDT. For specific dates and times, see **SUPPLEMENTARY INFORMATION**. Written public comments must be received on or before 5 p.m. EDT on May 30, 2023.

**ADDRESSES:** Please visit the Gulf Council website at [www.gulfcouncil.org](http://www.gulfcouncil.org) for meeting materials and webinar registration information. If you prefer to “listen in”, you may access the log-on information by visiting our website at [www.gulfcouncil.org](http://www.gulfcouncil.org).

*Meeting addresses:* The public hearings will be held in Destin, Cedar Key, St. Petersburg and Ft. Myers, FL; and two virtual webinars. For specific locations, see **SUPPLEMENTARY INFORMATION**.

*Public comments:* Comments may be submitted online through the Council's public portal by visiting [www.gulfcouncil.org](http://www.gulfcouncil.org) and clicking on “CONTACT US”.

#### FOR FURTHER INFORMATION CONTACT:

Emily Muehlstein; Public Information Officer; [emily.muehlstein@gulfcouncil.org](mailto:emily.muehlstein@gulfcouncil.org), Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

**SUPPLEMENTARY INFORMATION:** The agenda for the following four in-person public hearings and two webinars are as follows: Council staff will begin with a presentation on the purpose, need, and proposed management alternatives in Reef Fish Amendment 56. The Council is currently considering modifications to Gag status determination criteria, catch limits, sector allocation, rebuilding timeline, annual catch targets, and recreational fishing season.

Staff and a Council member will be available to answer any questions, and the public will have the opportunity to provide testimony on the amendment and other related testimony.

#### In-Person Locations and Webinars

*Monday, May 8, 2023;* via webinar. Visit [www.gulfcouncil.org](http://www.gulfcouncil.org) website and click on the “meetings” tab for registration information. After registering, you will receive a confirmation email containing information about joining the webinar.

*Monday, May 15, 2023;* Destin Community Center; 101 Stahlman Avenue, Destin, FL 32541; phone: (850) 654-5184; Fish and Wildlife Research Institute (FWRI) Lab, 552 1st Street, Cedar Key, FL 32625; Courtyard Gulf Coast Town Center Hotel, 10050 Gulf Center Drive, Fort Myers, FL 33913; phone: (239) 332-4747.

Wednesday, May 17, 2023; Fish and Wildlife Research Institute (FWRI) Auditorium, 100 8th Avenue SE, St. Petersburg, FL 33701; phone: (727) 502-4769.

Tuesday, May 30, 2023; via webinar. Visit [www.gulfcouncil.org](http://www.gulfcouncil.org) website and click on the “meetings” tab for registration information. After registering, you will receive a confirmation email containing information about joining the webinar.

### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira (see **ADDRESSES**), at least 5 working days prior to the meeting date.

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

Dated: April 17, 2023.

### Rey Israel Marquez,

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

[FR Doc. 2023-08373 Filed 4-19-23; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. PTO-P-2023-0017]

### Patent Public Advisory Committee Public Hearing on the Proposed Patent Fee Schedule

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Notice of public hearing.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is announcing the date, time, and place of a public hearing that will be held by the Patent Public Advisory Committee (PPAC) on the USPTO’s proposed setting or adjusting of patent fees pursuant to the USPTO’s fee setting authority under section 10 of the Leahy-Smith America Invents Act (AIA), as amended. The USPTO will make its proposed patent fees available—as set forth in the **SUPPLEMENTARY INFORMATION** section of this notice—before the PPAC hearing. The public is invited to testify at the hearing and submit written comments regarding proposed patent fees.

**DATES:** A hybrid public hearing will be held on Thursday, May 18, 2023, from 1–3 p.m. ET. The USPTO will publish a proposed patent fee schedule and related supplementary information for public viewing no later than May 4,

2023, on the fee setting and adjusting section of the USPTO website, [www.uspto.gov/FeeSettingAndAdjusting](http://www.uspto.gov/FeeSettingAndAdjusting). Anyone wishing to present oral testimony at the hearing must submit a written request for an opportunity to do so no later than May 11, 2023. Written comments on proposed patent fees will be accepted until May 25, 2023.

**ADDRESSES:** The hybrid public hearing will be held in person in the Clara Barton Auditorium at the USPTO, 600 Dulany Street, Alexandria, Virginia 22314. The hearing will also be available via live feed for those wishing to attend remotely. Information on remote attendance will be posted on the PPAC section of the USPTO website, [www.uspto.gov/ppac](http://www.uspto.gov/ppac), before the hearing.

### Requests To Present Oral Testimony

The public is invited to testify at the hearing and submit written comments regarding proposed patent fees. Anyone wishing to present oral testimony at the hearing must submit a request in writing no later than May 11, 2023. Requests to testify should indicate:

A. The name of the person wishing to testify;

B. The person’s contact information (telephone number and email address);

C. The organization(s) the person represents, if any;

D. An indication of the amount of time needed for the testimony; and

E. An indication of whether testimony will be provided in person or remotely.

Speaking slots are limited, and the USPTO may be unable to honor all requests. Requests to testify must be submitted by email to Jennifer Lo at [Jennifer.Lo@uspto.gov](mailto:Jennifer.Lo@uspto.gov). If more requests to provide oral testimony are received than time allows, requestors will be invited to submit written comments. Time slots will be at least five minutes each. Speakers providing testimony at the hearing should submit a written copy of their testimony for inclusion in the record of the proceedings no later than May 25, 2023.

An agenda for witness testimony will be sent to testifying requesters and posted on the fee setting and adjusting section of the USPTO website, [www.uspto.gov/FeeSettingAndAdjusting](http://www.uspto.gov/FeeSettingAndAdjusting). If time allows, the PPAC may permit unscheduled testimony.

The hearing will be physically accessible to people with disabilities. Individuals requiring accommodation, such as sign language interpretation or other ancillary aids, should communicate their needs to the individuals listed under the **FOR**

**FURTHER INFORMATION CONTACT** section of this notice at least seven (7) business days prior to the hearing.

### Written Comments

Written comments on proposed patent fees must be submitted through the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). To submit comments via the portal, commenters should enter docket number PTO-P-2023-0017 on the homepage and select the Search button. The site will provide search results listing all documents associated with this docket. Commenters can find a reference to this notice and select the Comment icon, complete the required fields, and enter or attach their comments. Attachments to electronic comments will be accepted in Adobe portable document format (PDF) or Microsoft Word format. Information that you do not want to make public, such as an address or phone number, should not be included in the comments to protect your privacy.

Visit the Federal eRulemaking Portal for additional instructions on providing comments via the portal. If electronic submission of comments is not possible, please contact the USPTO using the contact information below at the **FOR FURTHER INFORMATION CONTACT** section of this notice for special instructions.

### Recordings

A recording of the public hearing will be posted on the fee setting and adjusting section of the USPTO website, [www.uspto.gov/FeeSettingAndAdjusting](http://www.uspto.gov/FeeSettingAndAdjusting), shortly after the hearing.

### Transcripts

A transcript of the hearing will be available on the fee setting and adjusting section of the USPTO website, [www.uspto.gov/FeeSettingAndAdjusting](http://www.uspto.gov/FeeSettingAndAdjusting), shortly after the hearing.

**FOR FURTHER INFORMATION CONTACT:** Brendan Hourigan, Director, Office of Planning and Budget, at 571-272-8966, or at [Brendan.Hourigan@uspto.gov](mailto:Brendan.Hourigan@uspto.gov); or Dianne Buie, Director, Forecasting and Analysis Division, at 571-272-6301, or at [Dianne.Buie@uspto.gov](mailto:Dianne.Buie@uspto.gov).

**SUPPLEMENTARY INFORMATION:** The USPTO is authorized under section 10 of the AIA to set or adjust by rule all patent and trademark fees established, authorized, or charged under title 35 of the United States Code and the Trademark Act of 1946, respectively. This authority was extended through September 15, 2026, by the Study of Underrepresented Classes Chasing Engineering and Science Success Act of

2018 (Pub. L. 115–273). Patent and trademark fees set or adjusted by rule under section 10 of the AIA may only recover the aggregate estimated costs to the USPTO for processing, activities, services, and materials relating to patents and trademarks, respectively, including administrative costs of the office with respect to each. Congress set forth the process for the USPTO to follow in setting or adjusting patent and trademark fees by rule under section 10 of the AIA, including additional procedural steps in the rulemaking proceeding for issuance of regulations under this section. Congress requires the relevant advisory committee to hold a public hearing regarding proposed fees after receiving the proposal from the USPTO. Congress, likewise, requires the relevant advisory committee to prepare a written report on proposed fees and the USPTO to consider the relevant advisory committee's report before finally setting or adjusting fees.

The USPTO is planning to exercise its fee setting authority to set or adjust patent fees. The USPTO will publish a proposed patent fee schedule and related supplementary information for public viewing no later than May 4, 2023, on the fee setting and adjusting section of the USPTO website, [www.uspto.gov/FeeSettingAndAdjusting](http://www.uspto.gov/FeeSettingAndAdjusting). The PPAC will hold a public hearing regarding the proposed patent fee schedule on the date indicated in this notice. The USPTO will assist the PPAC in holding the hearing by providing resources to organize the hearing and notifying the public. Following the PPAC public hearing and considering all comments, advice, and recommendations, the USPTO, if it continues with the fee setting process, will publish a Notice of Proposed Rulemaking in the **Federal Register**, setting forth its proposed patent fees.

**Katherine K. Vidal,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2023–08346 Filed 4–19–23; 8:45 am]

**BILLING CODE 3510–16–P**

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## CONSUMER FINANCIAL PROTECTION BUREAU

### Notice of Availability of Revised Methodology for Determining Average Prime Offer Rates

**AGENCY:** Consumer Financial Protection Bureau.

**ACTION:** Notice of availability.

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**SUMMARY:** The Consumer Financial Protection Bureau (CFPB) announces the availability of a revised version of its “Methodology for Determining Average Prime Offer Rates,” which describes the data and methodology used to calculate the average prime offer rate (APOR) for purposes of Regulation C and Regulation Z. The methodology statement has been revised to address the imminent unavailability of certain data the CFPB previously relied on to calculate APORs, as a result of a recent decision by Freddie Mac to make changes to its Primary Mortgage Market Survey® (PMMS). The CFPB has identified a suitable temporary alternative source of the relevant data and will begin relying on those data to calculate APORs on or after April 21, 2023.

**ADDRESSES:** The revised methodology statement is available on the website of the Federal Financial Institutions Examination Council (FFIEC) at <https://ffiec.cfpb.gov/tools/rate-spread>.

**FOR FURTHER INFORMATION CONTACT:** Waeiz Syed, Senior Counsel, Office of Regulations, at 202–435–7700. If you require this document in an alternative electronic format, please contact [CFPB\\_Accessibility@cfpb.gov](mailto:CFPB_Accessibility@cfpb.gov).

**SUPPLEMENTARY INFORMATION:** Average prime offer rates (APORs) are annual percentage rates derived from average interest rates, points, and other loan pricing terms currently offered to consumers by a representative sample of creditors for mortgage loans that have low-risk pricing characteristics. APORs have implications for data reporters under Regulation C, 12 CFR part 1003, and creditors under Regulation Z, 12 CFR part 1026. Regulation C requires covered financial institutions to report, for certain transactions, the difference between a loan's annual percentage rate (APR) and the APOR for a comparable transaction.<sup>1</sup> Under Regulation Z, a loan meets the general qualified mortgage (QM) definition if the APR exceeds the APOR for a comparable transaction by less than the applicable threshold as of the date the interest rate is set.<sup>2</sup> The difference between the APR and APOR also determines whether certain QM definitions provide the creditor with a conclusive or rebuttable presumption of compliance,<sup>3</sup> and whether the creditor

must comply with certain provisions for high-cost or higher-priced mortgage loans.<sup>4</sup>

Currently, to calculate APORs, the CFPB uses pricing data from the Freddie Mac Primary Mortgage Market Survey® (PMMS) on three products—30-year fixed-rate mortgage; 15-year fixed-rate mortgage; and five-year variable-rate mortgage—and pricing data from CFPB's own internal survey on one-year variable-rate mortgages. The CFPB calculates APORs on a weekly basis using the methodology set forth in a statement available to the public on the FFIEC's website.

The CFPB is publishing this notice to inform the public that a revised methodology statement is now available. In September 2022, the CFPB learned that Freddie Mac planned to change the public version of PMMS to no longer include points, fees, and adjustable rates data used by the CFPB to construct APORs. To address the imminent unavailability of certain data previously relied on to calculate APORs, the CFPB identified a suitable temporary alternative source of survey data. After evaluating potential sources, the CFPB determined that data from Intercontinental Exchange Mortgage Technology (ICE Mortgage Technology) is currently the most suitable option to replace PMMS. ICE Mortgage Technology provides a data source that has sufficient pricing data for the variables and base products that the CFPB requires to calculate APORs. With this switch over to ICE Mortgage Technology data, the CFPB is transitioning to using additional base products (such as a 20-year fixed-rate mortgage and a 10/6-month ARM) and removing others (such as the 1-year variable-rate mortgage) to ensure there is a firm basis for estimating APORs.<sup>5</sup> Having data for more than two kinds of fixed-rate mortgage products and more than two kinds of variable-rate mortgage products provides a firmer basis for estimating rates across a full range of fixed-rate and variable-rate mortgage products. The CFPB will therefore use the following eight base products to calculate APORs: 30-year fixed-rate mortgage; 20-year fixed-rate mortgage; 15-year fixed-rate mortgage; 10-year fixed-rate mortgage; 10/6-month ARM;

<sup>4</sup> 12 CFR 1026.32(a)(1)(i) and 1026.35(a)(1).

<sup>5</sup> The CFPB considered the typical volume of these products when considering which ones to use when calculating APORs. Having more pricing data for a product will provide more accurate APOR estimates. In addition, because the CFPB will no longer use one-year variable-rate mortgages as a base product to calculate APORs, it will no longer conduct its own internal survey on one-year variable-rate mortgages.

<sup>1</sup> 12 CFR 1003.4(a)(12)(i).

<sup>2</sup> 12 CFR 1026.43(e)(2)(vi).

<sup>3</sup> 12 CFR 1026.43(b)(4) and (e)(1). Under Regulation Z, loans that meet the requirements for “qualified mortgages” obtain either a conclusive or rebuttable presumption of compliance with Regulation Z's requirement to make a reasonable and good faith determination of a consumer's ability to repay any residential mortgage loan.

7/6-month ARM; 5/6-month ARM; and 3/6-month ARM.

The CFPB has updated the FFIEC's website to note this change in the source of survey data and published a revised methodology statement that reflects corresponding changes in the methodology. The CFPB will begin using ICE Mortgage Technology data and the revised methodology to calculate APORs on or after April 21, 2023. The CFPB will continue to post the survey data used to calculate APORs on the FFIEC's website every week at <https://ffiec.cfpb.gov/tools/rate-spread> and will continue to identify the source of the survey data on that web page.

**Rohit Chopra,**

*Director, Consumer Financial Protection Bureau.*

[FR Doc. 2023-08310 Filed 4-19-23; 8:45 am]

**BILLING CODE 4810-AM-P**

## DEPARTMENT OF EDUCATION

[Docket No. ED-2023-SCC-0064]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Assessment of Educational Progress (NAEP) 2024 Amendment #1

**AGENCY:** National Center for Education Statistics (NCES), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

**DATES:** Interested persons are invited to submit comments on or before May 22, 2023.

**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain) to access the site. Find this information collection request (ICR) by selecting "Department of Education" under "Currently Under Review," then check the "Only Show ICR for Public Comment" checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the "View Information Collection (IC) List" link. Supporting statements and other supporting documentation may be found by

clicking on the "View Supporting Statement and Other Documents" link.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Carrie Clarady, 202-245-6347.

**SUPPLEMENTARY INFORMATION:** The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* National Assessment of Educational Progress (NAEP) 2024 Amendment #1.

*OMB Control Number:* 1850-0928.

*Type of Review:* A revision of a currently approved ICR.

*Respondents/Affected Public:* Individuals and Households.

*Total Estimated Number of Annual Responses:* 833,139.

*Total Estimated Number of Annual Burden Hours:* 519,605.

*Abstract:* The National Assessment of Educational Progress (NAEP), conducted by the National Center for Education Statistics (NCES), is a federally authorized survey of student achievement at grades 4, 8, and 12 in various subject areas, such as mathematics, reading, writing, science, U.S. history, civics, geography, economics, technology and engineering literacy (TEL), and the arts. The National Assessment of Educational Progress Authorization Act (Pub. L. 107-279 Title III, section 303) requires the assessment to collect data on specified student groups and characteristics, including information organized by race/ethnicity, gender, socio-economic status, disability, and limited English proficiency. It requires fair and accurate presentation of achievement data and permits the collection of background, noncognitive, or descriptive information that is related to academic achievement and aids in fair reporting of results. The intent of the law is to provide representative sample data on student achievement for the nation, the states, and subpopulations of students and to monitor progress over time. NAEP consists of two assessment programs:

the NAEP long-term trend (LTT) assessment and the main NAEP assessment. The LTT assessments are given at the national level only and are administered to students at ages 9, 13, and 17 in a manner that is very different from that used for the main NAEP assessments. LTT reports mathematics and reading results that present trend data since the 1970s. In addition to the operational assessments, NAEP uses two other kinds of assessment activities: pilot assessments and special studies. Pilot assessments test items and procedures for future administrations of NAEP, while special studies (including the National Indian Education Study (NIES), the Middle School Transcript Study (MSTS), and the High School Transcript Study (HSTS)) are opportunities for NAEP to investigate particular aspects of the assessment without impacting the reporting of the NAEP results.

The request to conduct NAEP in 2024 (OMB #1850-0928 v.28) was approved in March 2023. Since that package's submission for public comment and OMB review, NCES has canceled the Middle School Transcript Study (MSTS) due to budgetary limitations. This is the first of three additional 30-day packages to be submitted in March, May, and August 2023 in order to update all materials in time for the data collection in early 2024. This revision updates the scope of Part A to remove all references to the MSTS, Appendix D2 to include early communication materials in both English and Spanish, and Appendices J1, J2, J3, and J-S to include the initial operational survey questionnaires (SQ) (not including COVID-19 Learning Recovery SQs, Pilot, or NIES, as those will be in Amendments #2 and #3). A detailed revision memo is included to assist readers in understanding the changes proposed in this package. There have been no changes to the burden or costs to the Federal Government in this Amendment #1.

Dated: April 17, 2023.

**Stephanie Valentine,**

*PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2023-08343 Filed 4-19-23; 8:45 am]

**BILLING CODE 4000-01-P**

**DEPARTMENT OF EDUCATION****[Docket No.: ED–2023–SCC–0063]****Agency Information Collection Activities; Comment Request; Case Service Report (RSA–911)****AGENCY:** Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).**ACTION:** Notice.**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).**DATES:** Interested persons are invited to submit comments on or before June 20, 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–0063. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, the Department will temporarily accept comments at [ICDocketMgr@ed.gov](mailto: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 Christopher Pope, (202) 245–7375.**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:* Case Service Report (RSA–911).*OMB Control Number:* 1820–0508.*Type of Review:* Revision of a currently approved ICR.*Respondents/Affected Public:* State, Local, and Tribal Governments.*Total Estimated Number of Annual Responses:* 312.*Total Estimated Number of Annual Burden Hours:* 12,236,731.*Abstract:* The Case Service Report (RSA–911) is used to collect individual level data on State Vocational Rehabilitation (VR) program participants on a quarterly basis. The data collected in this report are mandated by section 101(a)(10) and 607 of the Rehabilitation Act of 1973 (Act) and section 116(d) of the Workforce Innovation and Opportunity Act. In addition, the Rehabilitation Services Administration (RSA) uses data reported through this collection to support its other responsibilities under the Act. Section 14(a) of the Act calls for the evaluation of programs authorized under the Act, as well as an assessment of the programs' effectiveness in relation to cost. Many of these evaluations use RSA–911 data. RSA also uses data captured through the RSA–911 during the conduct of both the annual review and periodic on-site monitoring of VR agencies required by section 107 of the Act to examine the effectiveness of program performance. Other important management activities, such as the provision of technical assistance, program planning, and budget preparation and development, are greatly enhanced through the use of RSA–911 data. In addition, RSA uses RSA–911 data in the exchange of data under a data sharing agreement with the Social Security Administration and the U.S. Department of Health and Human

Services as required by section 131 of the Act. Finally, the RSA–911 is considered to be one of the most robust databases in describing the demographics of the disabled population in the country and as such is used widely in researchers' disability-related analyses and reports.

The current RSA–911 expires on 05/31/2024, which occurs during Program Year 2023 (07/01/2023–06/30/2024). Because RSA must collect the same performance data for the entirety of a Program Year, RSA must begin Program Year 2024 with approval of this proposed revision in place. Thus, RSA is proposing to extend with revisions the RSA–911 for three years. If this revision is approved, VR agencies will collect and report data under this collection for Program Years 2024 through 2026. (07/01/2024–06/30/2027).

Dated: April 14, 2023.

**Juliana Pearson,***PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2023–08305 Filed 4–19–23; 8:45 am]

**BILLING CODE 4000–01–P****DEPARTMENT OF ENERGY****Agency Information Collection Extension****AGENCY:** U.S. Department of Energy.**ACTION:** Notice and request for comments.**SUMMARY:** The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years an information collection request with the Office of Management and Budget (OMB).**DATES:** Comments regarding this proposed information collection must be received on or before June 20, 2023. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.**ADDRESSES:** Written comments may be sent to Mr. Chris Early, U.S. Department of Energy, Building Technologies Program, Mail Stop EE–5B, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0121 or by email to [Chris.Early@ee.doe.gov](mailto:Chris.Early@ee.doe.gov).**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Mr. Chris Early, U.S. Department of Energy, Building

Technologies Program, Mail Stop EE-5B, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585-0121, or by email at [Chris.Early@ee.doe.gov](mailto:Chris.Early@ee.doe.gov) or by calling (240) 354-1304.

**SUPPLEMENTARY INFORMATION:** Comments are invited on: (a) whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains: (1) *OMB No.*: 1910-5184; (2) *Information Collection Request Title*: Programs for Improving Energy Efficiency in Buildings; (3) *Type of Review*: extension; (4) *Purpose*: The proposed collection will enable DOE to understand the universe of organizations participating in building load management programs, including the following four voluntary programs: the Home Performance with ENERGY STAR Program, the Home Energy Score Program, the Better Buildings Residential Network, and the Zero Energy Ready Home Program. DOE encourages and assists the people and organizations that voluntarily participate in energy efficiency programs to build or renovate buildings for the purposes of improved efficiency, reliability, and affordability. The partners who voluntarily participate in the programs include: home builders, building trades and building-related associations, home design professionals, home energy raters and auditors, home inspectors, building consultants, manufacturers of building products, retailers, utility companies, financial institutions, non-profit organizations, educational institutions, energy program administrators and implementers, Home Performance with ENERGY STAR sponsors, state or local government energy offices or agencies, and other organizations that believe peer sharing will help them improve their effectiveness in encouraging effective energy upgrades. DOE proposes to continue to collect information such as names of program participants and names of organizations and addresses;

estimates of how many homes they can get to participate in the programs; information about building stock (no building owner information is collected), and load management strategies. The collected information helps DOE understand the participating partners' activities and progress toward achieving scheduled milestones enabling DOE to make decisions about the best way to respond to partners' needs to improve their operations and actions to lower energy consumption and improve affordability; (5) *Annual Estimated Number of Respondents*: 672; (6) *Annual Estimated Number of Total Responses*: 45,189. (7) *Annual Estimated Number of Burden Hours*: 19,365. (8) *Annual Estimated Reporting and Recordkeeping Cost Burden*: zero dollars. DOE estimates that there are no additional costs to participants other than the costs associated with the burden hours.

*Statutory Authority*: The U.S. Code, Title 42, Chapter 149, Subchapter IX, Part A, Section 16191—Energy Efficiency.

#### Signing Authority

This document of the Department of Energy was signed on April 5, 2023, by James R. Carlisle, Acting Director, Building Technologies Office, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 14, 2023.

**Treena V. Garrett,**

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

[FR Doc. 2023-08304 Filed 4-19-23; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 14861-002]

#### FFP Project 101, LLC; Notice of Public Meetings Soliciting Comments on the Draft Environmental Impact Statement for the Goldendale Energy Storage Project

On March 31, 2023, Commission staff issued a Notice of Availability of the Draft Environmental Impact Statement (EIS) for the Goldendale Energy Storage Project (FERC No. 14861). That notice set a deadline of June 6, 2023, for filing written comments on the draft EIS and contained specific instructions on how to file comments electronically or to mail written comments to the Commission. In addition to or in lieu of filing written comments, you are invited to attend public meetings being held by Commission staff for the purpose of receiving comments on the draft EIS. At the meetings, resource agency personnel, non-governmental organizations, Native American Tribes, and other interested persons can provide oral and written comments and recommendations regarding the draft EIS. The meetings will be recorded by a court reporter, and all statements (verbal and written) will become part of the Commission's public record for the project.

All interested individuals and entities are invited to attend one or both of the public meetings. The dates and times of the public meetings are listed below.

#### Daytime Meeting

*Date*: Wednesday May 3, 2023.

*Time*: 10:00 a.m. to 12:00 p.m. Pacific Time.

*Location*: Goldendale Grange, 415 Northwest 2nd St., Goldendale, Washington 98620-9516.

#### Evening Meeting

*Date*: Wednesday May 3, 2023.

*Time*: 7:00 p.m. to 9:00 p.m. Pacific Time.

*Location*: Goldendale Grange, 415 Northwest 2nd St., Goldendale, Washington 98620-9516.

Commission staff will be moderating the meetings. The meetings will begin promptly at their respective start times listed above. At the start of the meeting, staff will provide further instructions regarding the meeting setup, agenda, and how participants can provide their comments and questions during the meeting. Oral comments will initially be limited to five minutes in duration. These meetings are posted on the

Commission's calendar located on the internet at <https://www.ferc.gov/news-events/events> along with other related information.

For further information, contact Michael Tust at (202) 502-6522 or at [michael.tust@ferc.gov](mailto:michael.tust@ferc.gov).

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2023-08351 Filed 4-19-23; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP23-131-000]

#### East Tennessee Natural Gas, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on March 31, 2023, East Tennessee Natural Gas, LLC (East Tennessee), 915 North Eldridge Parkway, Suite 1100, Houston, Texas 77079, filed in the above referenced docket an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act and part 157 of the Federal Energy Regulatory Commission's (Commission) regulations requesting authorization for its System Alignment Program.

Specifically, East Tennessee proposes to: (1) construct approximately 16.1 miles of 24-inch-diameter pipeline loop in Knox and Sevier Counties, Tennessee; (2) replace approximately 6.4 miles of existing 8-inch-diameter pipeline with new 24-inch-diameter pipeline in Washington County, Virginia; (3) hydrostatically test an approximately 1.2 mile section of pipeline in Patrick County, Virginia, to reestablish the maximum allowable operating pressure; (4) construct the new 7,000 horsepower (hp) Talbott Compressor Station (CS) in Jefferson County, Tennessee; (5) construct the new 19,000 hp Draper CS in Rockingham County, North Carolina; and (6) install piping modifications and auxiliary installations at existing facilities in Knox and Sevier Counties, Tennessee, and Washington and Wythe Counties, Virginia. The project is designed to improve the operational reliability of East Tennessee's system and the additional capacity created will not be available for subscription under firm service agreements. East Tennessee estimates the cost of the project to be \$390 million, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

East Tennessee's application states that a water quality certificate under section 401 of the Clean Water Act is required for the project from the Tennessee Department of Environment and Conservation and the Virginia Department of Environmental Quality. The requests for certification must be submitted to the certifying agencies and to the Commission concurrently. Proof of the certifying agency's receipt date must be filed no later than five (5) days after the request is submitted to the certifying agency.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page ([www.ferc.gov](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 the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Any questions concerning this application should be directed to Estela D. Lozano, Director, Regulatory, East Tennessee Natural Gas, LLC, P.O. Box 1642, Houston, Texas 77251-1642, by phone at (713) 627-4522; or email at [estela.lozano@enbridge.com](mailto:estela.lozano@enbridge.com).

On August 10, 2022, the Commission granted the Applicant's request to utilize the National Environmental Policy Act (NEPA) Pre-Filing Process and assigned Docket No. PF22-8-000 to staff activities involved in the Project. Now, as of the filing of the March 31, 2023 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP23-131-000 as noted in the caption of this Notice.

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,<sup>1</sup> within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the

Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

#### Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on May 5, 2023. How to file protests, motions to intervene, and comments is explained below.

#### Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,<sup>2</sup> any person<sup>3</sup> or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,<sup>4</sup> and must be submitted by the protest deadline, which is May 5, 2023. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

#### Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission

<sup>2</sup> 18 CFR 157.205.

<sup>3</sup> Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

<sup>4</sup> 18 CFR 157.205(e).

<sup>1</sup> 18 CFR (Code of Federal Regulations) 157.9.

in accordance with Rule 214 of the Commission's Rules of Practice and Procedure<sup>5</sup> and the regulations under the NGA<sup>6</sup> by the intervention deadline for the project, which is May 5, 2023. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/how-guides>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

### Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before May 5, 2023. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

### How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP23-131-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. New eFiling users must first create an account by

clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or<sup>7</sup>

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP23-131-000.

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To send via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov).

Protests and motions to intervene must be served to the applicant by mail to: Estela D. Lozano, Director, Regulatory, P.O. Box 1642, Houston, Texas 77251-1642 or by email (with a link to the document) at [estela.lozano@enbridge.com](mailto:estela.lozano@enbridge.com).

Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

### Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to

<sup>7</sup> Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

register, go to <https://www.ferc.gov/ferc-online/overview>.

Dated: April 14, 2023.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2023-08352 Filed 4-19-23; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2056-055]

#### Northern States Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Adequacy of Aesthetic Flows Over St. Anthony Falls Report.

b. *Project No:* 2056-055.

c. *Date Filed:* March 1, 2023.

d. *Applicant:* Northern States Power Company.

e. *Name of Project:* St. Anthony Falls Hydroelectric Project.

f. *Location:* The project is located on Hennepin Island along the east bank of the Mississippi River at St. Anthony Falls in the City of Minneapolis, Minnesota.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Matthew Miller, Xcelenergy, 1414 W Hamilton Ave., P.O. Box 8, Eau Claire, WI 54702; telephone (715) 225-8841; or email [matthew.j.miller@xcelenergy.com](mailto:matthew.j.miller@xcelenergy.com).

i. *FERC Contact:* Mark Ivy, (202) 502-6156, [mark.ivy@ferc.gov](mailto:mark.ivy@ferc.gov).

j. *Deadline for filing comments, motions to intervene, and protests:* May 15, 2023.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto: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

<sup>5</sup> 18 CFR 385.214.

<sup>6</sup> 18 CFR 157.10.

sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P-2056-055. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee filed a report regarding the adequacy of aesthetic flows over St. Anthony Falls using the results of the Public Perception of Aesthetic Flows Survey and recommends continuing to provide a release of 300 cfs. The report includes a description of the survey methods, a copy of the final questionnaire, and detailed results for each survey question.

l. This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those

who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: April 14, 2023.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2023-08355 Filed 4-19-23; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP23-129-000; PF22-10-000]

#### Corpus Christi Liquefaction, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on March 30, 2023, Corpus Christi Liquefaction, LLC and CCL Midscale 8-9, LLC, 700 Milam Street, Suite 1900, Houston, TX 77002, filed an application in the above referenced docket, seeking authorization pursuant to Section 3(a) of the Natural Gas Act (NGA), and Parts 153 and 380 of the Commission's regulations, to site, construct and operate its Corpus Christi Liquefaction Midscale Trains 8 & 9 Project, an expansion of the Corpus Christi liquefied natural gas terminal (CCL Terminal), located at an existing brownfield site in San Patricio and Nueces Counties, Texas along the La Quinta Ship Channel.

Specifically, the proposed expansion will include (i) two midscale liquefaction trains (Trains 8 & 9) and supporting infrastructure to be interconnected and operated, on an

integrated basis, with the existing CCL Terminal LNG<sup>1</sup> storage tanks, control buildings, marine facilities, and other ancillary facilities, (ii) an increase in the authorized loading rate of LNG carriers visiting the CCL Terminal and (iii) the addition of certain refrigerant, end flash and boil-off gas facilities designed to manage integrated operations once the Project is placed into service. The proposed Trains 8 & 9 together would be capable of liquefying up to approximately 170 Billion cubic feet per year (Bcf/y)<sup>2</sup> of domestically produced natural gas for export, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page ([www.ferc.gov](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 the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Any questions regarding the application should be directed to Karri Mahmoud, Director Environmental & Regulatory Projects, Cheniere Energy, Inc., 700 Milam Street, Suite 1900, Houston, TX 77002, by telephone at (713) 375-5000, or by email at [Karri.Mahmoud@cheniere.com](mailto:Karri.Mahmoud@cheniere.com).

On September 9, 2022, the Commission granted the Applicant's request to utilize the National Environmental Policy Act (NEPA) Pre-Filing Process and assigned Docket No. PF22-10-000 to staff activities involved in the Corpus Christi Liquefaction Midscale Trains 8 & 9 Project. Now, as of the filing of the March 30, 2023 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP23-129-000 as noted in the caption of this Notice.

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,<sup>3</sup> within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public

<sup>1</sup> LNG stands for Liquefied Natural Gas.

<sup>2</sup> Approximately equivalent of 3.28 million tons per annum (MTPA) of LNG.

<sup>3</sup> 18 CFR (Code of Federal Regulations) 157.9.

record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

### Public Participation

There are two ways to become involved in the Commission's review of this project: you can file comments on the project, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on May 4, 2023.

#### Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please submit your comments on or before May 4, 2023.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number CP23-129-000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first

select "General" and then select "Comment on a Filing"; or

(3) You can file a paper copy of your comments by mailing them to the following address below.<sup>4</sup> Your written comments must reference the Project docket number (CP23-129-000).

*To mail via USPS, use the following address:* Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

*To mail via any other courier, use the following address:* Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502-8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

#### Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,<sup>5</sup> has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure<sup>6</sup> and the regulations under the NGA<sup>7</sup> by the intervention deadline for the project, which is May 4, 2023. As described further in Rule 214, your motion to intervene must state, to the

extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP23-129-000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below.<sup>8</sup> Your motion to intervene must reference the Project docket number CP23-129-000.

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Protests and motions to intervene must be served to the applicant either by mail or email (with a link to the document) at: Karri Mahmoud, Director Environmental & Regulatory Projects, Cheniere Energy, Inc., 700 Milam Street, Suite 1900, Houston, TX 77002, or by email at [Karri.Mahmoud@cheniere.com](mailto:Karri.Mahmoud@cheniere.com). Any subsequent submissions by an intervenor must be served to the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

<sup>4</sup> Hand delivered submissions in docketed proceedings should be delivered to Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

<sup>5</sup> 18 CFR 385.102(d).

<sup>6</sup> 18 CFR 385.214.

<sup>7</sup> 18 CFR 157.10.

<sup>8</sup> Hand delivered submissions in docketed proceedings should be delivered to Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

All timely, unopposed<sup>9</sup> motions to intervene are automatically granted by operation of Rule 214(c)(1).<sup>10</sup> Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.<sup>11</sup> A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

### Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at <http://www.ferc.gov> using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

**Intervention Deadline:** 5:00 p.m. Eastern Time on May 4, 2023.

Dated: April 13, 2023.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2023-08321 Filed 4-19-23; 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 exempt wholesale generator filings:

**Docket Numbers:** EG23-121-000.

<sup>9</sup>The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

<sup>10</sup> 18 CFR 385.214(c)(1).

<sup>11</sup> 18 CFR 385.214(b)(3) and (d).

**Applicants:** Clearwater Wind East, LLC.

**Description:** Clearwater Wind East, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

**Filed Date:** 4/13/23.

**Accession Number:** 20230413-5176.

**Comment Date:** 5 p.m. ET 5/4/23.

Take notice that the Commission received the following electric rate filings:

**Docket Numbers:** ER22-2867-003.

**Applicants:** Bluegrass Solar, LLC.

**Description:** Tariff Amendment: Response to Second Deficiency Letter to be effective 10/1/2022.

**Filed Date:** 4/14/23.

**Accession Number:** 20230414-5101.

**Comment Date:** 5 p.m. ET 5/5/23.

**Docket Numbers:** ER23-888-001.

**Applicants:** New England Power Company.

**Description:** Tariff Amendment: 2023-04-14 Deficiency Letter Response to be effective 12/19/2022.

**Filed Date:** 4/14/23.

**Accession Number:** 20230414-5029.

**Comment Date:** 5 p.m. ET 5/5/23.

**Docket Numbers:** ER23-1638-000.

**Applicants:** PJM Interconnection, L.L.C.

**Description:** § 205(d) Rate Filing: Original ISA, Service Agreement No. 6864; Queue No. AF1-019 to be effective 3/14/2023.

**Filed Date:** 4/13/23.

**Accession Number:** 20230413-5165.

**Comment Date:** 5 p.m. ET 5/4/23.

**Docket Numbers:** ER23-1639-000.

**Applicants:** Midcontinent Independent System Operator, Inc., American Transmission Company LLC.

**Description:** § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2023-04-14 SA 3909 ATC-City of Negaunee 1st Rev PCA (Irontown) to be effective 6/14/2023.

**Filed Date:** 4/14/23.

**Accession Number:** 20230414-5017.

**Comment Date:** 5 p.m. ET 5/5/23.

**Docket Numbers:** ER23-1640-000.

**Applicants:** Public Service Company of Colorado.

**Description:** § 205(d) Rate Filing: 2023-04-14—Att O PSCo Appendix 1 to be effective 4/27/2022.

**Filed Date:** 4/14/23.

**Accession Number:** 20230414-5059.

**Comment Date:** 5 p.m. ET 5/5/23.

**Docket Numbers:** ER23-1641-000.

**Applicants:** Stored Solar Tamworth, LLC.

**Description:** Tariff Amendment: Cancellation of Stored Solar Tamworth, LLC MBR Tariff to be effective 4/14/2023.

**Filed Date:** 4/14/23.

**Accession Number:** 20230414-5070.

**Comment Date:** 5 p.m. ET 5/5/23.

**Docket Numbers:** ER23-1642-000.

**Applicants:** Stored Solar J&WE, LLC.  
**Description:** § 205(d) Rate Filing: NE Renewable Power, LLC MBR Tariff to be effective 1/31/2023.

**Filed Date:** 4/14/23.

**Accession Number:** 20230414-5074.

**Comment Date:** 5 p.m. ET 5/5/23.

**Docket Numbers:** ER23-1643-000.

**Applicants:** PacifiCorp.

**Description:** Tariff Amendment: Notice of Termination to be effective 6/14/2023.

**Filed Date:** 4/14/23.

**Accession Number:** 20230414-5095.

**Comment Date:** 5 p.m. ET 5/5/23.

**Docket Numbers:** ER23-1644-000.

**Applicants:** Tri-State Generation and Transmission Association, Inc.

**Description:** § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 35 to be effective 6/13/2023.

**Filed Date:** 4/14/23.

**Accession Number:** 20230414-5103.

**Comment Date:** 5 p.m. ET 5/5/23.

**Docket Numbers:** ER23-1645-000.

**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 revisions to OPEB Expense in OATT Att. H-16C Formula Rate to be effective 6/15/2023.

**Filed Date:** 4/14/23.

**Accession Number:** 20230414-5111.

**Comment Date:** 5 p.m. ET 5/5/23.

**Docket Numbers:** ER23-1646-000.

**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 revisions to OATT Att. H-16A Pt. 2 Depreciation Rates to be effective 6/14/2023.

**Filed Date:** 4/14/23.

**Accession Number:** 20230414-5112.

**Comment Date:** 5 p.m. ET 5/5/23.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but

intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: April 14, 2023.

**Debbie-Anne A. Reese,**  
Deputy Secretary.

[FR Doc. 2023-08349 Filed 4-19-23; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP23-141-000]

#### Transcontinental Gas Pipe Line Company, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on April 5, 2023 Transcontinental Gas Pipe Line Company, LLC, (Transco) P.O. Box 1396, Houston, Texas 77251-1396, filed an application under section 7(b) of the Natural Gas Act (NGA), and Part 157, of the Commission's regulations requesting the authority to abandon its existing 20-inch offshore gathering supply laterals with appurtenant metering facilities extending from the Quarter North-owned Brazos Area 133A Platform, Offshore Texas to the Transco-owned Brazos Area 538 Platform, Offshore Texas.

Specifically, Transco is requesting approval to abandon (1) approximately 10.71 miles of 20-inch pipeline laterals comprising of 4.44 miles extending from the producer-owned Brazos Area Block 133 Platform A to the Brazos Area Block 105 subsea tie-in (SSTI), Offshore Texas Pipeline Segment Number (PSN) PSN 20125-1, and 6.27 miles extending from the Brazos Area Block 105 SSTI to the Brazos Area Block 76 SSTI, Offshore Texas PSN 20125-2; (2) approximately 30.18 miles of a 20-inch pipeline lateral extending from the Brazos Area Block 76 SSTI to the Brazos Area Block 538 Platform, Offshore Texas PSN 20124 (3) related appurtenant facilities, including metering facilities, located on the Brazos Area Block 133 Platform A MS 1334. The total estimated cost of abandonment is approximately \$1.6 million.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this

document via the internet through the Commission's Home Page (<http://ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, 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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Any questions regarding the proposed project should be directed to Jordan Kirwin, Director, Rate & Regulatory, Transcontinental Gas Pipe Line Company, LLC, Post Office Box 1396, Houston, Texas 77251-1396; by phone at (346) 439-0447 or by email to [Jordan.Kirwin@Williams.com](mailto:Jordan.Kirwin@Williams.com).

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,<sup>1</sup> within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

#### Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on May 4, 2023. How to file protests, motions to intervene, and comments is explained below.

<sup>1</sup> 18 CFR (Code of Federal Regulations) 157.9.

#### Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,<sup>2</sup> any person<sup>3</sup> or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,<sup>4</sup> and must be submitted by the protest deadline, which is May 4, 2023. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

#### Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure<sup>5</sup> and the regulations under the NGA<sup>6</sup> by the intervention deadline for the project, which is May 4, 2023. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/how-guides>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the

<sup>2</sup> 18 CFR 157.205.

<sup>3</sup> Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

<sup>4</sup> 18 CFR 157.205(e).

<sup>5</sup> 18 CFR 385.214.

<sup>6</sup> 18 CFR 157.10.

intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

### Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before May 4, 2023. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

### How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP23-141-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or<sup>7</sup>

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP23-141-000.

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To send via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory

Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov).

Protests and motions to intervene must be served to the applicant by mail to: Jordan Kirwin, Director, Rates & Regulatory, Transcontinental Gas Pipe Line Company, LLC, Post Office Box 1396, Houston, Texas 77251-1396; or by email (with a link to the document) at [Jordan.Kirwin@Williams.com](mailto:Jordan.Kirwin@Williams.com).

Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

### Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at <http://www.ferc.gov> using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to <https://www.ferc.gov/ferc-online/overview>.

*Intervention Deadline:* 5:00 p.m. Eastern Time on May 4, 2023.

Dated: April 13, 2023.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2023-08320 Filed 4-19-23; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2391-053, Project No. 2425-057, Project No. 2509-051]

### PE Hydro Generation, LLC; Notice of Scoping Meetings and Environmental Site Reviews and Soliciting Scoping Comments

Take notice that the following hydroelectric applications have been filed with the Commission and is available for public inspection.

a. *Type of Applications:* Subsequent Minor, New Major License, Subsequent Minor.

b. *Project Nos.:* P-2391-053, P-2425-057, and P-2509-051.

c. *Date Filed:* January 3, 2022.

d. *Applicant:* PE Hydro Generation, LLC.

e. *Names of Projects:* Warren Hydroelectric Project, Luray and Newport Hydroelectric Project, and Shenandoah Hydroelectric Project.

f. *Locations:* The Warren Project is on the Shenandoah River near the Town of Front Royal in Warren County, Virginia. The two-development Luray and Newport Project is located on the South Fork of the Shenandoah River near the Towns of Luray (Luray Development) and Newport (Newport Development) in Page County, Virginia. The Shenandoah Project is located on the South Fork of the Shenandoah River near the Town of Shenandoah in Page and Rockingham, Counties, Virginia. The projects do not occupy any federal land.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Ms. Jody Smet, Vice President, Regulatory Affairs, PE Hydro Generation, LLC, 7315 Wisconsin Ave., Suite 1100W, Bethesda, MD 20814; Phone at (240) 482-2700 or email at [jody.smet@eaglecreekre.com](mailto:jody.smet@eaglecreekre.com).

i. *FERC Contact:* Kristine Sillett at (202) 502-6575; or email at [kristine.sillett@ferc.gov](mailto:kristine.sillett@ferc.gov).

j. *Deadline for filing scoping comments:* June 12, 2023.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at <https://ferconline.ferc.gov/FERCOOnline.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>.

<sup>7</sup> Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

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](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the following on the first page: Warren Project No. 2391-053, and/or Luray and Newport Project No. 2425-057, and/or the Shenandoah Project No. 2509-051.

The Commission's Rules of Practice and Procedure require all interveners 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 intervener 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. The applications are not ready for environmental analysis at this time.

1. *Project Descriptions:* The Warren Project consists of: (1) a 15.3-foot-high, 527-foot-long, reinforced concrete dam; (2) a 105-acre impoundment with a storage capacity of 900 acre-feet; (3) a 44-foot-wide headgate structure with four 4.5-foot by 8-foot gates; (4) a 350-foot-long headrace canal; (5) an 82-foot-long, 30-foot-wide powerhouse containing 3 Francis turbine/generating units with a total installed capacity of 750 kW; (6) 360-foot-long, 2.4-kilovolt (kV) project generator lines; (7) a substation containing a 3-phase, 2.4/34.5-kV transformer where interconnection with the grid occurs; and (8) other appurtenances. The project creates an approximately 550-foot-long bypassed reach of the Shenandoah River.

The Luray Development of the two-development Luray and Newport Project, on the South Fork of the Shenandoah River, consists of: (1) a 21.9-foot-high, 530-foot-long reinforced concrete dam; (2) a 126-acre impoundment with a storage capacity of 880 acre-feet; (3) a 100-foot-long, 27.5-foot-wide powerhouse, adjacent to the south end of the dam, containing three Francis turbine/generating units having a total installed capacity of 1,600 kW;

(4) 35-foot-long, 2.4-kilovolt (kV) project generator lines; (5) a substation containing a 3-phase, 2.4/34.5-kV transformer where interconnection with the grid occurs; and (6) other appurtenances.

The Newport Development of the Luray and Newport Project consists of: (1) a 28.8-foot-high, 443-foot-long reinforced concrete dam; (2) a 103-acre impoundment with a storage capacity of 1,090 acre-feet; (3) a 73.5-foot-long, 21.2-foot-wide powerhouse adjacent to the north end of the dam, with three Francis turbine/generating units with a total installed capacity of 1,400 kW; (4) 150-foot-long, 2.4-kilovolt (kV) project generator lines; (5) a substation containing a 3-phase, 2.4/34.5-kV transformer where interconnection with the grid occurs; and (5) other appurtenances.

The Shenandoah Project consists of: (1) a 15-foot-high, 495-foot-long reinforced concrete dam; (2) a 30-acre impoundment with a storage capacity of 190 acre feet; (3) a 91-foot-long, 38-foot-wide powerhouse adjacent to the north end of the dam, with four generating units having a total installed capacity of 862 kW; (4) 180-foot-long, 2.4-kilovolt (kV) project generator lines; (5) a substation containing a 3-phase, 2.4/34.5-kV transformer where interconnection with the grid occurs; and (6) other appurtenances.

As required by their licenses, the Warren, Luray and Newport, and Shenandoah Projects all currently operate in run-of-river mode, or inflow, whichever is less, at all times. Run-of-river flow allowing, PE Hydro maintains each reservoir surface at an elevation at least 1.0 inches above the spillway crest, thus providing a 1-inch veil flow over each dam. When flows are in excess of the flow required to maintain the 1-inch veil flow, PE Hydro typically commences generation using the available flows. When flows exceed the combined capacity of the projects' turbines, excess flows are passed over the spillway dam. To enhance downstream eel passage, PE Hydro provides nightly shutdowns of the projects' generating facilities from September 15 through December 15.

PE Hydro proposes to continue to operate the Warren, Luray and Newport, and Shenandoah Projects with the following environmental measures: (1) maintain run-of-river operation at the projects; (2) continue to provide a minimum 1-inch veil flow of water over each dam, or inflow to the project reservoirs, whichever is less; (3) develop a downstream operations eel passage plan for each project within one year of license issuance; (4) continue night-time

shutdowns at the projects from September 15 through December 15 to protect eels migrating downstream until the implementation of a downstream operations eel passage plan; (5) conduct a radio telemetry study for eels migrating upstream at the Warren Project and Luray Development; (6) develop an upstream eel passage plan for each project within six months of license issuance based on the results of the radio telemetry study; (7) continue to maintain the canoe portage trail, including the take-out and put-in areas at the Warren Project; (8) continue to maintain the Luray Development Tailwater Fishing Pier, including the parking area, fishing pier, and gravel path; (9) continue to maintain the canoe portage trail, including the take-out and put-in areas at the Newport Development; (10) continue to maintain the canoe portage trail, including the take-out and put-in areas at the Shenandoah Project; and (11) continue to implement the existing Commission-approved Cultural Resources Management Plan for the projects.

m. Copies of the applications can be viewed on the Commission's website at <https://www.ferc.gov> using the "eLibrary" link. Enter the project's docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support.

You may also register at <https://ferconline.ferc.gov/FERCOOnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov).

#### n. Scoping Process

Pursuant to the National Environmental Policy Act (NEPA), Commission staff intends to prepare either an environmental assessment (EA) or an environmental impact statement (EIS) (collectively referred to as the "NEPA document") that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if any, of the proposed action and alternatives. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission issues an EA or an EIS.

#### Scoping Meetings

Commission staff will hold two scoping meetings for the projects to receive input on the scope of the NEPA document. An evening meeting will be held at 7:00 p.m. on May 16, 2023, at the Mimslyn Inn in Luray, Virginia, and will focus on receiving input from the

public. A daytime meeting will be held at 10:00 a.m. on May 17, 2023, at the same location, and will focus on the concerns of resource agencies, non-governmental organizations (NGOs), and Native American tribes. We invite all interested agencies, Indian Tribes, non-governmental organizations, and individuals to attend one or both of these meetings. The times and locations of these meetings are as follows:

#### *Evening Scoping Meeting*

*Date:* Tuesday, May 16, 2023.

*Time:* 7:00 p.m. (EDT).

*Place:* Mimslyn Inn (Blue Ridge Room).

*Address:* 401 W Main St., Luray, VA 22835.

#### *Daytime Scoping Meeting*

*Date:* Wednesday, May 17, 2023.

*Time:* 10:00 a.m. (EDT).

*Place:* Mimslyn Inn (Blue Ridge Room).

*Address:* 401 W Main St., Luray, VA 22835.

Copies of the Scoping Document (SD1) outlining the subject areas to be addressed in the NEPA document were distributed to the parties on the Commission's mailing list. Copies of the SD1 will be available at the scoping meeting or may be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link (see item m above).

#### **Environmental Site Reviews**

The applicant and Commission staff will conduct environmental site reviews of the projects. All interested individuals, agencies, tribes, and NGOs are invited to attend. All participants are responsible for their own transportation to the sites and during the site visits. Please RSVP via email to [joyce.foster@eaglecreekre.com](mailto:joyce.foster@eaglecreekre.com) or notify Joyce Foster at 804-338-5110 on or before May 9, 2023, if you plan to attend the environmental site reviews. The times and locations of the environmental site reviews are as follows:

#### *Luray and Newport, and Shenandoah Hydroelectric Projects*

*Date:* Tuesday, May 16, 2023.

*Time:* 9:30 a.m. (EDT).

*Place:* Luray and Newport Hydroelectric Project: Luray Development.

*Address:* 650 Power Dam Road, Luray, VA 22835.

Participants will meet in the Luray Development parking lot; after the site visit for the Luray Development, we will travel to the Newport Development, located off U.S. Highway 340 near the intersection of U.S. Highway Business

340 and U.S. Highway 340. After the site visit for the Luray and Newport Project, we will travel to the Shenandoah Hydroelectric Project, located at 575 Long Avenue, Shenandoah, VA 22849.

#### *Warren Hydroelectric Project*

*Date:* Wednesday, May 17, 2023.

*Time:* 1:30 p.m. (EDT).

*Place:* Warren Hydroelectric Project.

*Address:* 106 Bennys Beach Road, Front Royal, VA 22630.

All persons attending the environmental site reviews must adhere to the following requirements: (1) all persons must wear sturdy, closed-toe shoes or boots; (2) persons with open-toed shoes/sandals/flip flops/high heels, etc. will not be allowed on the environmental site reviews; (3) persons must be 18 years or older; (4) no photography will be allowed inside the powerhouses; (5) no weapons are allowed on-site (or persons exhibiting the effects thereof); and (7) no animals (except for service animals) are allowed on the environmental site reviews.

#### **Objectives**

At the scoping meetings, Commission staff will: (1) summarize the environmental issues tentatively identified for analysis in the NEPA document; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the NEPA document, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the NEPA document; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

#### **Procedures**

The meetings are recorded by a stenographer and become part of the formal record of the Commission proceeding on the project. Individuals, NGOs, Native American tribes, and agencies with environmental expertise and concerns are encouraged to attend the meeting and to assist the staff in defining and clarifying the issues to be addressed in the NEPA document.

Dated: April 13, 2023.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2023-08319 Filed 4-19-23; 8:45 am]

**BILLING CODE 6717-01-P**

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

#### **Combined Notice of Filings**

Take notice that the Commission has received the following Natural Gas & Oil Pipeline Rate and Refund Report filings:

#### **Filings Instituting Proceedings**

*Docket Numbers:* PR23-44-000.

*Applicants:* Moss Bluff Hub, LLC.

*Description:* § 284.123 Rate Filing; Moss Bluff—TPGS Acquisition Notification to be effective N/A.

*Filed Date:* 4/13/23.

*Accession Number:* 20230413-5121.

*Comment Date:* 5 p.m. ET 5/4/23.

*Docket Numbers:* RP23-682-000.  
*Applicants:* Natural Gas Pipeline Company of America LLC.

*Description:* § 4(d) Rate Filing; Negotiated Rate Agreement Filing—Amend Macquarie Energy SP149963 to be effective 4/14/2023.

*Filed Date:* 4/13/23.

*Accession Number:* 20230413-5101.

*Comment Date:* 5 p.m. ET 4/25/23.

*Docket Numbers:* RP23-683-000.

*Applicants:* Egan Hub Storage, LLC.

*Description:* Compliance filing; Egan—TPGS Acquisition Notification to be effective N/A.

*Filed Date:* 4/13/23.

*Accession Number:* 20230413-5120.

*Comment Date:* 5 p.m. ET 4/25/23.

*Docket Numbers:* RP23-684-000.

*Applicants:* Steckman Ridge, LP.

*Description:* Compliance filing; Steckman—TPGS Acquisition Notification to be effective N/A.

*Filed Date:* 4/13/23.

*Accession Number:* 20230413-5123.

*Comment Date:* 5 p.m. ET 4/25/23.

*Docket Numbers:* RP23-685-000.

*Applicants:* Bobcat Gas Storage.

*Description:* Compliance filing; Bobcat—TPGS Acquisition Notification to be effective N/A.

*Filed Date:* 4/13/23.

*Accession Number:* 20230413-5124.

*Comment Date:* 5 p.m. ET 4/25/23.

*Docket Numbers:* RP23-686-000.

*Applicants:* Tres Palacios Gas Storage LLC.

*Description:* Compliance filing; Tres Palacios Acquisition Notification Filing to be effective N/A.

*Filed Date:* 4/13/23.

*Accession Number:* 20230413-5127.

*Comment Date:* 5 p.m. ET 4/25/23.

*Docket Numbers:* RP23-687-000.

*Applicants:* Gulf South Pipeline Company, LLC.

*Description:* § 4(d) Rate Filing; Amendment to Neg Rate Agmt (Chevron

41610 eff 4–14–23) to be effective 4/14/2023.

*Filed Date:* 4/14/23.

*Accession Number:* 20230414–5009.

*Comment Date:* 5 p.m. ET 4/26/23.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

#### Filings in Existing Proceedings

*Docket Numbers:* RP19–73–008.

*Applicants:* El Paso Natural Gas Company, L.L.C.

*Description:* Compliance filing: Rate Case Settlement Implementation Filing to be effective 5/13/2023.

*Filed Date:* 4/13/23.

*Accession Number:* 20230413–5092.

*Comment Date:* 5 p.m. ET 4/25/23.

*Docket Numbers:* RP22–501–006.

*Applicants:* ANR Pipeline Company.

*Description:* Compliance filing: ANR Rate Case—Compliance to Settlement Agreement to be effective 8/1/2022.

*Filed Date:* 4/14/23.

*Accession Number:* 20230414–5048.

*Comment Date:* 5 p.m. ET 4/26/23.

Any person desiring to protest in any of 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.

Dated: April 14, 2023.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

[FR Doc. 2023–08347 Filed 4–19–23; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 4026–055]

#### Androscoggin Reservoir Company; Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 4026–055.

c. *Date Filed:* March 31, 2023.

d. *Applicant:* Androscoggin Reservoir Company (ARCO).

e. *Name of Project:* Aziscohos Hydroelectric Project (project).

f. *Location:* On the Magalloway River in Oxford and Franklin Counties, Maine. The project does not occupy any federal land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Randy Dorman, Relicensing Manager, Brookfield Renewable, 150 Maine Street, Lewiston, ME 04240; phone at (207) 755–5605, or email at [Randy.Dorman@brookfieldrenewable.com](mailto:Randy.Dorman@brookfieldrenewable.com).

i. *FERC Contact:* Michael Watts at (202) 502–6123, or [michael.watts@ferc.gov](mailto:michael.watts@ferc.gov).

j. This application is not ready for environmental analysis at this time.

k. *Project Description:* The existing project consists of: (1) a 74-foot-high, 881-foot-long concrete multiple arch-buttress dam consisting of the following sections: (a) a 236-foot-long concrete ogee spillway section with a crest elevation of 1,517.3 feet National Geodetic Vertical Datum of 1929 (NGVD29), and 3-foot-high flashboards at an elevation of 1,520.3 feet NGVD29 at the top of the flashboards; (b) a 265-foot-long concrete non-overflow section with two, 7-foot-diameter cylindrical discharge gates; (c) a 120-foot-long earthen dike north abutment; and (d) a 260-foot-long earthen dike south abutment; (2) a 27-foot-high, 900-foot-long earthen containment dike (Abbott Brooke Dike) located two miles upstream of the dam; (3) an impoundment (Aziscohos Lake) with a maximum water surface elevation of 1,520.3 feet NGVD29; (4) an intake structure consisting of a modified log sluice with stoplogs and a 96-inch butterfly valve in the non-overflow section of the dam; (5) a 2,462-foot-long,

8-foot-diameter steel penstock that provides flow to a 5.311-megawatt vertical Kaplan turbine-generator unit located in a concrete powerhouse; (6) a 60-foot-long tailrace; (7) a 12.47/34.5-kilovolt (kV) step-up transformer and a 23.5-mile long, 34.5-kV transmission line connecting the project generator to the regional grid; and (8) appurtenant facilities. The project creates an approximately 2,400-foot-long bypassed reach of the Magalloway River.

The project is operated as a seasonal storage reservoir as part of the Androscoggin River Storage System. The current license requires ARCO to provide a minimum flow of 130 cubic feet per second (cfs) downstream of the powerhouse from the start of spring refill through September 15. The minimum flow is increased to 214 cfs from September 16 to the start of spring refill each year. The current license requires that 50 cfs of the required minimum flow, be released from the Aziscohos Dam into the bypassed reach of the Magalloway River. The current license also requires that a whitewater flow of 900 cfs be released during the 4th weekend of June, 1st weekend of July, and 1st weekend of September; and a whitewater flow of 1,200 cfs be released on the 2nd weekend of July, and the 3rd and 4th weekend of August.

The minimum and maximum hydraulic capacities of the powerhouse are 290 cfs and 623 cfs, respectively. The average annual generation of the project was approximately 30,788 megawatt-hours from 2012 through 2022.

ARCO is not proposing any changes to project facilities or operation at this time.

l. In addition to publishing the full text of this notice in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this notice, as well as other documents in the proceeding (e.g., license application) 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 (P–4026). For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208–3676 (toll free), or (202) 502–8659 (TTY). At this time, the Commission has suspended access to the Commission's Public Reference Room. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll free, (866) 208–3676 or TTY (202) 502–8659.

m. 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.  
*n. Procedural Schedule:* The application will be processed according

to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Issue Deficiency Letter .....	April 2023.
Request Additional Information (if necessary) .....	August 2023.
Notice of Acceptance/Notice of Ready for Environmental Analysis .....	October 2023.
Filing of recommendations, preliminary terms and conditions, and preliminary fishway prescriptions .....	December 2023.

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: April 14, 2023.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2023-08356 Filed 4-19-23; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. CP22-17-000]

**Rio Grande LNG, LLC; Notice Suspending Environmental Review Schedule of the Proposed Carbon Capture and Sequestration System Amendment**

The staff of the Federal Energy Regulatory Commission (FERC or Commission) is suspending the environmental review schedule of the Carbon Capture and Sequestration System Amendment (Amendment) involving construction and operation of facilities by Rio Grande LNG, LLC (RG

LNG) in Cameron County, Texas. The notice of schedule, issued on December 2, 2022, identified a May 5, 2023 Environmental Assessment (EA) issuance date. This schedule was based upon RG LNG providing complete and timely responses to any data requests regarding the carbon capture systems. Environmental and/or engineering data requests were issued on April 27, May 2, and November 10, 2022, and January 27 and January 31, 2023. RG LNG responded partially to these data requests on May 20, May 27, December 9, and December 21, 2022, and February 21 and February 28, 2023. However, a number of responses remain outstanding and/or are deficient, including the following, which are integral to the development of the EA:

Examples of necessary information for EA	Date to be provided according to RG LNG
Spill Containment Information .....	No Date Provided.
Impoundment Radiant Heat Modeling .....	During Detailed Design.
Fire Protection Evaluation .....	No Date Provided.
Hazard Detection Information .....	No Date Provided.
Hazard Control Information .....	No Date Provided.
Passive Mitigation Systems Information .....	No Date Provided.
Emergency Shutdown Button Information .....	No Date Provided.
Firewater Information .....	No Date Provided.
Fire Protection Information .....	During Detailed Design.
Security Information .....	During Detailed Design.
Air Dispersion Modeling .....	April 28, 2023.

As stated in our data requests, complete responses to these information requests within the time frame requested was necessary to maintain the published schedule for issuance of the EA. RG LNG has indicated in its responses to staff data requests that certain information would not be provided in time for staff to evaluate the responses and complete the analysis required for the EA. Because there are still a number of outstanding responses to staff's environmental and engineering data requests, FERC staff is no longer able to complete the EA as scheduled.

Therefore, the Commission will suspend the environmental review schedule for the Amendment. Once RG LNG provides the outstanding information, the Commission will issue

a revised schedule for the EA. *Note that this requirement includes information referred to by RG LNG in the above table as to be filed "during detailed design," which this notice is clarifying must be filed for review and staff's analysis in the EA.* This is not a suspension of the Commission staff's review of the Amendment. Staff will continue to process RG LNG's proposal to the extent possible based upon the information filed to date while awaiting the remaining data responses.

**Additional Information**

Additional information about the Amendment is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the eLibrary link. Click on the eLibrary link,

click on "General Search" and enter the docket number in the "Docket Number" field, excluding the last three digits (*i.e.*, CP22-17). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Dated: April 14, 2023.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2023-08353 Filed 4-19-23; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 1888–043]

**York Haven Power Company, LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Application Type:* Application for Non-Capacity Amendment of License.
- b. *Project No:* 1888–043.
- c. *Date Filed:* January 26, 2023.
- d. *Applicant:* York Haven Power Company, LLC (licensee).
- e. *Name of Project:* York Haven Hydroelectric Project.
- f. *Location:* The project is located on the Susquehanna River in Lancaster and York counties, Pennsylvania.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.
- h. *Applicant Contact:* Jody Smet, Eagle Creek Renewable Energy, LLC; 7315 Wisconsin Avenue, Suite 1100W, Bethesda, MD 20814; Phone: (804) 739–0654.
- i. *FERC Contact:* Joy Kurtz, (202) 502–6760, [Joy.Kurtz@ferc.gov](mailto:Joy.Kurtz@ferc.gov).
- j. *Deadline for filing comments, motions to intervene, and protests:* May 13, 2023.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–1888–043. Comments emailed to Commission staff are not

considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee requests the Commission amend its project license to reflect a change in the design of the nature-like fishway (NLF) required by Article 401 of the project license, Pennsylvania Department of Environmental Protection's (Pennsylvania DEP) Water Quality Certificate (WQC) and U.S. Fish and Wildlife Service's (FWS) fishway prescription. These conditions require the construction and operation of a NLF based on design criteria and other specifications articulated in the project's 2014 Settlement Agreement. Following significant design challenges with the NLF and subsequent dispute-resolution efforts undertaken by the parties to the Settlement Agreement, the Settlement Agreement was amended to reflect the design change from an in-river NLF to an inland bypass NLF. In order to ensure consistency between the Settlement Agreement and the project license, the licensee is seeking Commission approval to amend the project license to reflect an inland bypass NLF rather than an in-river NLF, including the portion of Article 401(a) that identifies the deadline in which the NLF must be operational, and deadlines in which the licensee must file the plans and specifications, as well as a monitoring plan for the NLF for Commission approval. Finally, the licensee has filed requests with the Pennsylvania DEP and FWS to amend the WQC and fishway prescription, respectively, to reflect the terms of the amended to the Settlement Agreement. Once those documents are amended, the licensee requests they be incorporated into the project license.

l. *Location of the Application:* 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 website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/>

[esubscription.asp](mailto:esubscription.asp) to be notified via email of new filings and issuances related to this or other pending projects. Agencies may obtain copies of the application directly from the applicant. 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](mailto:FERCOnlineSupport@ferc.gov) or call toll free, (866) 208–3676 or TTY, (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: April 13, 2023.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2023–08323 Filed 4–19–23; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. CP23–82–000]

**Columbia Gas Transmission, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Lucas and Pavonia Wells Abandonment Project**

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental impacts of the Lucas and Pavonia Wells Abandonment Project (Abandonment Project) involving construction and operation of facilities by Columbia Gas Transmission, LLC (Columbia) in Ashland and Richland Counties, Ohio. The Commission will use this environmental document in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the Abandonment Project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as “scoping.” The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission’s NEPA process is described below in the *NEPA Process and Environmental Document* section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on May 15, 2023. Details on how to submit comments are provided in the *Public Participation* section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to

evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on March 2, 2023, you will need to file those comments in Docket No. CP23–82–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission’s current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a representative from Columbia may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Columbia provided landowners with a fact sheet prepared by the FERC entitled “An Interstate Natural Gas Facility On My Land? What Do I Need To Know?” which addresses typically asked questions, including how to participate in the Commission’s proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website ([www.ferc.gov](http://www.ferc.gov)) under the Natural Gas, Landowner Topics link.

**Public Participation**

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

(1) You can file your comments electronically using the *eComment*

feature, which is located on the Commission’s website ([www.ferc.gov](http://www.ferc.gov)) under the link to FERC Online. Using *eComment* is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission’s website ([www.ferc.gov](http://www.ferc.gov)) under the link to FERC Online. With *eFiling*, you can provide comments in a variety of formats by attaching them as a file with your submission. New *eFiling* users must first create an account by clicking on “*eRegister*.” You will be asked to select the type of filing you are making; a comment on a particular project is considered a “Comment on a Filing”; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP23–82–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Additionally, the Commission offers a free service called *eSubscription* which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to <https://www.ferc.gov/ferc-online/overview> to register for *eSubscription*.

**Summary of the Proposed Project**

Columbia proposes to abandon 37 injection/withdrawal wells and associated pipelines and appurtenances at its existing certificated Lucas and Pavonia Storage Fields in Ashland and Richland Counties, Ohio. The Abandonment Project would not change the existing boundary, total inventory, reservoir pressure, reservoir and buffer boundaries, or the certificated capacity of the Lucas and Pavonia Storage Fields. According to Columbia, its project would result in more efficient use of the remaining storage wells in the Lucas and Pavonia Storage fields by maintaining the storage fields’ integrity and efficiency. Columbia also states the Abandonment Project would not result in the termination or reduction in firm service to any of its existing customers.

The Abandonment Project would consist of the following facilities and activities:

- abandonment of 37 injection/withdrawal wells at the Lucas and Pavonia Storage Fields by permanently plugging and abandoning the wells in place;
- abandonment of approximately 41,423 feet of associated 3- to 6-inch-diameter pipeline, of which 39,402 feet would be capped and abandoned in place and 2,021 feet would be abandoned by removal; and
- abandonment by removal of all associated aboveground appurtenances, including, but not limited to, tie-in valves, pipeline markers, cathodic protection test stations, rectifiers, casing vents, and above-ground pipeline blowdown vents.

The general location of the project facilities is shown in appendix 1.<sup>1</sup>

#### Land Requirements for Construction

Abandonment of the proposed facilities would disturb about 87 acres of land. Following the abandonment activities, Columbia would restore the land and it would revert to former uses. Columbia states that it has acquired all easements and other land rights needed for the Abandonment Project.

#### NEPA Process and the Environmental Document

Any environmental document issued by the Commission will discuss impacts that could occur as a result of the abandonment of the proposed project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- environmental justice;
- air quality and noise; and
- reliability and safety.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further

study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/Notice of Schedule* will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary<sup>2</sup> and the Commission's natural gas environmental documents web page (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the environmental document.<sup>3</sup> Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice.

#### Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian

tribes, and the public on the project's potential effects on historic properties.<sup>4</sup> The environmental document for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

#### Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to [GasProjectAddressChange@ferc.gov](mailto:GasProjectAddressChange@ferc.gov) stating your request. You must include the docket number CP23-82-000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.  
OR

(2) Return the attached "Mailing List Update Form" (appendix 2).

#### Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the eLibrary link. Click on the eLibrary link,

<sup>1</sup> The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at [www.ferc.gov](http://www.ferc.gov) using the link called "eLibrary." For instructions on connecting to eLibrary, refer to the last page of this notice. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll free, (886) 208-3676 or TTY (202) 502-8659.

<sup>2</sup> For instructions on connecting to eLibrary, refer to the last page of this notice.

<sup>3</sup> The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at title 40, Code of Federal Regulations, section 1501.8.

<sup>4</sup> The Advisory Council on Historic Preservation's regulations are at title 36, Code of Federal Regulations, part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

click on “General Search” and enter the docket number in the “Docket Number” field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission’s calendar located at <https://www.ferc.gov/news-events/events> along with other related information.

Dated: April 14, 2023.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2023-08354 Filed 4-19-23; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2021-0327; FRL-8869-02-OAR]

### California State Nonroad Engine Pollution Control Standards; Large Spark-Ignition (LSI) Engines; Notice of Decision

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of decision.

**SUMMARY:** The Environmental Protection Agency (“EPA”) is granting the California Air Resources Board’s (“CARB’s”) request for authorization of California’s 2016 Large Spark Ignition (“LSI”) Fleet Amendments to its large spark-ignition engines fleets regulation (“2016 LSI Fleet Amendments”). This decision is granted under the authority of the Clean Air Act (“CAA”).

**DATES:** Petitions for review must be filed by June 20, 2023.

**ADDRESSES:** EPA has established a docket for this action under Docket ID EPA-HQ-OAR-2021-0327. All documents relied upon in making this decision, including those submitted to EPA by CARB, are contained in the public docket. Publicly available docket materials are available electronically through [www.regulations.gov](http://www.regulations.gov). After opening the website, enter “EPA-HQ-OAR-2021-0327” in the “Enter Keyword or ID” fill-in box to view documents in the record. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. EPA’s Office of

Transportation and Air Quality (OTAQ) maintains a web page that contains general information on its review of California waiver and authorization requests. Included on that page are links to prior waiver and authorization **Federal Register** notices, some of which are cited in this notice; the page can be accessed at: <https://www.epa.gov/state-and-local-transportation/vehicle-emissions-california-waivers-and-authorizations>.

#### FOR FURTHER INFORMATION CONTACT:

Julian M. Davis, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 2565 Plymouth Rd., Ann Arbor, MI 48105, Telephone: (734) 214-4029. Email: [davis.julian@epa.gov](mailto:davis.julian@epa.gov); or Kayla Steinberg, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW. Telephone: (202) 564-7658. Email: [steinberg.kayla@epa.gov](mailto:steinberg.kayla@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The California Air Resources Board (CARB) promulgated its first Large Spark-Ignition (LSI) regulations, applicable to new LSI engines, in 1999 and they remained unchanged until CARB’s 2008 Amendments.<sup>1</sup> EPA authorized these first LSI regulations on May 15, 2006.<sup>2</sup> CARB adopted the initial LSI Fleet Requirements (LSI Fleet Requirements), applicable to fleet operators on March 2, 2007. EPA granted California an authorization for the initial LSI Fleet Requirements in 2012.<sup>3</sup> The LSI Fleet Requirements were designed to address hydrocarbon (HC) and nitrogen oxide (NO<sub>x</sub>) emissions from existing LSI engines operating in California and required fleets to meet certain fleet average emission level (FAEL) standards. CARB adopted its 2008 LSI Amendments on November 21, 2008. The 2008 LSI Amendments created two new engine categories below one-liter displacement, with new, more stringent exhaust and evaporative emission standards applicable to new engines. These amendments also provided clarification as to when CARB’s off-road sport or utility regulations apply to certain LSI engines.<sup>4</sup> CARB adopted its 2010 LSI

Amendments on December 17, 2010. EPA issued an authorization decision for the 2008 and 2010 amendments in 2015.<sup>5</sup> The 2010 LSI Amendments expanded the “Limited Hours of Use Provision” to encompass equipment operated not more than 200 hours per year subsequent to January 1, 2011, and extended the preexisting compliance extension period if CARB has not verified a retrofit emission control system, or if one is not commercially available, from one year to two years.<sup>6</sup> At its July 21, 2016, public hearing, the CARB Board approved for adoption the 2016 LSI Fleet Amendments. By letter dated March 15, 2021, CARB submitted a request to EPA for an authorization to enforce the 2016 LSI Fleet Amendments and asked that EPA consider its amendments as accompanying enforcement procedures for standards already authorized in EPA’s 2015 decision.<sup>7</sup> The 2016 LSI Fleet Amendments include reporting requirements (*e.g.*, initial and annual reports, equipment transfer and sales reports, and an extension of existing reporting requirements for fleet operators subject to FAEL). The 2016 LSI Fleet Amendments also include new labeling requirements wherein, based on operator provided information, CARB will issue the operators a unique Equipment Identification Number (EIN) for each item of equipment reported, and the EIN will become the basis for a manufacturer’s equipment labels with a number of associated requirements.<sup>8</sup>

On August 16, 2021, EPA issued a notice seeking comment on CARB’s 2016 LSI Fleet Amendments as accompanying enforcement procedures.<sup>9</sup>

##### II. Principles Governing This Review

###### A. Clean Air Act Nonroad Engine and Vehicle Authorizations

CAA section 209(e)(1) prohibits states and local governments from adopting or attempting to enforce any standard or requirement relating to the control of emissions from certain new nonroad

synonymous and interchangeable with the term “nonroad” as used in the CAA and Federal regulations.” *Id.* at 1, note 1. In the rest of this decision, the term “nonroad” will be used.

<sup>5</sup> EPA granted a full authorization for the 2008 LSI Amendments and a within-the-scope confirmation for the 2010 LSI Amendments at 80 FR 76468 (Dec. 9, 2015).

<sup>6</sup> See Authorization Support Document, at 2-3.

<sup>7</sup> See Authorization Support Document, at 1. See also 80 FR 76468 for the full authorization of CARB 2008 LSI Amendments and within the scope of CARB’s 2010 LSI Amendments.

<sup>8</sup> See Title 13, Cal. Code Regs., section 2775, for all large spark-ignition engine fleet requirements.

<sup>9</sup> 86 FR 45724 (Aug. 16, 2021).

<sup>1</sup> Title 13, California Code of Regulations (Cal. Code Regs.), sections 2430 through 2439.

<sup>2</sup> 71 FR 29621, 29623 (May 15, 2006).

<sup>3</sup> EPA granted an authorization for these regulations at 77 FR 20388 (April 4, 2012).

<sup>4</sup> Clean Air Act section 209(e)(2) Authorization Support Document (Authorization Support Document), EPA-HQ-OAR-2021-0327-0003, at 1. Note, “off-road” is the term California uses in the Health and Safety Code and in Title 13, California Code of Regulations, and is intended to be

vehicles or engines.<sup>10</sup> The CAA also preempts states from adopting and enforcing standards and other requirements related to the control of emissions from all other nonroad engines or vehicles.<sup>11</sup> CAA section 209(e)(2)(A), however, requires the Administrator, after notice and opportunity for public hearing, to authorize California to adopt and enforce standards and other requirements relating to the control of emissions from such vehicles or engines not preempted by CAA section 209(e)(1) if California determines that California standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. However, EPA shall not grant such authorization if it finds that: (1) The protectiveness determination of California is arbitrary and capricious; (2) California does not need such standards to meet compelling and extraordinary conditions; or (3) California standards and accompanying enforcement procedures are not consistent with CAA section 209.<sup>12</sup> On July 20, 1994, EPA promulgated a rule (“the 1994 rule”) that sets forth, among other things, regulations providing the criteria, as found in CAA section 209(e)(2), which EPA must consider before granting any California authorization request for new nonroad engine or vehicle emission standards.<sup>13</sup> EPA revised these regulations in 1997.<sup>14</sup>

<sup>10</sup> CAA section 209(e)(1) prohibits states or any political subdivision from adopting or enforcing any standard or other requirement relating to the control of emissions from new engines which are used in construction equipment or vehicles or used in farm equipment or vehicles, and which are smaller than 175 horsepower, or new locomotives or new engines used in locomotives. See 40 CFR 1074.10(a).

<sup>11</sup> See CAA section 209(e)(2), 42 U.S.C. 7543(e). See 40 CFR 1074.10 (b). Therefore, States and localities are categorically prohibited from regulating the control of emissions from new nonroad vehicles and engines set forth in section 209(e)(1) of the CAA, but for “all other” nonroad vehicles and engines (including non-new engines and vehicles otherwise noted in 209(e)(1) and all other new and non-new nonroad engines and vehicles) are only preempted.

<sup>12</sup> See 40 CFR 1074.105.

<sup>13</sup> 59 FR 36969 (July 20, 1994).

<sup>14</sup> 40 CFR 1074.105:

(a) The Administrator will grant the authorization if California determines that its standards will be, in the aggregate, at least as protective of public health and welfare as otherwise applicable federal standards.

(b) The authorization will not be granted if the Administrator finds that any of the following are true:

(1) California’s determination is arbitrary and capricious.

(2) California does not need such standards to meet compelling and extraordinary conditions.

(3) The California standards and accompanying enforcement procedures are not consistent with section 209 of the Act (42 U.S.C. 7543).

As stated in the preamble to the 1994 rule, EPA has historically interpreted CAA section 209(e)(2)(iii) “consistency” inquiry to require that California standards and enforcement procedures be consistent with CAA sections 209(a), 209(e)(1), and 209(b)(1)(C) (as EPA has interpreted that subsection in the context of CAA section 209(b) motor vehicle waivers).<sup>15</sup> In order to be consistent with CAA section 209(a), California’s nonroad standards and enforcement procedures must not apply to new motor vehicles or new motor vehicle engines. To be consistent with CAA section 209(e)(1), California’s nonroad standards and enforcement procedures must not attempt to regulate engine categories that are permanently preempted from state regulation. To determine consistency with CAA section 209(b)(1)(C), EPA typically reviews nonroad authorization requests under the same “consistency” criteria that are applied to motor vehicle waiver requests. Pursuant to CAA section 209(b)(1)(C), the Administrator shall not grant California a motor vehicle waiver if he finds that California “standards and accompanying enforcement procedures are not consistent with section 202(a)” of the CAA. Previous decisions granting waivers and authorizations have noted that state standards and enforcement procedures are inconsistent with CAA section 202(a) if: (1) There is inadequate lead time to permit the development of the necessary technology giving appropriate consideration to the cost of compliance within that time, or (2) the Federal and state testing procedures impose inconsistent certification requirements.<sup>16</sup> When considering whether to grant authorizations for accompanying enforcement procedures tied to standards (such as record keeping and labeling requirements) for which an authorization has already been granted, EPA has evaluated: (1) Whether the enforcement procedures are so lax that they threaten the validity of California’s determination that its standards are as protective of public health and welfare as applicable Federal standards, and (2) whether the Federal

(c) In considering any request to authorize California to adopt or enforce standards or other requirements relating to the control of emissions from new nonroad spark-ignition engines smaller than 50 horsepower, the Administrator will give appropriate consideration to safety factors (including the potential increased risk of burn or fire) associated with compliance with the California standard.

<sup>15</sup> 59 FR at 36982–83.

<sup>16</sup> *Id.* See also 78 FR 58090, 58092 (Sept. 20, 2013).

and California enforcement procedures are consistent.<sup>17</sup>

### B. Burden of Proof

In *MEMA* the Court stated that the Administrator’s role in a CAA section 209 proceeding is to “consider all evidence that passes the threshold test of materiality and . . . thereafter assess such material evidence against a standard of proof to determine whether the parties favoring a denial of the waiver have shown that the factual circumstances exist in which Congress intended a denial of the waiver.”<sup>18</sup> The court in *MEMA I* considered the standard of proof under CAA section 209 for the two findings related to granting a waiver for an “accompanying enforcement procedure” (as opposed to the standards themselves): (1) Protectiveness in the aggregate and (2) consistency with section 202(a) findings. The Court instructed that “the standard of proof must take account of the nature of the risk of error involved in any given decision, and it therefore varies with the finding involved. We need not decide how this standard operates in every waiver decision.”<sup>19</sup> The Court upheld the Administrator’s position that, to deny a waiver, there must be ‘clear and compelling evidence’ to show that proposed procedures undermine the protectiveness of California’s standards.<sup>20</sup> The Court noted that this standard of proof also accords with the Congressional intent to provide California with the broadest possible discretion in setting regulations it finds protective of the public health and welfare.<sup>21</sup> With respect to the consistency finding, the Court did not articulate a standard of proof applicable to all proceedings but found that the opponents of the waiver were unable to meet their burden of proof even if the standard were a mere preponderance of the evidence.

Although *MEMA I* did not explicitly consider the standard of proof under CAA section 209 concerning a waiver request for “standards,” as compared to accompanying enforcement procedures, there is nothing in the opinion to

<sup>17</sup> See *Motor & Equipment Manufacturers Association v. Environmental Protection Agency (MEMA II)*, 627 F.2d 1095, 1112 (D.C. Cir. 1979). California certification test procedures need not be identical to the Federal test procedures to be “consistent.” California procedures would be inconsistent, however, if manufacturers would be unable to meet both the state and Federal test requirements with the same test vehicle in the course of the same test. See, e.g., 43 FR 32182. (July 25, 1978).

<sup>18</sup> *MEMA I*, 627 F.2d at 1122.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

suggest that the Court's analysis would not apply with equal force to such determinations. EPA's past waiver decisions have consistently made clear that: "[E]ven in the two areas concededly reserved for Federal judgment by this legislation—the existence of 'compelling and extraordinary' conditions and whether the standards are technologically feasible—Congress intended that the standards of EPA review of the State decision to be a narrow one."<sup>22</sup> Opponents of the waiver or authorization bear the burden of showing that the criteria for a denial of California's waiver or authorization request have been met. As found in *MEMA I*, this obligation rests firmly with opponents of the waiver or authorization in a CAA section 209 proceeding:

The language of the statute and its legislative history indicate that California's regulations, and California's determinations that they comply with the statute, when presented to the Administrator are presumed to satisfy the waiver requirements and that the burden of proving otherwise is on whoever attacks them. California must present its regulations and findings at the hearing and thereafter the parties opposing the waiver request bear the burden of persuading the Administrator that the waiver request should be denied.<sup>23</sup>

The Administrator's burden, on the other hand, is to make a reasonable evaluation of the information in the record in coming to the waiver or authorization decision. As the Court in *MEMA I* stated: "here, too, if the Administrator ignores evidence demonstrating that the waiver should not be granted, or if he seeks to overcome that evidence with unsupported assumptions of his own, he runs the risk of having his waiver decision set aside as 'arbitrary and capricious.'"<sup>24</sup> Therefore, the Administrator's burden is to act "reasonably."<sup>25</sup>

### C. Deference to California

In previous waiver and authorization decisions, EPA has recognized that the intent of Congress in creating a limited review based on specifically listed criteria was to ensure that the Federal government did not second-guess state policy choices. As the Agency explained in one prior waiver decision: "It is worth noting . . . I would feel constrained to approve a California approach to the problem which I might also feel unable to adopt at the federal

level in my own capacity as a regulator . . . Since a balancing of risks and costs against the potential benefits from reduced emissions is a central policy decision for any regulatory agency under the statutory scheme outlined above, I believe I am required to give very substantial deference to California's judgments on this score."<sup>26</sup> Similarly, EPA has stated that the text, structure, and history of the California waiver provision clearly indicate both a Congressional intent and appropriate EPA practice of leaving the decision on "ambiguous and controversial matters of public policy" to California's judgment.<sup>27</sup> This interpretation is supported by relevant discussion in the House Committee Report for the 1977 Amendments to the CAA. Congress had the opportunity through the 1977 Amendments to restrict the preexisting waiver provision but elected instead to expand California's flexibility to adopt a complete program of motor vehicle emission controls. The report explains that the amendment is intended to ratify and strengthen the preexisting California waiver provision and to affirm the underlying intent of that provision, that is, to afford California the broadest possible discretion in selecting the best means to protect the health of its citizens and the public welfare.<sup>28</sup>

### D. EPA's Administrative Process in Consideration of California's Request

On August 16, 2021, EPA issued a notice for comment regarding CARB's 2016 LSI Fleet Amendments. The notice requested the public provide EPA with comment on issues relevant to EPA's consideration of the accompanying enforcement procedures established within the 2016 LSI Fleet Amendments, specifically whether California's 2016 LSI Fleet Amendments: (a) undermine California's previous determination that its standards, in the aggregate, are at least as protective of public health and welfare as comparable Federal standards; (b) affect the consistency of California's requirements with CAA section 209; or (c) raise any other new issues relating to the three authorization criteria affecting EPA's previous waiver or authorization determinations.<sup>29</sup>

EPA did not receive a request for a public hearing. As a consequence, EPA did not hold a public hearing on this matter. EPA did receive one comment,

from the Outdoor Power Equipment Institute (OPEI), which asked EPA to deny California's authorization request and to revise the Agency's 1994 rule implementing CAA section 209(e) to prevent California from both adopting and enforcing its state regulations until after EPA has waived preemption under CAA section 209. The commenter requested that EPA deny California's request because it believes the State is enforcing its nonroad emissions regulations prior to an EPA authorization. OPEI states that California's position is inconsistent with the due process protections intended under CAA section 209, including safeguards for the public such as California's requiring a waiver or authorization to be granted in order to enforce the state's emission standards. In addition to denying California this authorization, OPEI requested EPA: (1) Revisit its 1994 rule and change its interpretation to bar California from adopting and enforcing its regulations prior to EPA issuing a waiver or authorization; (2) clarify adoption dates, implementation dates and lead times, and enforcement terms; and (3) establish that the effective dates and lead times for CARB rules requiring an EPA waiver or authorization must consider the timing of the waiver submission and approval process.

### III. Discussion

Our analysis of the 2008 LSI Amendments in the context of the full authorization criteria is set forth below.

#### A. California's Protectiveness Determination

CAA section 209(e)(2)(A)(i) of the CAA instructs that EPA cannot grant an authorization if the Agency finds that California was arbitrary and capricious in its determination that its amendments are, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. In adopting the 2016 LSI Fleet Amendments, CARB's Board approved Resolution 16–10, in which it expressly declared, "the Board hereby determines, in accordance with the CAA, section 209(e)(2), that the amendments adopted herein do not undermine the Board's previous determination that the regulation's emission standards, other emission related requirements, and associated enforcement procedures are, in the aggregate, at least as protective of the public health and welfare as applicable

<sup>22</sup> 80 FR 76468, 76471 (December 9, 2015).

<sup>23</sup> *Id.* at 1121.

<sup>24</sup> *Id.* at 1126.

<sup>25</sup> *Id.*

<sup>26</sup> See, "California State Motor Vehicle Pollution Control Standards; Waiver of Federal Preemption," 40 FR 23102, 23103 (May 28, 1975).

<sup>27</sup> *Id.* at 23103–04.

<sup>28</sup> *MEMA I*, 627 F.2d at 1110 (citing H.R. Rep. No. 294, 95th Cong., 1st Sess. 301–02 (1977)).

<sup>29</sup> 86 FR 45724 (Aug. 16, 2021).

federal standards.’”<sup>30</sup> CARB further stated that the 2016 LSI Fleet Amendments “do not reduce the stringency of the FAEL standards established by the initial LSI Fleet Requirements but will instead *enable* CARB to more effectively enforce the LSI Fleet Requirements.”<sup>31</sup> CARB also pointed out that there are no Federal standards to regulate engines that have been placed into service, such as regulations applicable to fleet operators, under the CAA and, therefore, there is no question that California’s standards are at least as protective as Federal standards.

EPA requested but did not receive any comment on whether the 2016 LSI Fleet Amendment undermine California’s previous protectiveness determination. We cannot find that California’s 2016 LSI Fleet Amendments undermine California’s previous determination that its standards and accompanying enforcement procedures, in the aggregate, are at least as protective of public health and welfare as applicable Federal standards. Thus, we cannot deny CARB’s request for authorization of its amendments based on this criterion.

#### B. Consistency With CAA Section 209

Section 209(e)(2)(A)(iii) of the Act instructs that EPA cannot grant an authorization if California’s standards and enforcement procedures are not consistent with “this section.” The 1994 rule sets forth, among other things, regulations providing the criteria, as found in section 209(e)(2), which EPA must consider before granting any California authorization request for new nonroad engine or vehicle emission standards. EPA has historically interpreted the section 209(e)(2)(iii) “consistency” inquiry to require, at minimum, that California standards and enforcement procedures be consistent with section 209(a), section 209(e)(1), and section 209(b)(1)(C) (as EPA has interpreted that subsection in the context of section 209(b) motor vehicle waivers).<sup>32</sup> EPA has interpreted this last subsection in the context of motor vehicle waivers. Thus, this can be viewed as a three-pronged test as evaluated below.

##### 1. Consistency With CAA Section 209(a)

To be consistent with CAA section 209(a), California’s 2016 LSI Amendments must not apply to new motor vehicles or new motor vehicle

engines. California’s 2016 LSI Fleet Amendments expressly apply only to nonroad engines and do not apply to engines used in motor vehicles as defined by CAA section 216(2). We did not receive any comments on California’s consistency with CAA section 209(a). Therefore, EPA cannot deny California’s request on the basis that California’s 2016 LSI Fleet Amendments are not consistent with CAA section 209(a).

##### 2. Consistency With CAA Section 209(e)(1)

To be consistent with CAA section 209(e)(1), California’s 2016 LSI Fleet Amendments must not affect new farm or construction equipment or vehicles that are below 175 horsepower, or new locomotives or new engines used in locomotives. CARB notes that its 2016 LSI Fleet Amendments do not affect such permanently preempted vehicles or engines. EPA did not receive any comments regarding California’s consistency with section 209(e)(1). Therefore, EPA cannot deny California’s request on the basis that California’s 2016 LSI Fleet Amendments are not consistent with section 209(e)(1).

##### 3. Consistency With CAA Section 209(b)(1)(C)

The requirement that California’s standards be consistent with CAA section 209(b)(1)(C) effectively requires consistency with section 202(a). EPA has interpreted consistency with section 202(a) using a two-pronged test: (1) Whether there is sufficient lead time to permit the development of technology necessary to meet the standards and other requirements, giving appropriate consideration to the cost of compliance in the time frame provided, and (2) whether the California and Federal test procedures are sufficiently compatible to permit manufacturers to meet both the state and Federal test requirements with one test vehicle or engine.<sup>33</sup> The scope of EPA’s review of whether California’s action is consistent with CAA section 202(a) is narrow. The determination is limited to whether those opposed to the authorization have met their burden of establishing that California’s standards are technologically infeasible, or that California’s test procedures impose requirements inconsistent with the Federal test procedures.<sup>34</sup>

##### a. Technological Feasibility

Congress has stated that the consistency requirement of section

202(a) relates to technological feasibility.<sup>35</sup> CAA section 202(a)(2) states, in part, that any regulation promulgated under its authority “shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period.” Section 202(a) thus requires the Administrator to first determine whether adequate technology already exists; or if it does not, whether there is adequate time to develop and apply the technology before the standards go into effect. The latter scenario also requires the Administrator to decide whether the cost of developing and applying the technology within that time is feasible.

The 2016 LSI Fleet Amendments include reporting requirements (*e.g.*, initial and annual reports, equipment transfer and sales reports, and an extension of existing reporting requirements for fleet operators subject to fleet average emission limits). The 2016 LSI Fleet Amendments also include new labeling requirements wherein, based on operator provided information, CARB will issue the operators a unique EIN for each item of equipment reported and become the basis of a manufacturer’s equipment labels with a number of associated requirements. EPA did not receive any comments suggesting that CARB’s accompanying enforcement procedures are technologically infeasible. Consequently, based on the record, EPA cannot deny California authorization of its 2016 LSI Fleet Amendments based on technological infeasibility.

##### b. Consistency With Federal Test Procedures

California’s 2016 LSI Amendments do not alter the testing required under the previously granted LSI Fleet authorization. California states in its authorization support document, “[t]he 2016 LSI Fleet Amendments also do not raise any issue regarding incompatibility between California and Federal test procedures because EPA has no comparable requirements.<sup>36</sup> We did not receive any comment regarding inconsistency with Federal test procedures that would provide EPA a basis to deny this authorization. Consequently, based on the record, EPA cannot deny California an authorization on the basis of inconsistency with Federal test procedures.

<sup>30</sup> CARB, Resolution 16–10 (quoted in Authorization Support Document, at 7–8).

<sup>31</sup> *Id.* at 8.

<sup>32</sup> 59 FR at 36982–83.

<sup>33</sup> See 61 FR 53371, 53372 (Oct. 11, 1996).

<sup>34</sup> *MEMA I*, 627, F.2d at 1126.

<sup>35</sup> H.R. Rep. No. 95–294, 95th Cong., 1st Sess. 301 (1977).

<sup>36</sup> Authorization Support Document, at 9.

*C. Other Issues Affecting EPA's Evaluation of CAA Section 209(e) Criteria*

EPA has received comment outside the scope of the three authorization criteria in section 209(e)(1) of the CAA. A summary of OPEI's comment is set forth above. EPA does not believe OPEI has provided comments directly related to the applicable criteria EPA may consider when reviewing a request from California for a waiver or authorization. OPEI has not met its burden of proof to demonstrate that the basis for denying an authorization under section 209(e)(1) has been met.

In previous decisions on waivers and authorizations, EPA has stated that Congress intended EPA's review of California's decision-making to be narrow. This has led EPA to reject arguments that are not specified in the statute as grounds for denying a waiver:

The law makes it clear that the waiver requests cannot be denied unless the specific findings designated in the statute can properly be made. The issue of whether a proposed California requirement is likely to result in only marginal improvement in air quality not commensurate with its cost or is otherwise an arguably unwise exercise of regulatory power is not legally pertinent to my decision under section 209, so long as the California requirement is consistent with section 202(a) and is more stringent than applicable Federal requirements in the sense that it may result in some further reduction in air pollution in California.<sup>37</sup>

EPA has noted that the statute lists three specific grounds for rejecting an authorization request.<sup>38</sup> This has led EPA to reject arguments that are outside the scope of the three statutory criteria when considering whether to grant or deny a waiver request.<sup>39</sup>

EPA believes OPEI's challenge to California's exercise of California's enforcement procedures is misplaced in this request for an authorization. Consideration of a request for authorization is limited to the criteria outlined in CAA section 209(e)(2)(A), *i.e.*, whether: (1) California's determination is arbitrary and capricious, (2) California does not need such standards to meet compelling and extraordinary conditions,<sup>40</sup> or (3)

California standards and accompanying enforcement procedures are not consistent with section 209 of the CAA. OPEI does not argue that the 2016 LSI Fleet Amendments and its accompanying enforcement procedures affect EPA's prior authorization decision or alters California's previous grant of an EPA authorization. An evaluation of the issues related to whether California is improperly enforcing its regulations before a waiver or authorization is issued by EPA is not among the criteria listed under CAA section 209(e)(1). EPA may only deny an authorization based on the criteria in CAA section 209(e)(1) and any issues raised regarding the improper enforcement by California of its regulations prior to receiving a waiver or authorization is not one of those criteria. Therefore, given OPEI does not raise new issues affecting EPA's evaluation of CAA section 209(e)(1) criteria, and the issues raised by OPEI in its comments may not be used as a basis of denying California this authorization.

Similarly, OPEI's comments seeking revision of EPA's authorization regulations are misplaced. EPA did not reopen those regulations in this proceeding, and therefore those comments are beyond the scope of this action.

EPA notes, without reopening our regulations, that the regulations implementing CAA section 209(e)(2) are at 40 CFR part 1074, subpart B.<sup>41</sup> We also note that the "lead time" associated with the evaluation of California's regulations under CAA section 209(e)(2)(A)(iii) is measured from when California adopts its regulations.<sup>42</sup> Once EPA authorizes CARB's authorization request, which includes an assessment of CAA section 209(e)(2)(A)(iii), then CARB is no longer subject to the preemption in CAA section 209 and may enforce its regulations under its state law authorities.

#### IV. Decision

After evaluating California's 2016 LSI Fleet Amendments, CARB's submissions, and the lack of any relevant adverse comment, EPA is granting an authorization to California for its 2016 LSI Fleet Amendments.

In any event, no adverse comment was submitted to suggest CARB's regulations did not meet this criterion and EPA cannot deny the waiver request on this basis.

<sup>41</sup> 40 CFR 1074.101(a) provides that California must request authorization from the Administrator of EPA to enforce its adopted standards. *See also* 95 FR 3699 (July 20, 1994).

<sup>42</sup> 59 FR 3969, 36981–36983 (July 20, 1994).

#### V. Judicial Review

Section 307(b)(1) of the CAA governs judicial review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the United States Court of Appeals for the District of Columbia Circuit: (i) when the agency action consists of "nationally applicable regulations promulgated, or final actions taken, by the Administrator," or (ii) when such action is locally or regionally applicable, but "such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination." For locally or regionally applicable final actions, the CAA reserves to the EPA complete discretion whether to invoke the exception in (ii).

To the extent a court finds this final action to be locally or regionally applicable, the Administrator is exercising the complete discretion afforded to him under the CAA to make and publish a finding that this action is based on a determination of "nationwide scope or effect" within the meaning of CAA section 307(b)(1) for several reasons.<sup>43</sup> This final action grants an authorization for amendments to California's LSI Fleet regulations that were previously authorized by EPA. As such, this final action will affect fleet operators located within and outside California that are subject to the reporting and labeling requirements in those regulations while operating their equipment within California.

Furthermore, the LSI Fleet regulations, and the amendments to those regulations that are the subject of today's action, the 2016 LSI Fleet Amendments, are part of California's nonroad emissions program that, together with its on-highway emissions program, are regulatory programs that EPA may waive under CAA section 209. As required by statute, in evaluating the authorization criteria in this action, EPA considers not only the 2016 LSI Fleet Amendments in isolation, but in the context of the entire California program. *See* CAA section 209(e)(2)(A) (requiring that the protectiveness finding be made for California's standards "in the aggregate"). Moreover, EPA generally applies a consistent statutory interpretation and analytical framework

<sup>43</sup> In deciding whether to invoke the exception by making and publishing a finding that this final action is based on a determination of nationwide scope or effect, the Administrator has also taken into account a number of policy considerations, including his judgment balancing the benefit of obtaining the D.C. Circuit's authoritative centralized review versus allowing development of the issue in other contexts and the best use of Agency resources.

<sup>37</sup> 78 FR 2111, 2115 (Jan. 9, 2013). *See also* 36 FR 17458 (Aug. 31, 1971). Note that the more stringent standard expressed here, in 1971, was superseded by the 1977 Amendments to CAA section 209, which established that California must determine that its standards are, in the aggregate, at least as protective of public health and welfare as applicable Federal standards.

<sup>38</sup> *Id.*

<sup>39</sup> 87 FR 14342 (March 14, 2022).

<sup>40</sup> As noted above, EPA's review of waiver requests for accompanying enforcement procedures does not include a review of the second waiver

in evaluating and deciding various authorization and waiver requests under CAA section 209. EPA also relies on the extensive body of D.C. Circuit case law developed by that court since 1979 as it has reviewed and decided judicial challenges to these actions. As such, judicial review of any challenge to this action in the D.C. Circuit will centralize review of national issues in that court and advance other Congressional principles underlying this CAA provision of avoiding piecemeal litigation, furthering judicial economy, and eliminating the risk of inconsistent judgments.

For these reasons, the Administrator is exercising the complete discretion afforded to him by the CAA and hereby finds that this final action is based on a determination of nationwide scope or effect for purposes of CAA section 307(b)(1) and is hereby publishing that finding in the **Federal Register**. Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit by June 20, 2023.

#### VI. Statutory and Executive Order Reviews

As with past authorization and waiver decisions, this action is not a rule as defined by Executive Order 12866. Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12866. In addition, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities. Further, the Congressional Review Act, 5 U.S.C. 801, *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3).

Michael S. Regan,  
Administrator.

[FR Doc. 2023-08296 Filed 4-19-23; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2023-0061; FRL-10581-03-OCSPP]

#### Certain New Chemicals; Receipt and Status Information for March 2023

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** EPA is required under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to make information publicly available and to publish information in the **Federal Register** pertaining to submissions under TSCA Section 5, including notice of receipt of a Premanufacture notice (PMN), Significant New Use Notice (SNUN), or Microbial Commercial Activity Notice (MCAN), including an amended notice or test information; an exemption application (Biotech exemption); an application for a test marketing exemption (TME), both pending and/or concluded; a notice of commencement (NOC) of manufacture (including import) for new chemical substances; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review. This document covers the period from 3/1/2023 to 3/31/2023.

**DATES:** Comments identified by the specific case number provided in this document must be received on or before May 22, 2023.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2023-0061, 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:

*For technical information contact:* Jim Rahai, Project Management and Operations Division (MC 7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-8593; email address: [rahai.jim@epa.gov](mailto:rahai.jim@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](mailto:TSCA-Hotline@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Executive Summary

##### A. What action is the Agency taking?

This document provides the receipt and status reports for the period from 3/

01/2023 to 3/31/2023. The Agency is providing notice of receipt of PMNs, SNUNs, and MCANs (including amended notices and test information); an exemption application under 40 CFR part 725 (Biotech exemption); TMEs, both pending and/or concluded; NOCs to manufacture a new chemical substance; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review.

EPA is also providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notice>. This information is updated on a weekly basis.

##### B. What is the Agency's authority for taking this action?

Under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.*, a chemical substance may be either an "existing" chemical substance or a "new" chemical substance. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a "new chemical substance," while a chemical substance that is listed on the TSCA Inventory is classified as an "existing chemical substance." (See TSCA section 3(11).) For more information about the TSCA Inventory please go to: <https://www.epa.gov/inventory>.

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN, or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for "test marketing" purposes, upon a showing that the manufacture, processing, distribution in commerce,

use, and disposal of the chemical will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: <https://www.epa.gov/chemicals-under-tsca>.

Under TSCA sections 5 and 8 and EPA regulations, EPA is required to publish in the **Federal Register** certain information, including notice of receipt of a PMN/SNUN/MCAN (including amended notices and test information); an exemption application under 40 CFR part 725 (biotech exemption); an application for a TME, both pending and concluded; NOCs to manufacture a new chemical substance; and a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review.

*C. Does this action apply to me?*

This action provides information that is directed to the public in general.

*D. Does this action have any incremental economic impacts or paperwork burdens?*

No.

*E. What should I consider as I prepare my comments for EPA?*

1. *Submitting confidential business information (CBI).* Do not submit this information to EPA through [regulations.gov](https://www.epa.gov/regulations) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that

includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets>.

**II. Status Reports**

In the past, EPA has published individual notices reflecting the status of TSCA section 5 filings received, pending or concluded. In 1995, the Agency modified its approach and streamlined the information published in the **Federal Register** after providing notice of such changes to the public and an opportunity to comment (see the **Federal Register** of May 12, 1995 (60 FR 25798) (FRL-4942-7)). Since the passage of the Lautenberg amendments to TSCA in 2016, public interest in information on the status of section 5 cases under EPA review and, in particular, the final determination of such cases, has increased. In an effort to be responsive to the regulated community, the users of this information, and the general public, to comply with the requirements of TSCA, to conserve EPA resources and to streamline the process and make it more timely, EPA is providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: <https://www.epa.gov/reviewing-new-chemicals->

*under-toxic-substances-control-act-tsca/status-pre-manufacture-notices*. This information is updated on a weekly basis.

**III. Receipt Reports**

For the PMN/SNUN/MCANs that have passed an initial screening by EPA during this period, Table I provides the following information (to the extent that such information is not subject to a CBI claim) on the notices screened by EPA during this period: The EPA case number assigned to the notice that indicates whether the submission is an initial submission, or an amendment, a notation of which version was received, the date the notice was received by EPA, the submitting manufacturer (*i.e.*, domestic producer or importer), the potential uses identified by the manufacturer in the notice, and the chemical substance identity.

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that this information in the table is generic information because the specific information provided by the submitter was claimed as CBI. Submissions which are initial submissions will not have a letter following the case number. Submissions which are amendments to previous submissions will have a case number followed by the letter "A" (*e.g.*, P-18-1234A). The version column designates submissions in sequence as "1", "2", "3", etc. Note that in some cases, an initial submission is not numbered as version 1; this is because earlier version(s) were rejected as incomplete or invalid submissions. Note also that future versions of the following tables may adjust slightly as the Agency works to automate population of the data in the tables.

TABLE I—PMN/SNUN/MCANs APPROVED \* FROM 03/01/2023 TO 03/31/2023

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
J-21-0019A	2	06/23/2021	CBI .....	(G) Production of DNA for use in internal manufacturing.	(G) Strain of <i>Escherichia coli</i> modified with genetically stable, plasmid-borne DNA for the production of plasmid-borne DNA.
J-23-0001A	8	02/27/2023	Lesaffre Yeast Corporation.	(G) Ethanol production .....	(G) <i>Saccharomyces cerevisiae</i> , modified to express glucoamylase activity.
P-20-0032A	5	03/23/2023	Engineered Bonded Structures and Composites.	(S) Used as a copolymer in the production of urethane foam or coating.	(G) Polyethylene terephthalate polyol.
P-21-0165A	2	02/28/2023	CBI .....	(S) Anionic surfactant in cleaning products .....	(S) D-Glucopyranose, oligomeric, C10-16alkyl glycosides, 3-(3,4-dicarboxy-3-hydroxy-1-oxobutoxy)-2-hydroxypropyl ethers, sodium salts.
P-21-0193A	5	03/01/2023	Santolubes Manufacturing, LLC.	(S) Used in gear oils & greases, wind turbines, HX-1 (incidental food contact) lubricants and EV (Electric Vehicle) motors.	(S) Fatty acids, C8-10, diesters with polyethylene glycol.
P-22-0018A	2	03/21/2023	CBI .....	(G) Component of lubricant .....	(G) Substituted polyalkylenepoly, reaction products with substituted heteromonocycle substituted heteromonocycle polyalkylene derivs.

TABLE I—PMN/SNUN/MCANS APPROVED \* FROM 03/01/2023 TO 03/31/2023—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P-22-0054A	4	03/02/2023	CBI .....	(G) Additive for paint and coatings .....	(G) Graphene nanoplatelets.
P-23-0062	3	03/22/2023	CBI .....	(S) Use in polyurethane structural adhesives (e.g. windmill OEM), polyurethane potting, and high strength polyurethane foams and composites.	(G) Cashew, nutshell, polymer based polyether polyol.
P-23-0063A	2	03/09/2023	CBI .....	(G) Dyestuff .....	(G) 3-Heteromonocycle methanesulfonic acid, 5-[2-[5-[[4-chloro-6-[[3(or 4)-sulfo-carbomonocyclic]amino] heteromonocyclic]amino]-2-sulfocarbomonocyclic]diazanyl]-1-ethyl-6-hydroxy-4-methyl-2-oxo-, sodium salt (1:3).
P-23-0064A	2	03/24/2023	CBI .....	(G) Component in aerospace coatings .....	(G) Alkanediol, substituted, polymer with diisocyanatoalkane, substituted heterocycle-modified.
P-23-0070	2	03/20/2023	CBI .....	(G) Surfactant for cleaning products, pet shampoo, hand cleansing, laundry detergent, dishwasher detergent.	(S) Fatty Acids, C8-14, methyl-2-sulfoethyl esters, sodium salts.
P-23-0076A	2	03/09/2023	CBI .....	(G) Dyestuff .....	(G) 1,5-Carbopolycycle disulfonic acid, 2-[2-[8-[[4-chloro-6-(ethylcarbomonocyclic amino)-heteromonocyclic]amino]-1-hydroxy-3,6-disulfo-2-carbopolycyclic]diazanyl]-, sodium salt (1:4).
P-23-0081A	4	03/15/2023	Ashland, Inc .....	(S) Polymer used as non-ionic surfactant in wood coating formulations.	(G) Alkyl glycidyl ether, polymer with Poly(oxy-1,2-ethanediyl).
P-23-0086	5	03/03/2023	CBI .....	(G) Intermediate used in the manufacturing of detergents.	(S) 1,2-Benzisothiazole, 3-methyl-,1,1-dioxide.
P-23-0092	2	03/06/2023	CBI .....	(G) An additive in ink formulations .....	(G) Maleic modified rosin polyol ester cyclic acid.
P-23-0100	1	02/28/2023	CBI .....	(G) Dispersion agent used in glass fiber formation.	(G) Amines, alkyl reaction products with acrylic acid. salts.
P-23-0101	4	03/20/2023	CBI .....	(G) Chemical intermediate .....	(G) Glycerides from fermentation of genetically modified microorganism, epoxidized.
P-23-0102	4	03/20/2023	CBI .....	(G) Chemical component .....	(G) Glycerides from fermentation of genetically modified microorganism.
P-23-0103	4	03/20/2023	CBI .....	(G) Reactant .....	(G) Glycerides from fermentation of genetically modified microorganism, epoxidized, reaction products with ethanol.
P-23-0104	1	03/09/2023	CBI .....	(G) An ingredient used in the manufacture of photoresist.	(G) Sulfonium, carbomonocycle bis[(trihaloalkyl)carbomonocycle], disubstituted carbomonocyclic ester.
P-23-0106	3	03/23/2023	Fujifilm Electronic Materials USA, Inc.	(G) Protective coating .....	(G) 1,3-Isobenzofurandione, 5,5-oxybis-, polymer with aromatic diamine and haloalkyl-substituted dianhydride, reaction products with acetic anhydride.
P-23-0119	1	03/27/2023	Evonik Corporation .....	(S) Curing agent for Industrial epoxy coating systems.	(S) 1,8-Octanediamine, 4-(aminomethyl)-, N-benzyl derivs.
P-23-0123	1	03/28/2023	CBI .....	(G) A polymer of insulating materials .....	(G) Phenol, Polyalkylcarbomonocycle bis-, polymer with 2-carbomonocyclic haloheteromonocycle, bis[(alkenylcarbomonocyclic)alkyl] ether.
SN-23-0002A	3	03/07/2023	Inhance Technologies, LLC.	(S) The LCPFACs are impurities/byproducts of the fluorination of fuel storage containers and fuel tanks used in small combustion engines, ground-supported small engines, small motorsport engines, and marine engines.	(S) Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-.
SN-23-0003A	3	03/07/2023	Inhance Technologies, LLC.	(S) The LCPFACs are impurities/byproducts of the fluorination of fuel storage containers and fuel tanks used in small combustion engines, ground-supported small engines, small motorsport engines, and marine engines. (G) The LCPFACs have no function or application.	(S) Dodecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-tricosafuoro-.
SN-23-0004A	3	03/07/2023	Inhance Technologies, LLC.	(S) The LCPFACs are impurities/byproducts of the fluorination of fuel storage containers and fuel tanks used in small combustion engines, ground-supported small engines, small motorsport engines, and marine engines. (G) The LCPFACs have no function or application.	(S) Nonanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,9-heptadecafluoro-.
SN-23-0005A	3	03/07/2023	Inhance Technologies, LLC.	(S) The LCPFACs are impurities/byproducts of the fluorination of fuel storage containers and fuel tanks used in small combustion engines, ground-supported small engines, small motorsport engines, and marine engines. (G) The LCPFACs have no function or application.	(S) Decanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-nonadecafluoro-.

TABLE I—PMN/SNUN/MCANS APPROVED \* FROM 03/01/2023 TO 03/31/2023—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
SN-23-0006A	3	03/07/2023	Inhance Technologies, LLC.	(S) The LCPFACs are impurities/byproducts of the fluorination of fuel storage containers and fuel tanks used in small combustion engines, ground-supported small engines, small motorsport engines, and marine engines. (G) The LCPFACs have no function or application.	(S) Undecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,11-heneicosafuoro-
SN-23-0008A	3	03/07/2023	Inhance Technologies, LLC.	(S) The LCPFACs have no use or function in the end product. (G) The LCPFACs have no function or application.	(S) Tetradecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-heptacosafuoro-
SN-23-0009A	3	03/07/2023	Inhance Technologies, LLC.	(S) The LCPFACs have no use or function in the end product. (G) The LCPFACs have no function or application.	(S) Tridecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,13-pentacosafuoro-
SN-23-0010A	3	03/07/2023	Inhance Technologies, LLC.	(S) The LCPFACs have no use or function in the end product. (G) The LCPFACs have no function or application.	(S) Hexadecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,16-hentriacontafuoro-
SN-23-0011A	3	03/07/2023	Inhance Technologies, LLC.	(S) The LCPFACs have no use or function in the end product. (G) The LCPFACs have no function or application.	(S) Octadecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,17,17,18,18,18-pentatriacontafuoro-
SN-23-0013	2	03/07/2023	Inhance Technologies, LLC.	(S) The LCPFACs are impurities/byproducts of the fluorination of fuel storage containers and fuel tanks used in small combustion engines, ground-supported small engines, small motorsport engines, and marine engines. (G) The LCPFACs have no function or application.	(S) Tridecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,13-pentacosafuoro-
SN-23-0014	2	03/07/2023	Inhance Technologies, LLC.	(S) The LCPFACs are impurities/byproducts of the fluorination of fuel storage containers and fuel tanks used in small combustion engines, ground-supported small engines, small motorsport engines, and marine engines. (G) The LCPFACs have no function or application.	(S) Tetradecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-heptacosafuoro-
SN-23-0015	2	03/07/2023	Inhance Technologies, LLC.	(S) The LCPFACs are impurities/byproducts of the fluorination of fuel storage containers and fuel tanks used in small combustion engines, ground-supported small engines, small motorsport engines, and marine engines. (G) The LCPFACs have no function or application.	(S) Hexadecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,16-hentriacontafuoro-
SN3-23-0016	2	03/07/2023	Inhance Technologies, LLC.	(S) The LCPFACs are impurities/byproducts of the fluorination of fuel storage containers and fuel tanks used in small combustion engines, ground-supported small engines, small motorsport engines, and marine engines. (G) The LCPFACs have no function or application.	(S) Octadecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,17,17,18,18,18-pentatriacontafuoro-
SN-23-0017A	2	03/08/2023	Inhance Technologies, LLC.	(S) The LCPFACs have no use or function in the end product. (G) The LCPFACs have no function or application.	(S) Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-
SN-23-0018A	2	03/08/2023	Inhance Technologies, LLC.	(S) The LCPFACs have no use or function in the end product. (G) The LCPFACs have no function or application.	(S) Nonanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,9-heptadecafluoro-
SN-23-0019A	2	03/08/2023	Inhance Technologies, LLC.	(S) The LCPFACs have no use or function in the end product. (G) The LCPFACs have no function or application.	(S) Decanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-nonadecafluoro-
SN-23-0020A	2	03/08/2023	Inhance Technologies, LLC.	(S) The LCPFACs have no use or function in the end product. (G) The LCPFACs have no function or application.	(S) Undecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,11-heneicosafuoro-
SN-23-0021A	2	03/08/2023	Inhance Technologies, LLC.	(S) The LCPFACs have no use or function in the end product. (G) The LCPFACs have no function or application.	(S) Dodecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-tricosafuoro-

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs that have passed an initial screening by EPA during this period: The EPA case number assigned

to the NOC including whether the submission was an initial or amended submission, the date the NOC was received by EPA, the date of commencement provided by the submitter in the NOC, a notation of the

type of amendment (e.g., amendment to generic name, specific name, technical contact information, etc.) and chemical substance identity.

TABLE II—NOCs APPROVED \* FROM 03/01/2023 TO 03/31/2023

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
J-22-0022 .....	03/27/2023	03/20/2023	N .....	(G) Microorganism stably transformed to manufacture pha.
J-23-0001 .....	03/13/2023	02/22/2023	N .....	(G) Saccharomyces cerevisiae, modified to express glucoamylase activity.
P-11-0595 .....	02/28/2023	02/11/2023	N .....	(G) Acrylic copolymer with sodium phosphinate, peroxydisulfuric acid (([ho)s(o)2]2o2) alkali salt-initiated.
P-16-0600 .....	03/01/2023	02/24/2023	N .....	(G) Organo-titanate.
P-18-0378 .....	03/30/2023	03/23/2023	N .....	(G) Acrylic and methacrylic acids and esters, polymer with alkenylimidazole, alkyl polyalkylene glycol, alkenylbenzene, alkylbenzeneperoxy acid ester initiated, compds. with dialkylaminoalkanol.
P-20-0010A .....	03/28/2023	03/31/2022	Amended generic chemical name.	(G) Metal salts of Thio Organic Acids.
P-21-0199A .....	03/01/2023	01/31/2023	Amended generic chemical name.	(G) 1,6-disubstituted hexane.

\* The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission.

In Table III of this unit, EPA provides the following information (to the extent such information is not subject to a CBI claim) on the test information that has been received during this time period: The EPA case number assigned to the test information; the date the test information was received by EPA, the type of test information submitted, and chemical substance identity.

TABLE III—TEST INFORMATION RECEIVED FROM 03/01/2023 TO 03/31/2023

Case No.	Received date	Type of test information	Chemical substance
P-14-0712 .....	03/29/2023	Polychlorinated Dibenzodioxins and Polychlorinated dibenzofurans Testing.	(G) Plastics, wastes, pyrolyzed, bulk pyrolysate.
P-16-0379 .....	03/23/2023	Reverse Mutation Assay (OCSPP Guideline 870.5265), Repeated Dose 28-day Oral Toxicity Study in Rodents (OECD Test Guideline 407), and In Vitro Mammalian Chromosome Aberration Test (OECD Test Guideline 473).	(S) Silane, 1,1'-(1,2-ethanediy)bis[1,1-dichloro-1-methyl-, hydrolysis products with chloroethenyl-dimethylsilane.
P-16-0543 .....	03/04/2023	Exposure Monitoring Report .....	(G) Halogenophosphoric acid metal salt.
P-18-0168 .....	03/22/2023	Revised Surface Tension Testing .....	(G) Alkoxylated triaryl methane.
P-22-0167 .....	02/24/2023	Aquatic Invertebrate Acute Toxicity Test, Freshwater Daphnids (OECD Test Guideline 202), Freshwater and Saltwater Fish Acute Toxicity Test (OECD Test Guideline 203).	(G) 1,2-cycloalkanedicarboxylic acid, 1,2-bis(2-oxiranylalkyl) ester, reaction products with unsaturated carboxylic acid.

If you are interested in information that is not included in these tables, you may contact EPA's technical information contact or general information contact as described under **FOR FURTHER INFORMATION CONTACT** to access additional non-CBI information that may be available.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: April 12, 2023.

**Pamela Myrick,**

Director, Project Management and Operations Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2023-08303 Filed 4-19-23; 8:45 am]

**BILLING CODE 6560-50-P**

**FEDERAL COMMUNICATIONS COMMISSION**

[OMB 3060-1246; FR ID 137075]

**Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning:

whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the

PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before June 20, 2023. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicole Ongele, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [nicole.ongele@fcc.gov](mailto:nicole.ongele@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060–1246.

*Title:* FCC Reasonable Accommodation forms.

*Form Number(s):* FCC Form 5626, FCC Form 5627.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Individuals or households; Federal Government.

*Number of Respondents and Responses:* 18 respondents; 36 responses.

*Estimated Time per Response:* 0.16 hours–5 hours.

*Frequency of Response:* One-time reporting requirement.

*Obligation to Respond:* Voluntary. Statutory authority for these collections is contained in the Rehabilitation Act of 1973, 29 U.S.C. 12101 *et seq.*; see also 29 CFR part 1630; Establishing Procedures to Facilitate the Provision of Reasonable Accommodation; EEOC, Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act, 29 CFR part 1615.

*Total Annual Burden:* 98 hours.

*Total Annual Cost:* \$3,400.

*Needs and Uses:* This information will be used by the Office of Workplace Diversity to process, track, and maintain the confidentiality of reasonable accommodation requests submitted on FCC Form 5626 and FCC Form 5627.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2023–08392 Filed 4–19–23; 8:45 am]

**BILLING CODE 6712–01–P**

**FEDERAL COMMUNICATIONS COMMISSION**

[OMB 3060–1243; FR ID 136825]

**Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written PRA comments should be submitted on or before June 20, 2023. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email to [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060–1243.

*Title:* Sections 1.9020(n), 1.9030(m), 1.9035(o), Community notification interdiction systems; Section 20.18(r), Contraband Interdiction System (CIS) requirement; Section 20.23(a), good faith negotiations.

*Form Number:* N/A.

*Respondents:* Businesses or other for-profit entities and state, local or Tribal Governments.

*Type of Review:* Extension of a currently approved collection.

*Number of Respondents and Responses:* 25 respondents and 66 responses.

*Estimated Time per Response:* 8–16 hours.

*Frequency of Response:* On occasion reporting requirement.

*Obligation to Respond:* There is no obligation to respond; response required to obtain benefits. The statutory authority for this collection is contained in 47 U.S.C. 151, 152, 154(i), 154(j), 301, 302a, 303, 307, 308, 309, 310, and 332.

*Total Annual Burden:* 664 hours.

*Total Annual Cost:* No cost.

*Needs and Uses:* On March 24, 2017, the Federal Communications Commission released a Report and Order, Promoting Technological Solutions to Combat Contraband Wireless Devices in Correctional Facilities, GN Docket No. 13–111, FCC 17–25 (Report and Order), in which the Commission took important steps to help law enforcement combat the serious threats posed by the illegal use of contraband wireless devices by inmates. Across the country, inmates have used contraband devices to order hits, run drug operations, operate phone scams, and otherwise engage in criminal activity that endangers prison employees, other inmates, and innocent members of the public. In the Report and Order, the Commission streamlined the process of deploying contraband wireless device interdiction systems—systems that use radio communications signals requiring Commission authorization—in correctional facilities. The action will reduce the cost of deploying solutions and ensure that they can be deployed more quickly and efficiently. In particular, the Commission waived certain filing requirements and provided for immediate approval of the spectrum lease applications needed to operate these systems.

The effectiveness of Contraband Interdiction System (CIS) deployment requires all carriers in the relevant area of the correctional facility to execute a spectrum lease with the CIS provider. Even if the major Commercial Mobile Radio Services (CMRS) licensees

negotiate expeditiously and in good faith, if one CMRS licensee in the area fails to engage in lease negotiations in a reasonable time frame or at all, the CIS solution will not be effective. The lack of cooperation of even a single wireless provider in a geographic area of a correctional facility can result in deployment of a system with insufficient spectral coverage, subject to abuse by inmates in possession of contraband wireless devices operating on frequencies not covered by a spectrum lease agreement. While some carriers have been cooperative, it is imperative that all CMRS licensees be required to engage in lease negotiations in good faith and in a timely fashion. Therefore, the Commission adopted a rule requiring that CMRS licensees negotiate in good faith with entities seeking to deploy a CIS in a correctional facility. If, after a 45 day period, there is no agreement, CIS providers seeking Special Temporary Authority (STA) to operate in the absence of CMRS licensee consent may file a request for STA with the Wireless Telecommunications Bureau (WTB), with a copy served at the same time on the CMRS licensee, accompanied by evidence demonstrating its good faith, and the unreasonableness of the CMRS licensee's actions, in negotiating an agreement. The CMRS licensee may then file a response with WTB, with a copy served on the CIS provider at that time, within 10 days of the filing of the STA request.

The supplementary information provided along with the STA application by the CIS provider will be used by WTB to determine whether the CIS provider has negotiated in good faith, yet the CMRS licensee has not negotiated in good faith. The CMRS licensee may use the evidence accompanying the STA application to craft a response. WTB will analyze the evidence from the CIS providers and the CMRS licensee's response to determine whether to issue STA to the entity seeking to deploy the CIS.

The Commission explored whether it should impose a requirement that the community in the vicinity of a correctional facility where a CIS is installed be notified of the installation. The Commission explained that a goal of the proceeding is to expedite the deployment of technological solutions to combat the use of contraband wireless devices, not to impose unnecessary barriers to CIS deployment. Consistent with that goal, the Commission found that a flexible and community-tailored notification requirement for certain CISs outweighed the minimal burden of notification and

furthered the public interest. After careful consideration of the record, the Commission imposed a rule that, 10 days prior to deploying a CIS that prevents communications to or from mobile devices, a lessee must notify the community in which the correctional facility is located, and the Commission amended its spectrum leasing rules to reflect this requirement. The Commission agreed with commenters that support notification of the surrounding community due to the potential for accidental call blocking and the public safety issues involved. The information provided in the notification will put the houses and businesses in the surrounding community on notice that a CIS will be deployed in the vicinity that has the potential for accidental call blocking.

Acknowledging the importance of ensuring the availability of emergency 911 calls from correctional facilities, and the fact that delivering emergency calls to public safety answering points (PSAPs) facilitates public safety services and generally serves the public interest, the Commission amended its rules to require that CIS providers regulated as private mobile radio service (PMRS) must route all 911 calls to the local PSAP. That said, the Commission also acknowledged the important role state and local public safety officials play in the administration of the 911 system. Accordingly, although the CIS provider is required to pass through emergency 911 calls, the PSAPs can inform the CIS provider that they do not want to receive calls from a given correctional facility. By allowing the PSAPs to decline the emergency 911 calls, the Commission recognized the reported increased volume of PSAP harassment through repeated inmate fraudulent 911 calls. The information provided by the PSAP or emergency authority will result in the CIS provider not passing through E911 calls from a particular correctional facility.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2023-08386 Filed 4-19-23; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Sunshine Act Meetings

**TIME AND DATE:** 10:27 a.m. on Tuesday, April 18, 2023.

**PLACE:** The meeting was held in the Board Room located on the sixth floor

of the FDIC Building located at 550 17th Street NW, Washington, DC.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** The Board of Directors of the Federal Deposit Insurance Corporation met to consider matters related to the Corporation's supervision, corporate, and resolution activities. In calling the meeting, the Board determined, on motion of Director Rohit Chopra (Director, Consumer Financial Protection Bureau), seconded by Director Michael J. Hsu (Acting Comptroller of the Currency), and concurred in by Vice Chairman Travis J. Hill, Director Jonathan P. McKernan, and Chairman Martin J. Gruenberg, that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

### CONTACT PERSON FOR MORE INFORMATION:

Requests for further information concerning the meeting may be directed to Debra A. Decker, Executive Secretary of the Corporation, at 202-898-8748.

Dated this the 18th day of April, 2023.

Federal Deposit Insurance Corporation.

**James P. Sheesley,**

*Assistant Executive Secretary.*

[FR Doc. 2023-08502 Filed 4-18-23; 4:15 pm]

**BILLING CODE 6714-01-P**

## FEDERAL MARITIME COMMISSION

### National Shipper Advisory Committee May 2023 Meeting

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of Federal advisory committee meeting.

**SUMMARY:** Notice is hereby given of a meeting of the National Shipper Advisory Commission (NSAC), pursuant to the Federal Advisory Committee Act.

**DATES:** The Committee will meet in-person at the Federal Maritime Commission in Washington, DC, on May 11, 2023, from 1 p.m. until 4 p.m. eastern time. Please note that this meeting may adjourn early if the Committee has completed its business.

**ADDRESSES:** The meeting will be held at the Federal Maritime Commission's Hearing Room located at 800 North Capitol St. NW, Washington, DC 20573. Requests to register should be submitted to [nsac@fmc.gov](mailto:nsac@fmc.gov) and contain

“REGISTER FOR NSAC MEETING” in the subject line. The deadline for members of the public to register to attend the meeting in-person is Tuesday, May 9, at 5 p.m. eastern. Members of the public are encouraged to submit registration requests via email in advance of the deadline, as space is limited and will be available on a first-come, first-served basis for those who register in advance. We will note when the limit of in-person attendees has been reached. The meeting will also stream live via a link on the Federal Maritime Commission’s website, [www.fmc.gov](http://www.fmc.gov). If technical issues prevent the Commission from live streaming, the Commission will post a recording of the meeting on the FMC’s YouTube channel.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dylan Richmond, Designated Federal Officer of the National Shipper Advisory Committee, phone: (202) 523-5810; email: [drichmond@fmc.gov](mailto:drichmond@fmc.gov).

**SUPPLEMENTARY INFORMATION:**

*Background:* The National Shipper Advisory Committee is a federal advisory committee. It operates under the provisions of the Federal Advisory Committee Act, 5 U.S.C. app., and 46 U.S.C. chapter 425. The Committee was established on January 1, 2021, when the National Defense Authorization Act for Fiscal Year 2021 became law. Public Law 116-283, section 8604, 134 Stat. 3388 (2021). The Committee provides information, insight, and expertise pertaining to conditions in the ocean freight delivery system to the Commission. Specifically, the Committee advises the Federal Maritime Commission on policies relating to the competitiveness, reliability, integrity, and fairness of the international ocean freight delivery system. 46 U.S.C. 42502(b).

The Committee will receive an update from each of its subcommittees. The Committee may receive proposals for recommendations to the Federal Maritime Commission and may vote on these recommendations. Any proposed recommendations will be available for the public to view in advance of the meeting on the NSAC’s website, <https://www.fmc.gov/industry-oversight/national-shipper-advisory-committee/>.

*Public Comments:* Members of the public may submit written comments to NSAC at any time. Comments should be addressed to NSAC, c/o Dylan Richmond, Federal Maritime Commission, 800 North Capitol St. NW, Washington, DC 20573 or [nsac@fmc.gov](mailto:nsac@fmc.gov).

The Committee will also take public comment at its meeting. If attending the

meeting in person and providing comments, please note that in the registration request. Comments are most helpful if they address the Committee’s objectives or their proposed recommendations. Comments at the meeting will be limited to 3 minutes each.

A copy of all meeting documentation, including meeting minutes, will be available at [www.fmc.gov](http://www.fmc.gov) following the meeting.

By the Commission.

Dated: April 14, 2023.

**William Cody,**

*Secretary.*

[FR Doc. 2023-08318 Filed 4-19-23; 8:45 am]

**BILLING CODE 6730-02-P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board’s Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than May 22, 2023.

*A. Federal Reserve Bank of San Francisco* (Joseph Cuenco, Assistant Vice President, Formations & Transactions and Enforcement) 101

Market Street, San Francisco, California 94105. Comments can also be sent electronically to [sf.fisc.comments.applications@sf.frb.org](mailto:sf.fisc.comments.applications@sf.frb.org).

1. *Lexicon Bancorp*; to become a bank holding company by acquiring Lexicon Bank, both of Las Vegas, Nevada.

Board of Governors of the Federal Reserve System.

**Michele Taylor Fennell,**

*Deputy Associate Secretary of the Board.*

[FR Doc. 2023-08388 Filed 4-19-23; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2023-N-0940]

#### Agency Information Collection Activities; Proposed Collection; Comment Request; Food and Drug Administration Rapid Response Surveys

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. 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 of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the use of rapid response surveys to obtain data on safety information that supports quick turnaround decision making about potential safety problems or risk management solutions.

**DATES:** Either electronic or written comments on the collection of information must be submitted by June 20, 2023.

**ADDRESSES:** You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 20, 2023. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

### Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

### Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

**Instructions:** All submissions received must include the Docket No. FDA-2023-N-0940 for "Agency Information Collection Activities; Proposed Collection; Comment Request; Food and Drug Administration Rapid Response Surveys." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two

copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

**FOR FURTHER INFORMATION CONTACT:** JennaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-3794, [PRAStaff@fda.hhs.gov](mailto:PRAStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB

for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

### Rapid Response Surveys

#### OMB Control Number 0910-0500—Extension

This generic information collection supports research conducted by FDA, as authorized under section 1003(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 393(d)(2)).

FDA is requesting extension of OMB approval to conduct rapid response surveys. Through these surveys, FDA seeks to determine whether a problem impacts the public health and to quickly obtain vital information about risks and interventions. FDA will use the information gathered from these surveys to make quick turnaround decisions about safety problems or risk management solutions so the Agency may take appropriate public health action including dissemination of information as necessary. Participation in these surveys is voluntary.

Respondents may include manufacturers and distributors of biologics, drugs, food, animal food and drugs, dietary supplements, food additives, cosmetics, medical devices, and tobacco products; distributors; sponsors and importers; consumers; healthcare professionals; hospitals; specialized medical facilities (e.g., cardiac surgery, obstetrics/gynecology services, pediatric services, etc.) and other user facilities including nursing homes, ambulatory surgical and outpatient diagnostic and treatment facilities when FDA must quickly determine whether or not a problem impacts the public health. Once FDA understands the need for additional surveillance data to address a potential public health hazard, the appropriate

respondents will be identified for each unique rapid response survey.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN <sup>1</sup>

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
FDA Rapid Response Surveys .....	10,000	1	10,000	0.5 (30 minutes) .....	5,000

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

We estimate that each rapid response survey will take no more than 30 minutes to complete.

Based on a review of the information collection since our last request, we have adjusted our burden estimate which has resulted in a decrease to the currently approved burden. We now estimate one response per respondent which results in a decrease in overall burden of 25,000 hours.

Dated: April 14, 2023.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2023-08297 Filed 4-19-23; 8:45 am]

BILLING CODE 4164-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2023-N-1378]

#### Revocation of Two Authorizations of Emergency Use of In Vitro Diagnostic Devices for Detection and/or Diagnosis of Ebola; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the revocation of the Emergency Use Authorizations (EUs) (the Authorizations) issued to BioFire Defense, LLC, for the FilmArray NGDS BT-E Assay, and Biocartis NV, for the Idylla Rapid Ebola Virus Triage Test. FDA revoked these Authorizations under the Federal Food, Drug, and Cosmetic Act (FD&C Act) as requested by each Authorization holder. The revocations, which include an explanation of the reasons for each revocation, are reprinted at the end of this document.

**DATES:** The revocation of the Authorization for the BioFire Defense, LLC's FilmArray NGDS BT-E Assay is effective as of March 8, 2023. The revocation of the Authorization for the Biocartis NV's Idylla Rapid Ebola Virus

Triage Test is effective as of March 9, 2023.

**ADDRESSES:** Submit written requests for a single copy of the revocations to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your request or include a Fax number to which the revocations may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the revocations.

**FOR FURTHER INFORMATION CONTACT:** Kim Sapsford-Medintz, Office of Product Evaluation and Quality, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3216, Silver Spring, MD 20993-0002, 301-796-0311 (this is not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb-3) as amended by the Project BioShield Act of 2004 (Pub. L. 108-276) and the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113-5) allows FDA to strengthen the public health protections against biological, chemical, nuclear, and radiological agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. On October 25, 2014, FDA issued the Authorization to BioFire Defense, LLC, for the FilmArray NGDS BT-E Assay, subject to the terms of the Authorization. Notice of the issuance of this Authorization was published in the **Federal Register** on February 9, 2015 (80 FR 6972), as required by section 564(h)(1) of the FD&C Act. On May 26, 2016, FDA issued the Authorization to Biocartis NV, for the Idylla Rapid Ebola Virus Triage Test, subject to the terms of the Authorization. Notice of the issuance of this Authorization was

published in the **Federal Register** on July 8, 2016 (81 FR 44616), as required by section 564(h)(1) of the FD&C Act. Subsequent updates to the Authorizations were made available on FDA's website. The authorization of a device for emergency use under section 564 of the FD&C Act may, pursuant to section 564(g)(2) of the FD&C Act, be revoked when the criteria under section 564(c) of the FD&C Act for issuance of such authorization are no longer met (section 564(g)(2)(B) of the FD&C Act), or other circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the FD&C Act).

##### II. Authorization Revocation Requests

In a request received by FDA on February 24, 2023, BioFire Defense, LLC, requested the revocation of, and on March 8, 2023, FDA revoked, the Authorization for the BioFire Defense, LLC's FilmArray NGDS BT-E Assay. Because BioFire Defense, LLC, notified FDA that it is obsolescing the FilmArray NGDS BT-E Assay and requested FDA withdraw the BioFire Defense, LLC's, FilmArray NGDS BT-E Assay, FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

In a request received by FDA on November 23, 2022, Biocartis US, Inc., on behalf of Biocartis NV, requested rescission of, and on March 9, 2023, FDA revoked, the Authorization for the Idylla Rapid Ebola Virus Triage Test. Because Biocartis US, Inc., on behalf of Biocartis NV, notified FDA that it has discontinued the production of Idylla Rapid Ebola Virus Triage Test and requested FDA rescind the Authorization for the Idylla Rapid Ebola Virus Triage Test, FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

##### III. Electronic Access

An electronic version of this document and the full text of the revocations are available on the internet at <https://www.regulations.gov/>.

**IV. The Revocations**

Having concluded that the criteria for revocation of the Authorizations under section 564(g)(2)(C) of the FD&C Act are

met, FDA has revoked the EUA of BioFire Defense, LLC's FilmArray NGDS BT-E Assay and of Biocartis NV's Idylla Rapid Ebola Virus Triage Test. The revocations in their entirety follow and

provide an explanation of the reasons for each revocation, as required by section 564(h)(1) of the FD&C Act.

**BILLING CODE 4161-01-P**



March 8, 2023

David Rabiger, PhD  
Associate Director of Regulatory and Clinical Affairs  
BioFire Defense, LLC  
79 W 4500 S, Suite 14  
Salt Lake City, Utah 84107

**Re: Revocation of EUA140009**

Dear Dr. Rabiger:

This letter is in response to the request from BioFire Defense, LLC, received via email on February 24, 2023, that the U.S. Food and Drug Administration (FDA) withdraw the EUA for the FilmArray NGDS BT-E Assay issued on October 25, 2014, amended on November 22, 2014, and December 2, 2015, and reissued on March 2, 2015. BioFire Defense, LLC indicated that they are obsolescing the FilmArray NGDS BT-E Assay, that it is no longer commercially available, and requested that the EUA be withdrawn. FDA understands that as of the date of this letter there is no viable FilmArray NGDS BT-E Assay reagents remaining in distribution in the United States.

The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). Because BioFire Defense, LLC has requested FDA withdraw the EUA for the FilmArray NGDS BT-E Assay, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization. Accordingly, FDA hereby revokes EUA140009 for the FilmArray NGDS BT-E Assay, pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, the FilmArray NGDS BT-E Assay is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

*/s/*

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Ellen J. Flannery, J.D.  
Deputy Center Director for Policy  
Director, Office of Policy  
Center for Devices and Radiological Health  
Food and Drug Administration



March 9, 2023

Sue Werner  
 Head of Regulatory Affairs  
 Biocartis US, Inc.  
 Two Pierce Place, Suite 1510  
 Itasca, IL 60143

**Re: Revocation of EUA160008**

Dear Sue Werner:

This letter is in response to the request from Biocartis US, Inc., on behalf of Biocartis NV, in a letter received November 23, 2022, that the U.S. Food and Drug Administration (FDA) rescind the EUA for the Idylla Rapid Ebola Virus Triage Test issued on May 26, 2016. Biocartis US, Inc. indicated that Biocartis has discontinued production of the authorized product, has no plans to re-initiate production, and has requested that the EUA be rescinded. FDA understands that no Idylla Rapid Ebola Virus Triage Test reagents associated with this EUA are being produced or are available to the United States market.

The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). Because you have requested FDA rescind the EUA for the Idylla Rapid Ebola Virus Triage Test, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization. Accordingly, FDA hereby revokes EUA160008 for the Idylla Rapid Ebola Virus Triage Test, pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, the Idylla Rapid Ebola Virus Triage Test is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

/s/

Jeffrey E. Shuren, M.D., J.D.  
 Director  
 Center for Devices and Radiological Health  
 Food and Drug Administration

Dated: April 14, 2023.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2023-08281 Filed 4-19-23; 8:45 am]

BILLING CODE 4161-01-C

**DEPARTMENT OF HEALTH AND  
 HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2023-D-1146]

**Acute Radiation Syndrome:  
 Developing Drugs for Prevention and  
 Treatment; Availability**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is

announcing the availability of a draft guidance for industry entitled “Acute Radiation Syndrome: Developing Drugs for Prevention and Treatment.” The purpose of this draft guidance is to provide information and recommendations to assist sponsors and other interested parties in the development of drugs to prevent or treat acute radiation syndrome (ARS) caused by exposure to ionizing radiation from accidental or deliberate events. Generally, drugs developed for such indications will require approval under

the regulations commonly referred to as the Animal Rule.

**DATES:** Submit either electronic or written comments on the draft guidance by July 19, 2023 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

**ADDRESSES:** You may submit comments on any guidance at any time as follows:

#### *Electronic Submissions*

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### *Written/Paper Submissions*

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

*Instructions:* All submissions received must include the Docket No. FDA-2023-D-1146 for "Acute Radiation Syndrome: Developing Drugs for Prevention and Treatment." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff

between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

**FOR FURTHER INFORMATION CONTACT:** Ronald Honchel, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New

Hampshire Ave., Bldg. 22, Rm. 5426, Silver Spring, MD 20993, 301-796-0915.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

FDA is announcing the availability of a draft guidance for industry entitled "Acute Radiation Syndrome: Developing Drugs for Prevention and Treatment." ARS is the term applied to a variety of clinical subsyndromes resulting from the exposure of humans to high doses of radiation. The predominance of expression of these clinical subsyndromes is highly dependent on the magnitude and extent of radiation exposure and the time following exposure. This draft guidance, when finalized, will help sponsors efficiently develop drugs to prevent or treat ARS. Generally, drugs developed for such indications will require approval under the regulations commonly referred to as the Animal Rule.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on "Acute Radiation Syndrome: Developing Drugs for Prevention and Treatment." It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

##### **II. Paperwork Reduction Act of 1995**

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 312 for investigational new drug applications have been approved under OMB control number 0910-0014. The collections of information pertaining to expanded access to investigational drugs for treatment use have been approved under OMB control number 0910-0814. The collections of information in 21 CFR part 314 for new drug applications have been approved under OMB control number 0910-0001. The collections of information pertaining to prescription drug user fee program have been approved under OMB control number 0910-0297. The collections of

information in 21 CFR part 58 pertaining to good laboratory practices have been approved under OMB control number 0910–0119. The collections of information for general records and postmarket adverse experience reporting pertaining to biological products have been approved under OMB control number 0910–0308. The collections of information pertaining to postmarketing adverse drug experience reporting have been approved under OMB control number 0910–0230. The collections of information resulting from special protocol assessments have been approved under OMB control number 0910–0470. The collection of information pertaining to current good manufacturing practices have been approved under OMB control number 0910–0139. The collections of information in 21 CFR part 601 pertaining to biologics license applications have been approved under OMB control number 0910–0338. The collections of information in FDA’s guidance entitled “Emergency Use Authorization of Medical Products and Related Authorities” have been approved under OMB control number 0910–0595. The collections of information pertaining to expedited review programs for serious conditions and under section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356) (as amended by the Food and Drug Administration Safety and Innovation Act) have been approved under OMB control number 0910–0765. The collections of information for the content and format of prescription drug labeling in 21 CFR 201.56 and 201.57 have been approved under OMB control number 0910–0572.

**III. Electronic Access**

Persons with access to the internet may obtain the draft guidance at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, [https://www.fda.gov/regulatory-information/search-fda-](https://www.fda.gov/regulatory-information/search-fda)

[guidance-documents](https://www.regulations.gov/guidance-documents), or <https://www.regulations.gov>.

Dated: April 14, 2023.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2023–08331 Filed 4–19–23; 8:45 am]

**BILLING CODE 4164–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

[Document Identifier OS–0990–0419]

**Agency Information Collection Request; 60-Day Public Comment Request**

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

**DATES:** Comments on the ICR must be received on or before June 20, 2023.

**ADDRESSES:** Submit your comments to [Sherrette.Funn@hhs.gov](mailto:Sherrette.Funn@hhs.gov) or by calling (202) 264–0041 and [PRA@HHS.GOV](mailto:PRA@HHS.GOV).

**FOR FURTHER INFORMATION CONTACT:**

When submitting comments or requesting information, please include the document identifier 0990–New–60D and project title for reference, to Sherrette A. Funn, email: [Sherrette.Funn@hhs.gov](mailto:Sherrette.Funn@hhs.gov), [PRA@HHS.GOV](mailto:PRA@HHS.GOV) or call (202) 264–0041 the Reports Clearance Officer.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency’s functions; (2) the accuracy of the estimated burden; (3) ways to

enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Collection:* Extension.

*OMB No.:* 0990–0419.

*Abstract:* The Department of Health and Human Services; Office of the Assistant Secretary for Financial Resources, Office of Acquisitions, Acquisition Policy Division is requesting an approval by OMB for an extension of a previously approved information collection request, Acquisition Regulation Clause Patent Rights and Rights in Data. HHS found that systematically, over a period of several years, when Determination of Exceptional Circumstances (DEC) were executed, additional legal protection for the patent and data rights of third parties beyond those covered by FAR 27.306 were necessary. A DEC is executed consistent with the policy and objectives of the Bayh-Dole Act, 35 U.S.C. 200, *et seq.*, to ensure that subject inventions made under contracts and subcontracts (at all tiers) are used in a manner to promote free competition and enterprise without unduly encumbering future research and discovery; to encourage maximum participation of small business firms in federally supported research and development efforts; to promote collaboration between commercial concerns and nonprofit organizations including universities; to ensure that the Government obtains sufficient rights in federally supported inventions to meet its needs; to protect the public against nonuse or unreasonable use of inventions; and in the case of fulfilling the mission of the U.S. Department of Health and Human Services, to ultimately to benefit the public health.

*Likely Respondents:* administrative, technical, legal and management personnel.

**ANNUALIZED BURDEN HOUR TABLE**

Type of respondent and hours for each	Number of respondents	Number of responses per respondent	Average burden per response (hours)	Total burden hours
Technical (4), Legal (2), Management (2) .....	63	1	8	504
Technical (8), Legal (2), Management (2) .....	63	1	12	756
Technical (8), Legal (3), Management (1) .....	63	3	12	2,268
Technical (8), Legal (4), Management (2) .....	63	3	14	2,646
Technical (6), Legal (2), Management (2) .....	63	1	10	630
Technical (4), Legal (2), Management (2) .....	63	1	8	504
Administrative (8) .....	63	3	8	1,512
Administrative (2), Management (1) .....	63	3	3	567
Technical (4), Legal (2), Management (2) .....	63	3	8	1,512

ANNUALIZED BURDEN HOUR TABLE—Continued

Type of respondent and hours for each	Number of respondents	Number of responses per respondent	Average burden per response (hours)	Total burden hours
Total .....	.....	.....	.....	10,899

**Sherrette A. Funn,**  
*Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.*  
 [FR Doc. 2023-08339 Filed 4-19-23; 8:45 am]  
**BILLING CODE 4150-04-P**

Dated: April 14, 2023.  
**Miguelina Perez,**  
*Program Analyst, Office of Federal Advisory Committee Policy.*  
 [FR Doc. 2023-08289 Filed 4-19-23; 8:45 am]  
**BILLING CODE 4140-01-P**

*Contact Person:* Greg Bissonette, Ph.D., Scientific Review Officer, National Institute on Aging, National Institutes of Health, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301-402-1622, [bissonettegb@mail.nih.gov](mailto:bissonettegb@mail.nih.gov).

*Name of Committee:* National Institute on Aging Initial Review Group; Career Development for Clinicians/Health Professionals Study Section Career development for clinicians and health professional awards.

*Date:* June 12-13, 2023.  
*Time:* 9:30 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Maurizio Grimaldi, M.D., Ph.D., Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C-212, Bethesda, MD 20892, 301-496-9374, [grimaldim2@mail.nih.gov](mailto:grimaldim2@mail.nih.gov).

*Name of Committee:* National Institute on Aging Initial Review Group; Career Development for Early Career Investigators Study Section.

*Date:* June 26-27, 2023.  
*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Carmen Moten, Ph.D., Scientific Review Officer, National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301-496-8589, [cmoten@mail.nih.gov](mailto:cmoten@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 14, 2023.

**Miguelina Perez,**  
*Program Analyst, Office of Federal Advisory Committee Policy.*  
 [FR Doc. 2023-08295 Filed 4-19-23; 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 Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Topics in Immunology and Infectious Disease.

*Date:* May 8, 2023.  
*Time:* 11:00 a.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:* Dayadevi Jirage, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4422, Bethesda, MD 20892, (301) 867-5309, [jiragedb@csr.nih.gov](mailto:jiragedb@csr.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, 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)

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**National Institute on Aging; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Aging Initial Review Group; Career Development Facilitating the Transition to Independence Study Section.

*Date:* May 31-June 1, 2023.  
*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Joshua Jin-Hyouk Park, Ph.D., Scientific Review Officer, National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (301) 496-6208, [joshua.park4@nih.gov](mailto:joshua.park4@nih.gov).

*Name of Committee:* National Institute on Aging, Initial Review Group; Career Development for Established Investigators and Conference Grants Study Section.

*Date:* June 12-13, 2023.  
*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Even Hotel Rockville, Previously Holiday Inn, 1775 Rockville Pike, Rockville, MD 20852.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Genetic Tools for Understanding Rickettsial and Related Infections (R61/R33 Clinical Trial Not Allowed).

*Date:* May 23, 2023.

*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E72A, Rockville, MD 20892 (Virtual Meeting).

*Contact Person:* Frank S. Desilva, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E72A, Rockville, MD 20852, (240) 669-5023, [fdesilva@niaid.nih.gov](mailto:fdesilva@niaid.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 14, 2023.

**Tyeshia M. Roberson-Curtis,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2023-08379 Filed 4-19-23; 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 Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Community Influences on Health Behavior.

*Date:* April 28, 2023.

*Time:* 3:30 p.m. to 6:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Annie Laurie McRee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 100, Bethesda, MD 20892, (301) 827-7396, [mcreeal@csr.nih.gov](mailto:mcreeal@csr.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, 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: April 14, 2023.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2023-08290 Filed 4-19-23; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning

individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Fellowships in Digestive Diseases and Nutrition.

*Date:* June 8-9, 2023.

*Time:* 10:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Jian Yang, Ph.D., Scientific Review Officer, NIDDK/Scientific Review Branch, National Institutes of Health, 2 Democracy Plaza, Room 7011, 6707 Democracy Blvd., Bethesda, MD 20892-5452, (301) 594-7799, [jian.yang@nih.gov](mailto:jian.yang@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 14, 2023.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2023-08292 Filed 4-19-23; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Kidney, Urologic and Hematologic Diseases D Study Section.

*Date:* June 20-22, 2023.

*Time:* 5:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Jason D. Hoffert, Ph.D., Scientific Review Officer, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Bethesda, MD 20892, 301-496-9010, [hoffertj@nidk.nih.gov](mailto:hoffertj@nidk.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 14, 2023.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2023-08287 Filed 4-19-23; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Aging Special Emphasis Panel; Adipose Tissue Plasticity Impacts Metabolism with Aging.

*Date:* May 24, 2023.

*Time:* 12:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Joshua Jin-Hyook Park, Ph.D., Scientific Review Officer, National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (301) 496-6208, [joshua.park4@nih.gov](mailto:joshua.park4@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 14, 2023.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2023-08294 Filed 4-19-23; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; FORWARD UROLOGY P20 APPLICATIONS.

*Date:* June 27, 2023.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications and/or proposals.

*Place:* National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Ryan G. Morris, Ph.D., Scientific Review Officer, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Bethesda, MD 20892, 301-594-4721, [ryan.morris@nih.gov](mailto:ryan.morris@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 14, 2023.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2023-08288 Filed 4-19-23; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Aging Special Emphasis Panel; AD bioinformatic drug repositioning.

*Date:* May 22, 2023.

*Time:* 12:01 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Institute on Aging Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting)

*Contact Person:* Maurizio Grimaldi, M.D., Ph.D., Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C-212, Bethesda, MD 20892, 301-496-9374, [grimaldim2@mail.nih.gov](mailto:grimaldim2@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 14, 2023.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2023-08293 Filed 4-19-23; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration (SAMHSA)

#### Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, SAMHSA will publish periodic summaries of proposed projects. To request more information on the

proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276-0361.

*Comments are invited on:* (a) whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including leveraging automated data collection techniques or other forms of information technology.

**Proposed Project: Community Mental Health Services Block Grant and Substance Use Prevention, Treatment, and Recovery Services (SUPTRS BG) FY 2024–2025 Plan and Report Guidance and Instructions (OMB No. 0930-0168)**

SAMHSA is requesting approval from the Office of Management and Budget (OMB) of the 2024–2025 Community Mental Health Services Block Grant (MHBG) and Substance Use Prevention, Treatment, and Recovery Services (SUPTRS BG) (formally known as Substance Abuse Prevention and Treatment Block Grant (SABG)) Application Plan and Report Guidance and Instructions.

Currently, the SUPTRS BG and the MHBG differ on a number of their practices (*e.g.*, data collection at individual or aggregate levels) and statutory authorities (*e.g.*, method of calculating MOE, stakeholder input requirements for planning, set asides for specific populations or programs, etc.). Historically, the Centers within SAMHSA that administer these block grants have had different approaches to application requirements and reporting. To compound this variation, states have different structures for accepting, planning, and accounting for the block grants and the prevention set aside within the SUPTRS BG. As a result, how these dollars are spent and what is known about the services and clients that receive these funds varies by block grant and by state.

SAMHSA has conveyed that block grant funds must be directed toward four purposes: (1) to fund priority treatment and support services for individuals without insurance or who cycle in and out of health insurance coverage; (2) to fund those priority treatment and support services not covered by Medicaid, Medicare, or

private insurance offered through the exchanges and that demonstrate success in improving outcomes and/or supporting recovery; (3) to fund universal, selective and targeted prevention activities and services; and (4) to collect performance and outcome data to determine the ongoing effectiveness of behavioral health prevention, treatment and recovery support services and to plan the implementation of new services on a nationwide basis. SAMHSA's five priorities (Preventing Overdose; Enhancing Access to Suicide Prevention and Crisis Care; Promoting Resilience and Emotional Health for Children, Youth and Families; Integrating Behavioral and Physical Health Care; and Strengthening the Behavioral Health Workforce) are highlighted and states are encouraged to incorporate them into their systems improvement efforts.

States will need help to meet future challenges associated with, the implementation and management of an integrated physical health, mental health, and addiction service system. SAMHSA has established standards and expectations that will lead to an improved system of care for individuals with or at risk of mental and substance use disorders. Therefore, this application package continues to fully exercise SAMHSA's existing authority regarding states', territories' and the Red Lake Band of Chippewa Indians (subsequently referred to as "states") use of block grant funds as they fully integrate behavioral health services into the broader health care continuum.

Consistent with previous applications, the FY 2024–2025 application has required sections and other sections where additional information is requested. The FY 2024–2025 application requires states to submit a face sheet, a table of contents, a behavioral health assessment and plan, reports of expenditures and persons served, an executive summary, and funding agreements and certifications. In addition, SAMHSA is requesting information on key areas that are critical to the states' success in addressing health care equity. Therefore, as part of this block grant planning process, states should identify promising or effective strategies as well as technical assistance needed to implement the strategies identified in their plans for FYs 2024 and 2025.

Pursuant to the mandates and supplemental funding appropriations for the MHBG and the SUPTRS BG found in the Consolidated Appropriations Act, 2023, Consolidated Appropriations Act, 2021 [Pub. L. 116–

260] and the American Rescue Plan Act, 2021 [Pub. L. 117–2], SAMHSA has made changes to the Block Grant Plan and Report requirements for FFY 2024 and 2025. These changes are necessary to ensure that funds are spent in an appropriate and timely manner. Adjustments were made to pre-existing tables in the plan and report.

On the SUPTRS BG narrative portion of the Block Grant Plan document major changes include the removal of words and terms with negative connotations and addition of those that are more appropriate. Examples include changing the word "abuse" to "use" and "Medication Assisted Treatment" to "Medication for Opioid Use Disorder" throughout the document. Language is included regarding the promotion of recovery for those who are in recovery, or who are receiving recovery support services, but who may not have participated in treatment in any fashion. The section regarding the Consolidated Appropriations Act (COVID–19) has been removed as it is no longer applicable after FY 2023. Additionally, there is a new narrative section outlining the concept of health equity and how Single State Authorities can work within their states to promote equitable promotion and use of resources. A new section on Harm Reduction efforts was added to illustrate that this work will be instrumental in SUD Prevention and Treatment moving forward. The SUPTRS BG MOE requirements, Women's MOE requirements, Tuberculosis screening requirements, and restrictions on funding sections have been revamped for a better understanding of program requirements.

For the planning tables, changes were made to tables 10, 14, and a slight change to table 15. Updated information regarding the requesting of waivers under table 10, section 11 was added to reflect relevant sections of the PHS Act. Considerable updates to the narrative in question 14 regarding Medication for Opioid Use disorder reflect not only the new change in terminology but advances in the field. Lastly, table 15 "Crisis Services" has been listed as requested for future SUPTRS BG applications.

On the MHBG report there are changes with the addition of two new tables to the population and service indicators (tables 8c and 8d) and one new table to the performance indicators and accomplishments section (table 19d). In addition, original MHBG table 19 has been relabeled 19a, 19a has been relabeled 19c, 20 has been relabeled 19b. All MHBG tables which collect gender, sexual orientation, and race

information have been updated. In addition, MHBG tables have been updated to make age groups consistent across all applicable MHBG tables. The additional tables should not require excessive effort as all data will already be collected by the states for the additional funding efforts.

Similarly, modifications to SUPTRS BG reports were made to allow for the accurate capture of information for the FY 2024/FY 2025 reporting period and SUPTRS BG priorities. A new table, 10b, was added to assess the number of persons served by SUPTRS BG funds who receive recovery support services. The table also captures client characteristics, specifically age and gender. Although SUPTRS BG reporting will allow for applicable grantees to continue to report data on COVID-19 expenditures and persons served using those funds, reporting requirements were streamlined with the elimination

of table 2b. Additionally, table 3c was added to capture SUPTRS BG expenditures on Narcan and Fentanyl Test Strips. Report tables were also modified. Table 2 was modified to include a recovery support activity as required under the Consolidated Appropriations Act, 2023. Modifications to table 12 were also made to request the number of persons at risk for HIV/AIDS that were referred for PrEP services. Lastly, minor modifications were made to prior tables to clarify information previously requested. For example, tables 11a and 11b, were modified to ensure that age, race, gender identity, and sexual orientation categories are consistent between SUPTRS BG and MHBG.

While the statutory deadlines and block grant award periods remain unchanged, SAMHSA encourages states to turn in their application as early as possible to allow for a full discussion

and review by SAMHSA. Applications for the MHBG-only are due no later than September 1, 2023. The application for SUPTRS BG-only is due no later than October 1, 2023. A single application for MHBG and SUPTRS BG combined is due no later than September 1, 2023.

**Estimates of Annualized Hour Burden**

The estimated annualized burden for the uniform application will increase to 33,493 hours to account for recording of the additional supplemental funding efforts (approximately 2 hours per state agency). Burden estimates are broken out in the following tables showing burden separately for Year 1 and Year 2. Year 1 includes the estimates of burden for the uniform application and annual reporting. Year 2 includes the estimates of burden for the recordkeeping and annual reporting. The reporting burden remains constant for both years.

**TABLE 1—ESTIMATES OF APPLICATION AND REPORTING BURDEN FOR YEAR 1**

Substance use prevention, treatment, and recovery services and community mental health services block grants							
	Authorizing legislation	Authorizing legislation MHBG	Implementing regulation	Number of respondents	Number of responses per year	Number of hours per response	Total hours
Reporting .....	Standard Form and Content. 42 U.S.C. 300x-32(a). Annual Report .....						11,190
	42 U.S.C. 300x-52(a) .....		45 CFR 96.122(f) .....	60	1		
	42 U.S.C. 300x-30-b ..			5	1		
	42 U.S.C. 300x-30(d)(2). Annual Report .....		45 CFR 96.134(d) .....	60	1		
MHBG .....							11,003
		42 U.S.C. 300x-6(a) ...		59	1		
		42 U.S.C. 300x-52(a)					
		42 U.S.C. 300x-4(b)(3)B.		59	1		
SUPTRS BG elements	State Plan (Covers 2 years). 42 U.S.C. 300x-22(b) .....		45 CFR 96.124(c)(1) ...	60	1		
	42 U.S.C. 300x-23 .....		45 CFR 96.126(f) .....	60	1		
	42 U.S.C. 300x-27 .....		45 CFR 96.131(f) .....	60	1		
	42 U.S.C. 300x-32(b)		45 CFR 96.122(g) .....	60	1	120	7,230
MHBG elements .....		42 U.S.C. 300x-1(b) ...		59	1	120	7,109
		42 U.S.C. 300x-1(b)(2) ..		59	1		
		42 U.S.C. 300x-2(a) ...		59	1		
	Waivers .....						3,240
	42 U.S.C. 300x-24(b)(5)(B). .....			20	1		
	42 U.S.C. 300x-28(d) .....		45 CFR 96.132(d) .....	5	1		
	42 U.S.C. 300x-30(c) ..		45 CFR 96.134(b) .....	10	1		
	42 U.S.C. 300x-31(c) ..			1	1		
	42 U.S.C. 300x-32(c) ..			7	1		
	42 U.S.C. 300x-32(e) ..			10			
		42 U.S.C. 300x-2(a)(2) ..		10			
		42 U.S.C. 300x-4(b)(3) ..		10			
		42 U.S.C. 300x-6(b) ...		7			
Recordkeeping .....	42 U.S.C. 300x-23 .....	42 U.S.C. 300x-3 .....	45 CFR 96.126(c) .....	60/59	1	20	1,200
	42 U.S.C. 300x-25 .....		45 CFR 96.129(a)(13) ..	10	1	20	200
	42 U.S.C. 300x-65 .....		42 CFR Part 54 .....	60	1	20	1,200
Combined Burden							42,373

Report.  
 300x-52(a)—Requirement of Reports and Audits by States—Report.  
 300x-30(b)—Maintenance of Effort (MOE) Regarding State Expenditures—Exclusion of Certain Funds (SUBG).  
 300x-30(d)(2)—MOE—Noncompliance—Submission of Information to Secretary (SUBG).  
 State Plan—SUBG.  
 300x-22(b)—Allocations for Women.  
 300x-23—Intravenous Substance Abuse.  
 300x-27—Priority in Admissions to Treatment.  
 300x-29—Statewide Assessment of Need.  
 300x-32(b)—State Plan.

- State Plan—MHBG.
- 42 U.S.C. 300x-1(b)—Criteria for Plan.
- 42 U.S.C. 300x-1(b)(2)—State Plan for Comprehensive Community Mental Health Services for Certain Individuals—Criteria for Plan—Mental Health System Data and Epidemiology.
- 42 U.S.C. 300x-2(a)—Certain Agreements—Allocations for Systems Integrated Services for Children.
- Waivers—SUBG.
- 300x-24(b)(5)(B)—Human Immunodeficiency Virus—Requirement regarding Rural Areas.
- 300x-28(d)—Additional Agreements.
- 300x-30(c)—MOE.
- 300x-31(c)—Restrictions on Expenditure of Grant—Waiver Regarding Construction of Facilities.
- 300x-32(c)—Certain Territories.
- 300x-32(e)—Waiver amendment for 1922, 1923, 1924 and 1927.
- Waivers—MHBG.
- 300x-2(a)(2)—Allocations for Systems Integrated Services for Children.
- 300x-6(b)—Waiver for Certain Territories.
- Recordkeeping.
- 300x-23—Waiting list.
- 300x-25—Group Homes for Persons in Recovery from Substance Use Disorders.
- 300x-65—Charitable Choice.

TABLE 2—ESTIMATES OF APPLICATION AND REPORTING BURDEN FOR YEAR 2

	Number of respondents	Number of responses per year	Number of hours per response	Total hours
Reporting:				
SUBG .....	60	1	187	11,220
MHBG .....	59	1	187	11,033
Recordkeeping .....	60/59	1	40	2,360
Combined Burden .....				24,613

The total annualized burden for the application and reporting is 33,493 hours (42,373 + 24,613 = 66,986/2 years = 33,493).

Link for the application: <http://www.samhsa.gov/grants/block-grants>.

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 information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Alicia Broadus,  
Public Health Advisor.

[FR Doc. 2023-08337 Filed 4-19-23; 8:45 am]

BILLING CODE 4162-20-P

**DEPARTMENT OF HOMELAND SECURITY**

**Notice of the Renewal of the Critical Infrastructure Partnership Advisory Council Charter**

**AGENCY:** Cybersecurity and Infrastructure Security Agency (CISA), DHS.

**ACTION:** Notice of availability; renewal of the Critical Infrastructure Partnership Advisory Council Charter.

**SUMMARY:** On November 29, 2022, the Secretary of the Department of Homeland Security (DHS) approved the renewal of the Critical Infrastructure Partnership Advisory Council (CIPAC) Charter. Through this notice, the Department is making the renewed CIPAC Charter publicly available and

highlighting updated information and guidelines that have been included in the renewed charter.

**FOR FURTHER INFORMATION CONTACT:**

Amy J. Campbell, 202-372-7014, [amy.campbell@cisa.dhs.gov](mailto:amy.campbell@cisa.dhs.gov).

**SUPPLEMENTARY INFORMATION:** DHS established the CIPAC on March 24, 2006.<sup>1</sup> (71 FR 14930). The Secretary has exempted the CIPAC from the requirements of the Federal Advisory Committee Act (FACA), 5 U.S.C. chapter 10, pursuant to his authority under 6 U.S.C. 451. The CIPAC facilitates interactions between government officials and representatives of owners and/or operators for each of the critical infrastructure sectors established by Presidential Policy Directive 21 and identified in the current National Infrastructure Protection Plan. Please visit <https://www.cisa.gov/critical-infrastructure-partnership-advisory-council> for more information on CIPAC, activities supported by CIPAC, CIPAC Membership Roster, and Council information.

On November 29, 2022, the Secretary of Homeland Security renewed the CIPAC Charter for an additional two years. The renewed CIPAC Charter supersedes the CIPAC Charter dated November 30, 2020, and is available on

<sup>1</sup>The CIPAC was established consistent with 6 U.S.C. 121 and 6 U.S.C. 451(a). Pursuant to the Cybersecurity and Infrastructure Security Agency Act of 2018, the National Protection and Programs Directorate (NPPD) was re-designated as CISA and the authorities related to the CIPAC under 6 U.S.C. 121 were transferred to 6 U.S.C. 652.

the CIPAC website at <https://www.cisa.gov/critical-infrastructure-partnership-advisory-council>. The renewed CIPAC Charter includes new and clarifying information and guidelines concerning: (1) annual training requirements related to ethics standards and information sharing; (2) activities to ensure council membership is able to accomplish mission goals and objectives of the sector; and (3) a provision related to the sharing of classified information.

Dated: April 14, 2023.

Amy J. Campbell,  
Designated Federal Official, Critical Infrastructure Partnership Advisory Council, Cybersecurity and Infrastructure Security Agency, Department of Homeland Security.

[FR Doc. 2023-08302 Filed 4-19-23; 8:45 am]

BILLING CODE 9110-9P-P

**DEPARTMENT OF HOMELAND SECURITY**

[Docket No. CISA-2022-0018]

**Request To Revise and Extend the Chemical Security Assessment Tool (CSAT) Information Collection Under the Paperwork Reduction Act**

**AGENCY:** Cybersecurity and Infrastructure Security Agency, DHS.

**ACTION:** 30-Day notice and request for comments.

**SUMMARY:** The Infrastructure Security Division (ISD) within the Cybersecurity and Infrastructure Security Agency

(CISA) will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. CISA previously published this ICR in the **Federal Register** on December 27, 2022, for a 60-day comment period. No comments were received for this ICR during the 60-day public comment period. In this notice, CISA solicits public comment concerning this ICR for an additional 30 days.

**DATES:** Comments are due by May 22, 2023.

**ADDRESSES:** Written comments and recommendations for this ICR 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 information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

All submissions received must include the agency name “CISA” and docket number CISA–2022–0018.

Comments that include protected information such as trade secrets, confidential commercial or financial information, Chemical-terrorism Vulnerability Information (CVI),<sup>1</sup> Sensitive Security Information (SSI),<sup>2</sup> or Protected Critical Infrastructure Information (PCII)<sup>3</sup> should not be submitted to the public docket. Comments containing protected information should be appropriately marked and packaged in accordance with all applicable requirements and submission must be coordinated with the point of contact for this notice provided in **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Annie Hunziker Boyer, 703–603–5000, [CISARegulations@cisa.dhs.gov](mailto:CISARegulations@cisa.dhs.gov).

**SUPPLEMENTARY INFORMATION:** The CFATS Program identifies chemical facilities of interest and regulates the security of high-risk chemical facilities through a risk-based approach. The CFATS Program is authorized under the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 or “CFATS Act of 2014.”<sup>4</sup>

<sup>1</sup> For more information about CVI see 6 CFR 27.400 and the CVI Procedural Manual at [www.dhs.gov/publication/safeguarding-cvi-manual](http://www.dhs.gov/publication/safeguarding-cvi-manual).

<sup>2</sup> For more information about SSI see 49 CFR part 1520 and the SSI Program web page at [www.tsa.gov/for-industry/sensitive-security-information](http://www.tsa.gov/for-industry/sensitive-security-information).

<sup>3</sup> For more information about PCII see 6 CFR part 29 and the PCII Program web page at [www.dhs.gov/pcii-program](http://www.dhs.gov/pcii-program).

<sup>4</sup> The CFATS Act of 2014 codified the CFATS program into the Homeland Security Act of 2002.

CISA collects the core regulatory data necessary to implement CFATS through the Chemical Security Assessment Tool (CSAT) covered under this collection. For more information about CFATS and CSAT, please visit [www.dhs.gov/chemicalsecurity](http://www.dhs.gov/chemicalsecurity). This information collection (OMB Control No. 1670–0007) will expire on July 31, 2023.<sup>5</sup>

#### Public Participation

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology (e.g., permitting electronic submissions of responses).

#### Analysis

*Title of Collection:* Chemical Security Assessment Tool.

*OMB Control Number:* 1670–0007.

*Instrument:* Top-Screen.

*Frequency:* “On occasion” and “Other”.

*Affected Public:* Business or other for-profit.

*Number of Respondents:* 3,817 respondents (estimate).

*Estimated Time per Respondent:* 2.04 hours.

*Total Annual Burden Hours:* 7,785 hours.

*Total Annual Burden Cost:* \$703,829.

*Total Annual Burden Cost (capital/startup):* \$0.

*Total Recordkeeping Burden:* \$0.

*Instrument:* Security Vulnerability Assessment and Alternative Security Program submitted in lieu of a Security Vulnerability Assessment.

*Frequency:* “On occasion” and “Other”.

*Affected Public:* Business or other for-profit.

See 6 U.S.C. 621 *et seq.*, as amended by Public Law 116–135, Sec. 16007 (2020).

<sup>5</sup> The currently approved version of this information collection (OMB Control No. 1670–0007) can be viewed at [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201905-1670-001](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201905-1670-001).

*Number of Respondents:* 2,328 respondents (estimate).

*Estimated Time per Respondent:* 1.4136 hours.

*Total Annual Burden Hours:* 3,291 hours.

*Total Annual Burden Cost:* \$297,530.

*Total Annual Burden Cost (capital/startup):* \$0.

*Total Recordkeeping Burden:* \$0.

*Instrument:* Site Security Plan and Alternative Security Program submitted in lieu of a Site Security Plan.

*Frequency:* “On occasion” and “Other”.

*Affected Public:* Business or other for-profit.

*Number of Respondents:* 2,328 (estimate).

*Estimated Time per Respondent:* 7.845 hours.

*Total Annual Burden Hours:* 18,262 hours.

*Total Annual Burden Cost:*

\$1,651,158.

*Total Annual Burden Cost (capital/startup):* \$0.

*Total Recordkeeping Burden:* \$556,040.

*Instrument:* CFATS Help Desk.

*Frequency:* “On occasion” and “Other”.

*Affected Public:* Business or other for-profit.

*Number of Respondents:* 12,000 respondents (estimate).

*Estimated Time per Respondent:* 0.1167 hours.

*Total Annual Burden Hours:* 1,400 hours.

*Total Annual Burden Cost:* \$126,580.

*Total Annual Burden Cost (capital/startup):* \$0.

*Total Recordkeeping Burden:* \$0.

*Instrument:* User Registration.

*Frequency:* “On occasion” and “Other”.

*Affected Public:* Business or other for-profit.

*Number of Respondents:* 1,000 respondents (estimate).

*Estimated Time per Respondent:* 2.5 hours.

*Total Annual Burden Hours:* 2,500 hours.

*Total Annual Burden Cost:* \$226,035.

*Total Annual Burden Cost (capital/startup):* \$0.

*Total Recordkeeping Burden:* \$0.

*Instrument:* Identification of Facilities and Assets at Risk.

*Frequency:* “On occasion” and “Other”.

*Affected Public:* Business or other for-profit.

*Number of Respondents:* 2,252 respondents (estimate).

*Estimated Time per Respondent:* 0.17 hours.

Total Annual Burden Hours: 375 hours.  
 Total Annual Burden Cost: \$33,931.  
 Total Annual Burden Cost (capital/startup): \$0.  
 Total Recordkeeping Burden: \$0.

**Robert Costello,**

Chief Information Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2023-08341 Filed 4-19-23; 8:45 am]

BILLING CODE 9110-9P-P

**DEPARTMENT OF HOMELAND SECURITY**

**Transportation Security Administration**

[Docket No. TSA-2011-0008]

**Request for Applicants for Appointment to the Aviation Security Advisory Committee**

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** Committee management; request for applicants.

**SUMMARY:** The Transportation Security Administration (TSA) is requesting applications from individuals who are interested in being appointed to serve on the Aviation Security Advisory Committee (ASAC). All applicants must represent one of the constituencies specified below in order to be eligible for appointment. ASAC's mission is to provide advice and recommendations to the TSA Administrator on improving aviation security matters, including developing, refining, and implementing policies, programs, rulemaking, and security directives pertaining to aviation security, while adhering to sensitive security guidelines.

**DATES:** Applications for membership must be submitted to TSA using one of the methods in the **ADDRESSES** section below on or before May 11, 2023.

**ADDRESSES:** Applications must be submitted by one of the following means:

- *Email:* ASAC@tsa.dhs.gov.
- *Mail:* Tamika McCree Elhilali, ASAC Designated Federal Officer, Transportation Security Administration (TSA-28), 6595 Springfield Center Drive, Springfield, VA 20598-6028.

See **SUPPLEMENTARY INFORMATION** for application requirements.

**FOR FURTHER INFORMATION CONTACT:** Tamika McCree Elhilali, ASAC Designated Federal Officer, Transportation Security Administration (TSA-28), 6595 Springfield Center Drive, Springfield, VA 20598-6028, ASAC@tsa.dhs.gov, 202-595-4802.

**SUPPLEMENTARY INFORMATION:** The ASAC is an advisory committee established pursuant to 49 U.S.C. 44946. The committee is composed of individual members representing key constituencies affected by aviation security requirements. As required by statute, the ASAC is composed of individuals representing not more than 34 member organizations.

TSA is seeking applications for the membership categories scheduled to expire in May 2023, which are marked with an asterisk in this section below. Individuals are appointed by the TSA Administrator to represent 19 key constituencies affected by aviation security requirements, as defined at 49 U.S.C. 44946(c)(1)(C). Consistent with applicable law, TSA is committed to pursuing opportunities to appoint a committee that reflects the diversity of the United States. The following list provides the 19 key constituencies and identifies with an asterisk (\*) the constituencies for whom the current representative's term is expiring:

1. Air carriers.
2. All-cargo air transportation.\*
3. Labor organizations representing air carrier employees (3 vacancies).\*
4. Aircraft manufacturers.\*
5. Airport operators.\*
6. General aviation.\*
7. Travel industry.\*
8. Victims of terrorist acts against aviation.
9. Law enforcement and security experts.
10. Indirect air carriers.\*
11. Aviation security technology industry (including screening technology and biometrics).
12. Airport-based businesses.\*
13. Passenger advocacy groups.
14. Airport authorities and businesses that conduct security operations at airports.\*
15. Labor organizations representing transportation security officers.\*
16. Airport construction and maintenance contractors.\*
17. Labor organizations representing employees of airport construction and maintenance contractors.
18. Privacy organizations.
19. Aeronautical repair stations.

Unless otherwise noted, the ASAC does not have a specific number of members allocated to any membership category and the number of members in a category may change to fit the needs of the Committee, but each organization shall be represented by one individual. Members will serve as representatives and speak on behalf of their respective constituency group, and will not be appointed as Special Government Employees as defined in 18 U.S.C.

202(a). Membership on ASAC is personal to the appointee and a member may not send an alternate to a Committee meeting. Pursuant to 49 U.S.C. 44946(c)(3), members shall not receive pay, allowances, or benefits from the Government by reason of their service on ASAC.

**Committee Meetings**

The ASAC typically convenes four times per year. Additional meetings may be held with the approval of the Designated Federal Official. While at least one meeting per year is open to the public, due to the sensitive nature of the material discussed, the other meetings are typically closed to the public. In addition, members are expected to participate on ASAC subcommittees that typically meet more frequently to deliberate and discuss specific aviation matters.

**Committee Membership**

Committee members are appointed by and serve at the pleasure of the TSA Administrator for a 2-year term or until a successor is appointed. Members who are currently serving on the Committee are eligible to reapply for membership. A new application is required.

**Committee Membership Vetting**

All applicants that are presented for appointment to ASAC must successfully complete a Security Threat Assessment (STA) by TSA, as access to sensitive security information will be necessary. U.S. citizens and those meeting residency requirements will be vetted using TSA's Universal Enrollment Services (UES), which includes the collection of biographic and biometric information to allow TSA to perform the STA in regards to criminal history, intelligence, and citizenship. Selected applicants will be offered a no-cost authorization code to complete the three-step UES process; which includes online pre-enrollment, coordinating a visit to an enrollment center, and the in-person visit to the enrollment center.

Non-U.S. applicants presented for appointment to ASAC, will be required to complete additional vetting. This vetting will include the completion and submission of TSA Form 2816B form, and must be submitted at least 30 days prior to visiting TSA spaces.

**Application for Advisory Committee Appointment**

TSA is seeking applications for the membership categories scheduled to expire in May 2023, which are marked with an asterisk in the **SUPPLEMENTARY INFORMATION** section above. Any person wishing to be considered for

appointment to ASAC must provide the following:

- Complete professional resume.
- Statement of interest and reasons for application, including the membership category and how you represent a significant portion of that constituency and also provide a brief explanation of how you can contribute to one or more TSA strategic initiatives, based on your prior experience with TSA, or your review of current TSA strategic documents that can be found at [www.tsa.gov/about/strategy](http://www.tsa.gov/about/strategy).

- Home and work addresses, telephone number, and email address.

Please submit your application to the Responsible TSA Official in the ADDRESSES section noted above by May 11, 2023.

Dated April 14, 2023.

**Eddie D. Mayenschein,**

*Assistant Administrator, Policy, Plans, and Engagement.*

[FR Doc. 2023-08328 Filed 4-19-23; 8:45 am]

BILLING CODE 9110-05-P

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0052]

#### Agency Information Collection Activities; Revision of a Currently Approved Collection: Application for Naturalization

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

**DATES:** Comments are encouraged and will be accepted for 60 days until June 20, 2023.

**ADDRESSES:** All submissions received must include the OMB Control Number

1615-0052 in the body of the letter, the agency name and Docket ID USCIS-2008-025. Submit comments via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS-2008-0025.

**FOR FURTHER INFORMATION CONTACT:** USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshombres, Chief, telephone number (240) 721-3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

#### SUPPLEMENTARY INFORMATION:

##### Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and entering USCIS-2008-0025 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Application for Naturalization.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N-400; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* Individuals or households; Business or other for-profit. Form N-400, Application for Naturalization, allows USCIS to fulfill its mission of fairly adjudicating naturalization applications and only naturalizing statutorily eligible individuals. Naturalization is the process by which U.S. citizenship is granted to a foreign citizen or national after he or she fulfills the requirements established by Congress in the INA.

(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 N-400 (paper) is 463,685 and the estimated hour burden per response is 8.66 hours; the estimated total number of respondents for the information collection N-400 (e-file) is 463,685 and the estimated hour burden per response is 3.85 hours; and the estimated total number of respondents for the information collection biometrics is 917,334 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 6,873,980 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 \$431,574,814.

Dated: April 14, 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. 2023-08363 Filed 4-19-23; 8:45 am]

**BILLING CODE 9111-97-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-IEV-NPS0034957;  
PPW0IEADC0 PPMVSIE1Y.Y00000  
PX.XIEAD0073.00.1; OMB Control Number  
1024-NEW]

#### Agency Information Collection Activities; National Park Service, Survey of Educators

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of information collection;  
request for comment.

**SUMMARY:** In accordance with the  
Paperwork Reduction Act of 1995 we,  
the National Park Service (NPS) are  
proposing a new information collection.

**DATES:** Interested persons are invited to  
submit comments on or before June 20,  
2023.

**ADDRESSES:** Please provide a copy of  
your comments to the NPS Information  
Collection Clearance Officer (ADIR-  
ICCO), 12201 Sunrise Valley Drive (MS-  
242) Reston, Virginia 20192 (mail); or to  
[phadrea\\_ponds@nps.gov](mailto:phadrea_ponds@nps.gov) (email). Please  
reference OMB Control Number 1024-  
NEW (Educator Survey) in the subject  
line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To  
request additional information about  
this ICR, contact Kerry Olsen, WASO  
Representative—NPS Interpretation,  
Education & Volunteers by email at  
[kerry\\_olsen@nps.gov](mailto:kerry_olsen@nps.gov) or by telephone at  
202-641-1152. Please reference OMB  
Control Number 1024-NEW (Educator  
Survey) in the subject line of your  
comments. Individuals in the United  
States who are deaf, deafblind, hard of  
hearing, or have a speech disability may  
dial 711 (TTY, TDD, or TeleBraille) to  
access telecommunications relay  
services. Individuals outside the United  
States should use the relay services  
offered within their country to make  
international calls to the point-of-  
contact in the United States. You may  
also view the ICR at [http://  
www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain).

#### SUPPLEMENTARY INFORMATION:

In accordance with the Paperwork  
Reduction Act of 1995 (PRA, 44 U.S.C.  
3501 *et seq.*) and 5 CFR 1320.8(d)(1), we  
provide the general public and other

Federal agencies with an opportunity to  
comment on new, proposed, revised,  
and continuing collections of  
information. This helps us assess the  
impact of our information collection  
requirements and minimize the public's  
reporting burden. It also helps the  
public understand our information  
collection requirements and provide the  
requested data in the desired format.

We are soliciting comments on the  
proposed ICR that is described below.  
We are especially interested in public  
comment addressing the following  
issues: (1) is the collection necessary to  
the proper functions of the NPS; (2) will  
this information be processed and used  
in a timely manner; (3) is the estimate  
of burden accurate; (4) how might the  
NPS enhance the quality, utility, and  
clarity of the information to be  
collected; and (5) how might the NPS  
minimize the burden of this collection  
on the respondents, including through  
the use of information technology.

Comments that you submit in  
response to this notice are a matter of  
public record. We will include or  
summarize each comment in our request  
to OMB to approve this ICR. Before  
including your address, phone number,  
email address, or other personal  
identifying information in your  
comment, you should be aware that  
your entire comment—including your  
personal identifying information—may  
be made publicly available at any time.  
While you can ask us in your comment  
to withhold your personal identifying  
information from public review, we  
cannot guarantee that we will be able to  
do so.

**Abstract:** Authorized by the Organic  
Act of 1916 (54 U.S.C. 100101), the NPS  
is charged with protecting cultural and  
natural resources for the enjoyment and  
education of current and future  
generations. The NPS Education  
Program Office administers education  
programs to fulfill the educational  
mission of the NPS. This new  
information collection request is for an  
online survey of elementary school  
educators in support of that mission.  
Results from this study will support the  
Education Program Office in its work to  
provide inspiring and informative  
educational programs to students across  
the country.

This study will include 3rd–5th grade  
educators who have or have not  
participated in NPS education  
programs. Collecting data from both  
groups will allow the NPS to  
understand program effectiveness, as  
well as identify barriers to participation  
and factors that may inspire future  
participation. This information  
collection will seek to understand

educators' attitudes toward NPS  
Education Programs, management  
questions regarding program  
participation, and considerations for  
investing in and improving future  
program offerings.

**Title of Collection:** National Park  
Service Survey of Educators.

**OMB Control Number:** 1024-NEW.

**Form Number:** None.

**Type of Review:** New.

**Respondents/Affected Public:** General  
Public.

**Total Estimated Number of Annual  
Respondents:** 1,000.

**Estimated Completion Time per  
Response:** 15 minutes.

**Total Estimated Number of Annual  
Burden Hours:** 250 Hrs.

**Respondent's Obligation:** Voluntary.

**Frequency of Collection:** Once.

**Total Estimated Annual Nonhour**

**Burden Cost:** None.

An agency may not conduct or  
sponsor nor is a person required to  
respond to a collection of information  
unless it displays a currently valid OMB  
control number.

The authority for this action is the  
Paperwork Reduction Act of 1995 (44  
U.S.C. 3501 *et seq.*).

#### Phadrea Ponds,

*Information Collection Clearance Officer,  
National Park Service.*

[FR Doc. 2023-08366 Filed 4-19-23; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NAGPRA-NPS0035690;  
PPWOCRADN0-PCU00RP14.R50000]

#### Notice of Intent To Repatriate Cultural Items: Robert S. Peabody Institute of Archaeology, Andover, MA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native  
American Graves Protection and  
Repatriation Act (NAGPRA), the Robert  
S. Peabody Institute of Archaeology  
intends to repatriate certain cultural  
items that meet the definition of  
unassociated funerary objects and  
objects of cultural patrimony and that  
have a cultural affiliation with the  
Indian Tribes or Native Hawaiian  
organizations in this notice. The  
cultural items were removed from  
Adams County, MS.

**DATES:** Repatriation of the cultural items  
in this notice may occur on or after May  
22, 2023.

**ADDRESSES:** Ryan J. Wheeler, Robert S.  
Peabody Institute of Archaeology,

Phillips Academy, 180 Main Street, Andover, MA 01810, telephone (978) 749-4490, email [rwheeler@andover.edu](mailto:rwheeler@andover.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Robert S. Peabody Institute of Archaeology. The National Park Service is not responsible for the determinations in this notice. Additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records held by the Robert S. Peabody Institute of Archaeology.

### Description

In 1924, during an expedition for the Robert S. Peabody Institute of Archaeology, Warren K. Moorehead removed 42 unassociated funerary objects and objects of cultural patrimony from five mound sites in Adams County, MS. Eight lots of ceramic sherds (catalog nos. 2018.2.1191, 59648, 59651, 59691, 59701, 59704, 59707, and 59733), one lot of daub fragments (catalog no. 59705), two lots of faunal bone (catalog nos. 59703 and 59706), and three lots of modified stones and stone tools (catalog nos. 59692, 59693, and 59702) were removed from multiple components of the Anna Mounds (also called John Stover's or John Stower's; Small mound, Anna; and Temple Mound, Stover's or Stower's, Anna) in Adams County, MS. Three lots of faunal bone (catalog nos. 59650, 59709, and 59722), one lot of stone tools (catalog no. 59680), eight lots of ceramic sherds (catalog nos. 59649, 59681, 59682, 59690, 59708, 59710, 59724, and 2018.2.1195), one lot of mineral fragments and stone objects (catalog no. 59723), and one ceramic vessel (catalog no. 2018.2.1196) were removed from Emerald Mound in Adams County, MS. Five lots of ceramic sherds and daub fragments (catalog nos. 59641, 59642, 59643, 59731, and 59732), one lot of stone tools (catalog no. 59645), two lots of faunal bone (catalog nos. 59646 and 59647), and one fragment of burnt clay (catalog no. 59644) were removed from Bennett Mound in Adams County, MS. One lot of ceramic sherds (catalog no. 59640) was removed from Bruntts Mound in Adams County, MS. Two pottery vessels (catalog nos. 59684 and 59685), one stone disk (catalog no. 59602), and one fragmentary ceramic effigy (catalog no. 59711) were removed from Ratcliffe Mounds in Adams County, MS.

### Cultural Affiliation

The cultural items in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following types of information were used to reasonably trace the relationship: anthropological, archeological, geographical, historical, and expert opinion.

### Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, the Robert S. Peabody Institute of Archaeology has determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 42 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from specific burial sites of Native American individuals.
- Pursuant to 25 U.S.C. 3001(3)(D), the 42 cultural items described above have ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2) there is a relationship of shared group identity that can be reasonably traced between the cultural items and The Muscogee (Creek) Nation.

### Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after May 22, 2023. If competing requests for repatriation are received, the Robert S. Peabody Institute of Archaeology must determine the most appropriate requestor prior to repatriation. Requests for joint

repatriation of the cultural items are considered a single request and not competing requests. The Robert S. Peabody Institute of Archaeology is responsible for sending a copy of this notice to the Indian Tribe identified in this notice.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.8, 10.10, and 10.14.

Dated: April 10, 2023.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2023-08333 Filed 4-19-23; 8:45 am]

**BILLING CODE 4312-52-P**

### DEPARTMENT OF THE INTERIOR

**[NPS-WASO-NAGPRA-NPS0035672; PPWOCRADNO-PCU00RP14.R50000]**

### Notice of Inventory Completion: United States Space Force, Cape Canaveral Space Force Station, Space Launch Delta 45, Brevard County, FL

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the United States Space Force, Cape Canaveral Space Force Station, Space Launch Delta 45 (SLD 45 USSF) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice. The human remains and associated funerary objects were removed from Brevard County, FL.

**DATES:** Repatriation of the human remains and associated funerary objects in this notice may occur on or after May 22, 2023.

**ADDRESSES:** Mr. Thomas E. Penders MS, RPA, Cultural Resources Manager, Space Launch Delta 45, U.S. Space Force, 1225 Jupiter Street, Patrick Space Force Base, FL 32925, telephone (321) 307-0075, email [thomas.penders@spaceforce.mil](mailto:thomas.penders@spaceforce.mil).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of SLD 45 USSF. The National Park Service is not responsible for the determinations in this notice. Additional information on the determinations in this notice, including the results of consultation, can be found

in the inventory or related records held by SLD 45 USSF.

### Description

#### *Burns Mound Site (8BR85)*

In 1967, 362 associated funerary objects were removed from the Burns Site (8BR85) (also known as Burns Mound, Burns Place, Burnham's Place, and Burnham's Mound) in Brevard County, FL. These objects were removed from the surface of the burial mound and the immediate ground surface. No human remains were removed from this site. The objects were curated at the Florida Museum of Natural History (FLMNH) in Gainesville, Florida. The 362 associated funerary objects are one St. Johns Incised Body potsherd; four St. Johns Bold Stamped body potsherds; one St. Johns Exterior Check Stamp/Interior scored potsherd; four St. Johns Scored potsherds; 49 St. Johns Check Stamp potsherds; 52 St. Johns Plain potsherds; 66 Sandy St. Johns Plain potsherds; 184 Sand-Tempered Plain potsherds; and one Busycon sp. (shell) columella tool.

At an unknown date, one associated funerary object was removed from the Burns Site (8BR85) in Brevard County, FL. In 1950, the associated funerary object was donated to the FLMNH by the property owner, and in August of 2022, FLMNH transferred control of the object to SLD 45 USSF. The one associated funerary object is a potsherd (FLMNH Accession Number 2538).

#### *Holmes Mound Site (8BR86)*

In 1967, human remains representing, at minimum, three individuals were removed from the Holmes Mound Site (8BR86) in Brevard County, FL, by a University of Florida graduate student. These human remains were collected from the ground surface. Both the human skeletal remains and associated funerary objects were curated at FLMNH (FLMNH Accession Number 4595, Catalog Number 103726HR) before being transferred to SLD 45 USSF. The individual who collected the human remains and funerary objects stated that the site had been significantly disturbed by construction and that the items had been scattered over a large area of the site. The human remains—seven cranial fragments, four pelvic fragments, three femoral head fragments, one calcaneus, one clavicle, 17 long bone shaft fragments, and one bag of unidentifiable bone fragments—belong to two adults and one subadult. No known individuals were identified. The six associated funerary objects are two St. Johns Plain potsherds, two Sand-Tempered Plain potsherds, one Sandy

St. Johns potsherd, and one *Busycon* sp. (shell) hammer/tool.

### Cultural Affiliation

The human remains and associated funerary objects in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following types of information were used to reasonably trace the relationship: archeological, anthropological, and historical.

### Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, SLD 45 USSF, has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- The 369 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a relationship of shared group identity that can be reasonably traced between the human remains and associated funerary objects described in this notice and the Miccosukee Tribe of Indians; Seminole Tribe of Florida; and The Seminole Nation of Oklahoma.

### Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after May 22, 2023. If competing requests for repatriation are received SLD 45 USSF must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and

associated funerary objects are considered a single request and not competing requests. SLD 45 USSF is responsible for sending a copy of this notice to the Indian Tribes identified in this notice.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.9, 10.10, and 10.14.

Dated: April 10, 2023.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2023–08332 Filed 4–19–23; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS–WASO–NAGPRA–NPS0035689; PPWOCRADN0–PCU00RP14.R50000]

### Notice of Inventory Completion: The Fort Ticonderoga Association, Ticonderoga, NY

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), The Fort Ticonderoga Association has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes in this notice. The human remains and associated funerary objects were removed from Addison County, VT.

**DATES:** Repatriation of the human remains and associated funerary objects in this notice may occur on or after May 22, 2023.

**ADDRESSES:** Margaret Staudter, The Fort Ticonderoga Association, 30 Fort Ti Rd., Ticonderoga, NY 12883, telephone (518) 585–1015, email [mstaudter@fort-ticonderoga.org](mailto:mstaudter@fort-ticonderoga.org).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of The Fort Ticonderoga Association. The National Park Service is not responsible for the determinations in this notice. Additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records held by The Fort Ticonderoga Association.

## Description

Human remains representing, at minimum, five individuals were removed from the East Creek site (VT-AD-0012) in Addison County, VT. From 1933 to 1935, and possibly in 1936, Godfrey Olsen led summer excavations on behalf of the Heye Foundation/Museum of the American Indian (MAI) at the East Creek site. In 1933 and 1937, George Heye gifted Fort Ticonderoga's co-founder Stephen Pell a selection of items from the Olsen excavation. In 1937, the Champlain Valley Archaeological Society (CVAS), under H. Jermain Slocum, returned to the site and removed the human remains and additional associated funerary objects from areas that had been excavated during the Heye Foundation excavations. The 36 associated funerary objects are one lot of acorns (EC.49.1), one lot of alligator teeth (EC.1.1), one lot of bifaces (EC.24; EC.25; EC.26; EC.27; EC.28; EC.29; EC.30; EC.31; EC.32; EC.33; EC.34; EC.35; EC.36; EC.37; EC.38; EC.39; EC.40; EC.41; EC.42; EC.43; EC.45; EC.46; EC.63), one fragment of birch bark (EC.15.1), one stone celt (EC.64), three lots of copper beads (EC.16.1; EC.18.1; EC.19; EC.21.1), one lot of copper wires (EC.16.2), one lot of debitage (EC.47; EC.48), one deer bone (EC.51.4), one deer skull (EC.4.1), one lot of chert drills (EC.53.1; EC.9), one lot of fish vertebrae (EC.50.1), one lot of stone flakes (EC.12.1), one lot of hammerstones (EC.2.1; EC.59; EC.61.1; EC.62), one fragment of hickory bark (EC.15.2), one lot of mammal bone (EC.51.1; EC.65.1), one lot of mixed material (EC.11), one paint stone (EC.58.1), one lot of stone projectile points (EC.13; EC.2.3; EC.22.1; EC.22.2; EC.22.3; EC.22.4; EC.22.5; EC.22.6; EC.22.7; EC.22.8; EC.22.9; EC.23.1; EC.23.2; EC.23.3; EC.23.4; EC.23.5; EC.23.6; EC.3.1; EC.54.1; EC.55.1; EC.55.2; EC.55.3; EC.55.4; EC.55.5; EC.55.6; EC.56.1; EC.56.10; EC.56.11; EC.56.12; EC.56.13; EC.56.14; EC.56.15; EC.56.17; EC.56.18; EC.56.19; EC.56.2; EC.56.20; EC.56.21; EC.56.3; EC.56.4; EC.56.5; EC.56.6; EC.56.7; EC.56.8; EC.56.9), four lots of red ochre (EC.14.1; EC.17.1; EC.6.1; EC.6.2), one sandstone object (EC.2.2), one lot of scrapers (EC.52; EC.56.16), one lot of shark teeth (EC.8), one lot of clay sherds (EC.12.3; EC.5.1; EC.5.2; EC.5.3; EC.66; EC.67; EC.68; EC.69.1; EC.69.3; EC.69.4; EC.69.5; EC.69.6; EC.69.7; EC.69.8), one squirrel bone (EC.51.2), one lot of stone fragments (EC.3.2), one tube pipe (EC.7.1), one tube pipe plug (EC.20.1), one lot of turtle bones (EC.51.3), one lot of utilized lithics (EC.44), and one whetstone (EC.57.1).

## Cultural Affiliation

The human remains and associated funerary objects in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes. The following types of information were used to reasonably trace the relationship: archeological, geographical, historical, oral traditional, and expert opinion.

## Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes, The Fort Ticonderoga Association has determined that:

- The human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- The 36 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a relationship of shared group identity that can be reasonably traced between the human remains and associated funerary objects described in this notice and the Cayuga Nation; Delaware Nation, Oklahoma; Oneida Indian Nation; Oneida Nation; Onondaga Nation; Saint Regis Mohawk Tribe; Seneca Nation of Indians; Seneca-Cayuga Nation; Stockbridge Munsee Community, Wisconsin; Tonawanda Band of Seneca; and the Tuscarora Nation.

## Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes identified in this notice.
2. Any lineal descendant or Indian Tribe not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after May 22, 2023. If competing requests for repatriation are received, the Fort Ticonderoga Association must determine the most appropriate requestor prior to repatriation. Requests

for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Fort Ticonderoga Association is responsible for sending a copy of this notice to the Indian Tribes identified in this notice.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.9, 10.10, and 10.14.

Dated: April 10, 2023.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2023-08335 Filed 4-19-23; 8:45 am]

**BILLING CODE 4312-52-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-576-577 and 731-TA-1362-1367 (Review)]

### Cold-Drawn Mechanical Tubing From China, Germany, India, Italy, South Korea, and Switzerland; Notice of Commission Determination To Conduct Full Five-Year Reviews

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice that it will proceed with full reviews pursuant to the Tariff Act of 1930 to determine whether revocation of the countervailing duty orders on cold-drawn mechanical tubing of carbon and alloy steel ("CDMT") from China and India, and revocation of the antidumping duty orders on CDMT from China, Germany, India, Italy, South Korea, and Switzerland would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date.

**DATES:** April 10, 2023.

#### FOR FURTHER INFORMATION CONTACT:

Peter Stebbins (202-205-2039), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for

these reviews may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

**SUPPLEMENTARY INFORMATION:** On April 10, 2023, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that both the domestic and respondent interested party group responses from Italy to its notice of institution (88 FR 114, January 3, 2023) were adequate, and determined to conduct a full review of the order on imports from Italy. The Commission also found that the respondent interested party group responses from China, Germany, India, South Korea, and Switzerland were inadequate but determined to conduct full reviews of the orders on imports from those countries in order to promote administrative efficiency in light of its determination to conduct a full review of the order with respect to Italy. A record of the Commissioners' votes will be available from the Office of the Secretary and at the Commission's website.

**Authority:** These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: April 17, 2023.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2023-08348 Filed 4-19-23; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

[OMB Number 1140-0014]

### Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Application for Tax Paid Transfer and Registration of Firearm—ATF Form 4 (5320.4)

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until June 20, 2023.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, contact: Connor Brandt, National Firearms Act Division either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at [nfaombcomments@atf.gov](mailto:nfaombcomments@atf.gov), or by telephone at 304-616-3175.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Abstract:** The Application for Tax Paid Transfer and Registration of Firearm—ATF Form 4 (5320.4) must be completed to obtain permission to transfer and register a National Firearms Act (NFA) firearm. The Information Collection Request (ICR) OMB Number 1140-0014 is being revised to include additional questions, clarification added to directions and grammar changes.

### Overview of This Information Collection

1. *Type of Information Collection:* Revision of a currently approved collection.
2. *The Title of the Form/Collection:* Application for Tax Paid Transfer and Registration of Firearm.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: ATF Form 4 (5320.4). Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.
4. *Affected public who will be asked or required to respond as well as the obligation to respond:* Individuals or households, Private Sector—businesses or other for-profit, business or other for-profit, Federal Government, State, Local, or Tribal Government and Farms. The obligation to respond is mandatory per 27 CFR 479.85.
5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 123,339 respondents will respond to this collection once annually, and it will take each respondent an average 3.78433 hours to complete.
6. *An estimate of the total public burden (in hours) and annual cost burden associated with the collection:* The estimated annual public burden associated with this collection is 466,755 hours. The annual cost burden is \$6,649,205 as there is a tax of \$5 or \$200 on the transfer of an NFA firearm.

TOTAL ANNUAL BURDEN

Activity—ATF form 4	Estimated number of respondents	Frequency	Estimated total annual responses	Estimated time per response	Estimated total annual burden (hours)
Private Sector .....	24,667	1	24,667	3.78433	93,348
Individuals .....	24,667	1	24,667	3.78433	93,348
Farms .....	20,000	1	20,000	3.78433	75,687
Federal Government .....	39,005	1	39,005	3.78433	147,607
State, Local, Tribal Govt .....	15,000	1	15,000	3.78433	56,765
<i>Unduplicated Totals</i> .....	<i>123,339</i>	.....	<i>123,339</i>	.....	<i>466,755</i>

If additional information is required contact: John R. Carlson, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC 20530.

Dated: April 14, 2023.

**John R. Carlson,**

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2023-08385 Filed 4-19-23; 8:45 am]

BILLING CODE 4410-FY-P

**DEPARTMENT OF JUSTICE**

[OMB Number 1124-0006]

**Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Exhibit A to Registration Statement of Foreign Agents (Form NSD-3)**

**AGENCY:** Foreign Agents Registration Act Unit (FARA Unit), Counterintelligence and Export Control Section (CES), National Security Division (NSD), U.S. Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section (CES), National Security Division (NSD), U.S. Department of Justice, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** The Department of Justice encourages public comment and will accept input until June 20, 2023.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments including on the estimated public

burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jennifer K. Gellie, Acting Chief, Counterintelligence and Export Control Section, National Security Division, 175 N Street NE, Constitution Square Building Three, Suite 1.100, Washington, DC 20002, email: [fara.public@usdoj.gov](mailto:fara.public@usdoj.gov), telephone: (202) 233-0776.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the National Security Division, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Abstract:* Form NSD-3/Exhibit A to Registration Statement is used for registering foreign agents under the Foreign Agents Registration Act of 1938 (FARA), as amended, 22 U.S.C. 611. on this request for a 60-day Notice for OMB

three-year re-approval of the Exhibit A to Registration Statement, Form NSD-3. This is a request for a revision of a previously approved information collection. The collection will now use a new eFile webform system located on the FARA.gov website: <https://www.justice.gov/nsd-fara/fara-efile>.

Overview of this information collection:

1. *Type of Information Collection:* Revision of a currently approved collection.
2. *The Title of the Form/Collection:* Exhibit A to Registration Statement (Foreign Agents).
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number is NSD-3. The applicable component within the Department of Justice is the Foreign Agents Registration Act Unit (FARA Unit), Counterintelligence and Export Control Section, National Security Division.
4. *Affected public who will be asked or required to respond as well as the obligation:* Private Sector—business or other for-profit, not-for-profit institutions. The obligation to respond is mandatory per 28 CFR 5.
5. *An estimate of the total number of respondents, frequency of responses and the amount of time estimated for an average respondent to respond:* Based on the projected number of registrations from 2023 to 2026, an estimated 451 respondents annually will complete Form NSD-3. Based on sample testing, each respondent will need .22 hours to complete the form.
6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 99 annual burden hours. It is estimated that respondents will take .22 hours to complete the form. (451 respondents × .22 hours = 99.22 annual burden hours).

TOTAL ANNUAL BURDEN

Activity	Number of respondents	Frequency	Total annual responses	Time per response	Total annual burden (hours)
NSD-5 .....	451	1	451	.22	99
Unduplicated Totals .....	451	.....	451	.....	99

*If additional information is required contact:* John R. Carlson, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC 20530.

Dated: April 14, 2023.

**John R. Carlson,**  
Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2023-08391 Filed 4-19-23; 8:45 am]

BILLING CODE 4410-PF-P

**DEPARTMENT OF JUSTICE**

[OMB Number 1124-0002]

**Agency Information Collection Activities; Proposed eCollection Activities; Comments Requested; Revision of a Previously Approved Collection; Supplemental Statement to Registration Statement of Foreign Agents (Form NSD-2)**

**AGENCY:** Foreign Agents Registration Act Unit (FARA Unit), Counterintelligence and Export Control Section (CES), National Security Division (NSD), U.S. Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section (CES), National Security Division (NSD), U.S. Department of Justice, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** The Department of Justice encourages public comment and will accept input until June 20, 2023.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments including on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jennifer K. Gellie, Acting Chief,

Counterintelligence and Export Control Section, National Security Division, 175 N Street NE, Constitution Square Building Three, Suite 1.100, Washington, DC 20002, email: [fara.public@usdoj.gov](mailto:fara.public@usdoj.gov), telephone: (202) 233-0776.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the National Security Division, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Abstract:* Form NSD-2 contains Supplemental Statement to Registration Statement information used for registering foreign agents under the Foreign Agents Registration Act of 1938 (FARA), as amended, 22 U.S.C. 611. Beginning September 23, 2019, NSD completed its ongoing multi-year design review, testing, and requirements enhancement efforts under the FARA e-File 4.0 with a roll out of initial capabilities for new registrants only. NSD continues to make progress in enhancing the functionality of FARA e-File and Form NSD-1. From January 2022 through August 2022, NSD Information Technology (NSD IT) and FARA Unit staff worked to migrate all remaining registrant accounts and

records into the new eFile webform system. As a result, no further registration activities can be disclosed using the retired Portable Document Format (Adobe \*PDF) type FARA registration forms, and instead respondents must follow the eFile webform portal system located on the [FARA.gov](https://www.justice.gov/nsd-fara/fara-efile) website: <https://www.justice.gov/nsd-fara/fara-efile>.

Overview of this information collection:

1. *Type of Information Collection:* Revision of a currently approved collection.
2. *The Title of the Form/Collection:* Supplemental Statement to Registration Statement (Foreign Agents).
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form name/number is NSD-2. The applicable component within the Department of Justice is the Foreign Agents Registration Act Unit (FARA Unit), Counterintelligence and Export Control Section, National Security Division.
4. *Affected public who will be asked or required to respond as well as obligation to respond:* Private sector—business or other for-profit, not-for-profit institutions. The obligation to respond is mandatory per 28 CFR 5.
5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Based on the projected number of registrations from 2023 to 2026, an estimated 399 registrants will each complete Form NSD-2 (OMB Control No. 1124-0002) twice annually, for a total of 799 submissions. Based on sample testing, each respondent will need 1.17 hours to complete the form, which takes into consideration the improved e-File 4.0/4.1 webform features.
6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 934 annual burden hours. It is estimated that respondents will take 1.17 hours to complete the form. (399.50 respondents (2 responses annually) or 799 × 1.17 hours = 934.83 annual burden hours).

TOTAL ANNUAL BURDEN

Activity	Number of respondents	Frequency	Total annual responses	Time per response	Total annual burden (hours)
NSD-2 .....	399	2	799	1.17	934
Unduplicated Totals .....	339	.....	799	.....	934

If additional information is required contact: John R. Carlson, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC 20530.

Dated: April 14, 2023.

**John R. Carlson,**  
Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2023-08389 Filed 4-19-23; 8:45 am]

BILLING CODE 4410-PF-P

DEPARTMENT OF JUSTICE

[OMB Number 1124-0004]

**Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Exhibit B to Registration Statement of Foreign Agents (Form NSD-4)**

**AGENCY:** Foreign Agents Registration Act Unit (FARA Unit), Counterintelligence and Export Control Section (CES), National Security Division (NSD), U.S. Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section (CES), National Security Division (NSD), U.S. Department of Justice, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** The Department of Justice encourages public comment and will accept input until June 20, 2023.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments including on the estimated public

burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jennifer K. Gellie, Acting Chief, Counterintelligence and Export Control Section, National Security Division, 175 N Street NE, Constitution Square Building Three, Suite 1.100, Washington, DC 20002, email: [fara.public@usdoj.gov](mailto:fara.public@usdoj.gov), telephone: (202) 233-0776.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the National Security Division, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Abstract:* Exhibit B to Registration Statement, Form NSD-4 is used for registering foreign agents under the Foreign Agents Registration Act of 1938 (FARA), as amended, 22 U.S.C. 611.

This is a request for a revision of a previously approved information collection for Form NSD-4. The collection will now use a new eFile webform system located on the [FARA.gov](https://www.justice.gov/nsd-fara/fara-efile) website: <https://www.justice.gov/nsd-fara/fara-efile>.

Overview of this information collection:

1. *Type of Information Collection:* Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Exhibit B to Registration Statement (Foreign Agents).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number is NSD-4. The applicable component within the Department of Justice is the Foreign Agents Registration Act Unit (FARA Unit), Counterintelligence and Export Control Section, National Security Division.

4. *Affected public who will be asked or required to respond as well as obligation to respond:* Private sector—business or other for-profit, not-for-profit institutions. The obligation to respond is mandatory per 28 CFR 5.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Based on the projected number of registrations from 2023 to 2026, an estimated 451 respondents will complete Form NSD-4 once annually. Based on sample testing, each respondent will need .32 hours to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 144 annual burden hours. It is estimated that respondents will take .32 hours to complete the form. (451 respondents × .32 hours = 144.32 annual burden hours).

TOTAL ANNUAL BURDEN

Activity	Number of respondents	Frequency	Total annual responses	Time per response	Total annual burden (hours)
NSD-4 .....	451	1	451	.32	144

TOTAL ANNUAL BURDEN—Continued

Activity	Number of respondents	Frequency	Total annual responses	Time per response	Total annual burden (hours)
Unduplicated Totals .....	451	.....	451	.....	144

*If additional information is required contact:* John R. Carlson, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC 20530.

Dated: April 14, 2023.

**John R. Carlson,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2023-08390 Filed 4-19-23; 8:45 am]

BILLING CODE 4410-PF-P

**DEPARTMENT OF JUSTICE**

[OMB Number 1124-0003]

**Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Amendment to Registration Statement of Foreign Agents (Form NSD-5)**

**AGENCY:** Foreign Agents Registration Act Unit (FARA Unit), Counterintelligence and Export Control Section (CES), National Security Division (NSD), U.S. Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section (CES), National Security Division (NSD), U.S. Department of Justice, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** The Department of Justice encourages public comment and will accept input until June 20, 2023.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments

including on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jennifer K. Gellie, Acting Chief, Counterintelligence and Export Control Section, National Security Division, 175 N Street NE, Constitution Square Building Three, Suite 1.100, Washington, DC 20002, email: [fara.public@usdoj.gov](mailto:fara.public@usdoj.gov), telephone: 202-233-0776.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the National Security Division, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

*Abstract:* Form NSD-5/Amendment to Registration Statement is used for registering foreign agents under the Foreign Agents Registration Act of 1938

(FARA), as amended, 22 U.S.C. 611. This is a request for a revision of a previously approved information collection. The collection will now use a new eFile webform system located on the *FARA.gov* website: <https://www.justice.gov/nsd-fara/fara-efile>.

Overview of this information collection:

1. *Type of Information Collection:* Revision of a currently approved collection.
2. *The Title of the Form/Collection:* Amendment to Registration Statement (Foreign Agents).
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number is NSD-5. The applicable component within the Department of Justice is the Foreign Agents Registration Act Unit (FARA Unit), Counterintelligence and Export Control Section, National Security Division.
4. *Affected public who will be asked or required to respond as well as obligation to respond:* Private Sector—business or other for-profit, not-for-profit institutions. The obligation to respond is mandatory per 28 CFR 5.
5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Based on the projected number of registrations from 2023 to 2026, an estimated 630 respondents will complete Form NSD-5 once annually. Based on sample testing, each respondent will need .75 hours to complete the form.
6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 473 annual burden hours. It is estimated that respondents will take .75 hours to complete the form. (630 respondents × .75 hours = 473 annual burden hours).

TOTAL ANNUAL BURDEN

Activity	Number of respondents	Frequency	Total annual responses	Time per response	Total annual burden (hours)
NSD-5 .....	630	1	630	.75	473
<i>Unduplicated Totals</i> .....	630	.....	630	.....	473

If additional information is required contact: John R. Carlson, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC 20530.

Dated: April 14, 2023.

**John R. Carlson,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2023-08383 Filed 4-19-23; 8:45 am]

**BILLING CODE 4410-PF-P**

**DEPARTMENT OF JUSTICE**

[OMB Number 1124-0005]

**Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Short Form to Registration Statement of Foreign Agents (Form NSD-6)**

**AGENCY:** Foreign Agents Registration Act Unit (FARA Unit), Counterintelligence and Export Control Section (CES), National Security Division (NSD), U.S. Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section (CES), National Security Division (NSD), U.S. Department of Justice, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** The Department of Justice encourages public comment and will accept input until June 20, 2023.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments

including on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jennifer K. Gellie, Acting Chief, Counterintelligence and Export Control Section, National Security Division, 175 N Street NE, Constitution Square Building Three, Suite 1.100, Washington, DC 20002, email: [fara.public@usdoj.gov](mailto:fara.public@usdoj.gov), telephone: (202) 233-0776.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the National Security Division, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

*Abstract:* Form NSD-6 contains Short Form to Registration Statement information used for registering foreign agents under the Foreign Agents

Registration Act of 1938 (FARA), as amended, 22 U.S.C. 611. This is a request for a revision of a previously approved information collection. The collection will now use a new eFile webform system located on the [FARA.gov](https://www.justice.gov/nsd-fara/fara-efile) website: <https://www.justice.gov/nsd-fara/fara-efile>.

Overview of this information collection:

1. *Type of Information Collection:* Revision of a currently approved collection.
2. *The Title of the Form/Collection:* Short Form to Registration Statement (Foreign Agents).
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number is NSD-6. The applicable component within the Department of Justice is the Foreign Agents Registration Act Unit (FARA Unit), Counterintelligence and Export Control Section, National Security Division.
4. *Affected public who will be asked or required to respond as well as obligation to respond:* Private sector—business or other for-profit, not-for-profit institutions. The obligation to respond is mandatory per 28 CFR 5.
5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Based on the projected number of registrations from 2023 to 2026, an estimated 1,149 respondents annually will complete Form NSD-6. Based on sample testing, each respondent will need .23 hours to complete the form.
6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 264 annual burden hours. It is estimated that respondents will take .23 hours to complete the form. (1,149 respondents × .23 hours = 264.27 annual burden hours).

**TOTAL ANNUAL BURDEN**

Activity	Number of respondents	Frequency	Total annual responses	Time per response	Total annual burden (hours)
NSD-6 .....	1,149	1	1,149	.23	264
Unduplicated Totals .....	1,149	.....	1,149	.....	264

If additional information is required contact: John R. Carlson, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution

Square, 145 N Street NE, 4W-218, Washington, DC 20530.

Dated: April 14, 2023.

**John R. Carlson,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2023-08384 Filed 4-19-23; 8:45 am]

**BILLING CODE 4410-PF-P**

**DEPARTMENT OF JUSTICE**

[OMB Number 1124-0001]

**Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Registration Statement of Foreign Agents (Form NSD-1)**

**AGENCY:** Foreign Agents Registration Act Unit (FARA Unit), Counterintelligence and Export Control Section (CES), National Security Division (NSD), U.S. Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section (CES), National Security Division (NSD), U.S. Department of Justice, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until June 20, 2023.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments including on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jennifer K. Gellie, Acting Chief, Counterintelligence and Export Control Section, National Security Division, 175 N Street NE, Constitution Square Building Three, Suite 1.100,

Washington, DC 20002, email: [fara.public@usdoj.gov](mailto:fara.public@usdoj.gov), telephone: (202) 233-0776.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information, is necessary for the proper performance of the functions of the National Security Division, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Abstract:* Form NSD-1/Registration Statement is used for registering foreign agents under the Foreign Agents Registration Act of 1938 (FARA), as amended, 22 U.S.C. 611. This is a request for a revision of a previously approved information collection. The collection will now use a new eFile webform system located on the

FARA.gov website: <https://www.justice.gov/nsd-fara/fara-efile>.

Overview of this information collection:

1. *Type of Information Collection:* Revision of a currently approved collection.
2. *The Title of the Form/Collection:* Registration Statement (Foreign Agents).
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form name/number: NSD-1. The applicable component within the Department of Justice is the Foreign Agents Registration Act Unit (FARA Unit), Counterintelligence and Export Control Section, National Security Division.
4. *Affected public who will be asked or required to respond as well as obligation to respond:* Private sector—business or other for-profit, not-for-profit institutions. The obligation to respond is mandatory per 28 CFR 5.
5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Based on the projected number of registrations from 2023 to 2026, an estimated 119 respondents will complete Form NSD-1 once annually. Based on sample testing, each respondent will need .75 hours to complete the form.
6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 89 annual burden hours. It is estimated that respondents will take .75 hours to complete the form. (119 respondents × .75 hours = 89 annual burden hours).

**TOTAL ANNUAL BURDEN**

Activity	Number of respondents	Frequency	Total annual responses	Time per response	Total annual burden (hours)
NSD-1 .....	119	1	119	.75	89
Unduplicated Totals .....	119	.....	119	.....	89

*If additional information is required contact:* John R. Carlson, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC 20530.

Dated: April 14, 2023.  
**John R. Carlson,**  
*Department Clearance Officer for PRA, U.S. Department of Justice.*  
 [FR Doc. 2023-08382 Filed 4-19-23; 8:45 am]  
**BILLING CODE 4410-PF-P**

**DEPARTMENT OF LABOR**

**Agency Information Collection Activities; Submission for OMB Review; Comment Request; Program To Prevent Smoking in Hazardous Areas of Underground Coal Mines**

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Mine Safety and Health Administration (MSHA)-

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 May 22, 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) if the information will be processed and used in a timely manner; (3) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** Nora Hernandez by telephone at 202–693–8633, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** Section 317(c) Mine Act, 30 U.S.C. 877(c), and 30 CFR 75.1702 prohibit persons from smoking or carrying smoking materials underground or in places where there is a fire or explosion hazard. Under the Mine Act and 30 CFR 75.1702, coal mine operators are required to develop programs to prevent persons from carrying smoking materials, matches, or lighters underground and to prevent smoking in hazardous areas, such as in or around oil houses, explosives magazines, or other areas where such practice may cause a fire or explosion. 30 CFR 75.1702–1 requires a mine operator to submit a smoking prevention program to MSHA for approval. This information collection requirement helps to ensure that a fire or explosion hazard does not occur. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 24, 2022 (87 FR 64253).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–MSHA.

*Title of Collection:* Program to Prevent Smoking in Hazardous Areas of Underground Coal Mines.

*OMB Control Number:* 1219–0041.

*Affected Public:* Businesses or other for-profits institutions.

*Total Estimated Number of Respondents:* 20.

*Total Estimated Number of Responses:* 20.

*Total Estimated Annual Time Burden:* 10 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Nora Hernandez,**

*Departmental Clearance Officer.*

[FR Doc. 2023–08381 Filed 4–19–23; 8:45 am]

**BILLING CODE 4510–13–P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Notice to Employees of Coverage Options Through Health Insurance Marketplace

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-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 May 22, 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) if the information will be processed and used in a timely manner; (3) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** Mara Blumenthal by telephone at 202–693–8538, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** Since January 1, 2014, individuals and employees of small businesses have had access to affordable coverage through a competitive private health insurance market—Health Insurance Marketplace or also called “the exchange”. Section 1512 of the Affordable Care Act created a new Fair Labor Standards Act (FLSA) section 18B (29 U.S.C. 218b) requiring a notice to employees of coverage options available through the Marketplace. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 22, 2022 (87 FR 43897).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that

information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–EBSA.

*Title of Collection:* Notice to Employees of Coverage Options through Health Insurance Marketplace.

*OMB Control Number:* 1210–0149.

*Affected Public:* State, local, and Tribal governments; private sector—businesses or other for-profits, not-for-profit institutions, and farms.

*Total Estimated Number of Respondents:* 10,909,076.

*Total Estimated Number of Responses:* 31,595,244.

*Total Estimated Annual Time Burden:* 263,294 hours.

*Total Estimated Annual Other Costs Burden:* \$5,480,827.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: April 14, 2023.

**Mara Blumenthal,**

*Senior PRA Analyst.*

[FR Doc. 2023–08311 Filed 4–19–23; 8:45 am]

**BILLING CODE 4510–29–P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA–2022–0011]

#### Maritime Advisory Committee on Occupational Safety and Health (MACOSH)

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice of MACOSH membership.

**SUMMARY:** On March 7, 2023, the Secretary appointed 15 members and a Special Agency Liaison to serve on the Maritime Advisory Committee on Occupational Safety and Health (MACOSH) for a two-year term from April 13, 2023–April 13, 2025.

**FOR FURTHER INFORMATION CONTACT:**

*For press inquiries:* Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone (202) 693–1999; email: [Meilinger.Francis2@dol.gov](mailto:Meilinger.Francis2@dol.gov).

*For general information about MACOSH:* Ms. Amy Wangdahl, Director, Office of Maritime and Agriculture, OSHA, U.S. Department of Labor; telephone (202) 693–2066; email: [Wangdahl.amy@dol.gov](mailto:Wangdahl.amy@dol.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Background

MACOSH is established and operates in accordance with section 7(d) of the

Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 656); 29 CFR part 1912; and Secretary of Labor’s Order 8–2020 (85 FR 58393, September 18, 2020). In addition, MACOSH is established and operates in accordance with the Federal Advisory Committee Act (FACA), (5 U.S.C. 10), its implementing regulations (41 CFR parts 101–6 and 102–3), and Department of Labor Manual Chapter 1–900 (August 31, 2020). The Committee advises OSHA on matters relevant to the safety and health of employees in the maritime industry. This includes advice on maritime issues that will result in more effective enforcement, training, and outreach programs, and streamlined regulatory efforts. The maritime industry includes shipyard employment, longshoring, marine terminal, and commercial fishing industries. The Committee functions solely as an advisory body in compliance with the provisions of the FACA and OSHA’s regulations covering advisory committees (29 CFR part 1912).

The maritime industry has historically experienced a high incidence of work-related fatalities, injuries, and illnesses. OSHA has targeted this industry for special attention due to that experience. This targeting includes development of guidance or outreach materials specific to the industry, rulemakings to update requirements, and other activities. MACOSH advises the Secretary through the Assistant Secretary of Labor for Occupational Safety and Health on matters relevant to the safety and health of employees in the maritime industry. The Committee’s advice will result in more effective enforcement, training and outreach programs, and streamlined regulatory efforts.

#### II. Appointment of Committee Members

OSHA received nominations of highly qualified individuals in response to the agency’s request for nominations (87 FR 71686, November 23, 2022). The Secretary appointed to serve on the Committee individuals who have broad experience relevant to the issues to be examined by the Committee. The Committee is diverse and balanced, both in terms of segments of the maritime industry represented (*e.g.*, shipyard employment, longshoring, marine terminal, and commercial fishing industries), and in the views and interests represented by the members. The MACOSH membership is as follows:

#### Government Interests

- John Goering, U.S. Department of Transportation, Maritime Administration
- James Rone, Washington State Department of Labor and Industries
- Alice Shumate, National Institute for Occupational Safety and Health
- David Ward, U.S. Coast Guard

#### Worker Interests

- Aaron Arabaski, Noble Drilling
- Robert Fiore, International Longshoremen’s Association
- Michael Oathout, International Association of Machinists and Aerospace Workers
- Adam Wetzell, International Longshore and Warehouse Union

#### Employer Interests

- Solomon Egbe, National Maritime Safety Association
- Amy Liu, Sound Testing, Inc.
- John Ratcliffe, Virginia International Terminals, LLC
- David Turner, Yusen Terminals, LLC

#### Professional Organization Interests

- Thresa Nelson, American Industrial Hygiene Association
  - Donald V. Raffo, Marine Chemist Association
  - Lawrence Russell, National Fire Protection Association
- The Special Agency Liaison to MACOSH is:
- Christopher Godfrey, Office of Workers’ Compensation Programs, U.S. Department of Labor

#### Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice pursuant to 29 U.S.C. 655 and 656(d), Secretary’s Order 8–2020 (85 FR 58393), 5 U.S.C. 10, and 29 CFR part 1912.

Signed at Washington, DC, on April 12, 2023.

**James S. Frederick,**

*Deputy Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2023–08314 Filed 4–19–23; 8:45 am]

**BILLING CODE 4510–26–P**

## LEGAL SERVICES CORPORATION

### Notice of Change of Service Areas and Request for Proposals for Calendar Year 2024 Basic Field Grant Awards

**AGENCY:** Legal Services Corporation.

**ACTION:** Notice of funding availability.

**SUMMARY:** The Legal Services Corporation (LSC) hereby announces a

change to the available service areas for the Request for Proposals for Calendar Year 2024 Basic Field Grant Awards. Two service areas in Pennsylvania will be combined and applications will be accepted for the new, combined service area with new deadlines.

**DATES:** See **SUPPLEMENTARY INFORMATION** section below for grant application dates.

**ADDRESSES:** By email to [lscgrants@lsc.gov](mailto:lscgrants@lsc.gov) or by other correspondence to Legal Services Corporation—Basic Field Grant Awards, 3333 K Street NW, Washington, DC 20007–3522.

**FOR FURTHER INFORMATION CONTACT:** Christine Williams, Program Manager for Basic Field Competition, at 202–295–1602 or email at [williamsc@lsc.gov](mailto:williamsc@lsc.gov), or visit the LSC website at <https://www.lsc.gov/grants/basic-field-grant>.

**SUPPLEMENTARY INFORMATION:** The Legal Services Corporation (LSC) provided a Notice of Funding Availability and Request for Proposals for Calendar Year 2024 Basic Field Grant Awards on March 14, 2023. 88 FR 15740, March 14, 2023. That notice included a list of service areas for which LSC is requesting grant proposals for 2024. LSC is amending that list to remove the PA–5 service area in Pennsylvania and add the new PA–27 service area in Pennsylvania. For 2024 Basic Field Grant Awards, LSC is combining the PA–5 and PA–11 service areas to create the new PA–27 service area to provide the most economical and effective delivery of legal assistance in that region. Service area descriptions are available at <https://www.lsc.gov/grants/basic-field-grant/lsc-service-areas>. LSC will post all updates and changes to this notice at <https://www.lsc.gov/grants/basic-field-grant>. Interested parties can visit <https://www.lsc.gov/grants/basic-field-grant> or contact LSC by email at [lscgrants@lsc.gov](mailto:lscgrants@lsc.gov).

The deadline for pre-applications for PA–27 will be May 31, 2023, and the deadline for full applications for PA–27 will be July 31, 2023. For all other service areas, the deadlines are unchanged by this notice. The listing of all key dates for the LSC 2024 basic field grants process, including the deadlines for filing grant proposals, is available at <https://www.lsc.gov/grants/basic-field-grant/how-apply-basic-field-grant/basic-field-grant-key-dates>.

Authority: 42 U.S.C. 2996g(e).

Dated: April 14, 2023.

**Mark Freedman,**

Senior Associate General Counsel.

[FR Doc. 2023–08315 Filed 4–19–23; 8:45 am]

**BILLING CODE 7050–01–P**

## NATIONAL SCIENCE FOUNDATION

### Sunshine Act Meetings

The National Science Board's (NSB) Committee on Science and Engineering Policy (SEP) hereby gives notice of the scheduling of a videoconference for the transaction of National Science Board business pursuant to the National Science Foundation Act and the Government in the Sunshine Act.

**TIME AND DATE:** Wednesday, April 26, 2023, from 11:00 a.m.–11:30 a.m. EDT.

**PLACE:** The meeting will be held by videoconference through the National Science Foundation.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Chair's opening remarks; Detailed Narrative Outline for Indicators report: *Knowledge- and Technology-Intensive Industries*.

**CONTACT PERSON FOR MORE INFORMATION:** Point of contact for this meeting is Chris Blair, [cblair@nsf.gov](mailto:cblair@nsf.gov), 703/292–7000. Members of the public can observe this meeting through a YouTube livestream. The YouTube link will be available from the NSB meetings web page—<https://www.nsf.gov/nsb/meetings/index.jsp>.

**Christopher Blair,**

Executive Assistant, National Science Board Office.

[FR Doc. 2023–08516 Filed 4–18–23; 4:15 pm]

**BILLING CODE 7555–01–P**

## NUCLEAR REGULATORY COMMISSION

[NRC–2023–0066]

### Information Collection: NRC CUI Program Challenge Request Process

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Renewal of existing information collection; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, “NRC CUI Program Challenge Request Process.”

**DATES:** Submit comments by June 20, 2023. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any of the following methods; however, the NRC encourages electronic

comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2023–0066. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* David C. Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Obtaining Information and Submitting Comments

##### A. Obtaining Information

Please refer to Docket ID NRC–2023–0066 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2023–0066. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2023–0066 on this website.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML23072A176. The supporting statement is available in ADAMS under Accession No. ML23072A156.

- *NRC's PDR*: You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

- *NRC's Clearance Officer*: A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

### B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2023-0066, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

## II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection*: NRC CUI Program Challenge Request Process.
2. *OMB approval number*: 3150-0246.
3. *Type of submission*: Extension.
4. *The form number, if applicable*: Not applicable.

5. *How often the collection is required or requested*: On occasion.

6. *Who will be required or asked to respond*: Authorized holders, including any individual or organization who has been provided with Controlled Unclassified Information (CUI) and has a lawful government purpose to possess CUI.

7. *The estimated number of annual responses*: 12.

8. *The estimated number of annual respondents*: 12.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request*: 18.

10. *Abstract*: The NRC CUI Program Challenge Request Process, also referred to as the "CUI Challenge Request Process" in this document, provides the process used for NRC CUI authorized holders to challenge the designation of information that has been marked as CUI as improperly or incorrectly designated as "Authorized holder," includes any individual or organization who has been provided with CUI and has a lawful government purpose to possess the information. Any authorized holder who believes that the designation of specific information as CUI is improper or incorrect, or who believes they have received unmarked CUI, may use this process to formally notify the NRC CUI Senior Agency Official (SAO). The process also allows for the NRC CUI SAO and CUI Program Manager to process such requests and to issue a Final Decision from the CUI SAO. The CUI Challenge Request Process is not intended to be used to address all disagreements regarding the proper designation of CUI. Authorized holders are encouraged to seek or utilize less formal means when resolving internal good faith disputes over the proper designation of information as CUI, such as discussion with the creator or designator of the information in dispute. Where resolution cannot be achieved through less formal means, the CUI Challenge Request Process is available. The CUI Challenge Request Process does not supersede any obligations under law or NRC policy to report information spills.

## III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: April 17, 2023.

For the Nuclear Regulatory Commission.

**David C. Cullison**,  
NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2023-08360 Filed 4-19-23; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2022-0189]

### Information Collection: Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations

**AGENCY**: Nuclear Regulatory Commission.

**ACTION**: Proposed information collection; request for comment.

**SUMMARY**: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on this proposed information collection. The information collection is entitled, "Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations."

**DATES**: Submit comments by June 20, 2023. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES**: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website*: Go to <https://www.regulations.gov> and search for Docket ID NRC-2022-0189. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to*: David C. Cullison, Office of the Chief Information Officer, Mail Stop: T-6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the

**SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:**

David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Obtaining Information and Submitting Comments**

*A. Obtaining Information*

Please refer to Docket ID NRC-2022-0189 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2022-0189.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The supporting statement and Burden and Responses Tables are available in ADAMS under Accession Nos. ML22336A231 and ML22336A232.

- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

*B. Submitting Comments*

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include

Docket ID NRC-2022-0189, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

**II. Background**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* Part 34 of title 10 of the *Code of Federal Regulations* (10 CFR), Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations.

2. *OMB approval number:* An OMB control number has not yet been assigned to this proposed information collection.

3. *Type of submission:* New.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* Applications for new licenses and amendments may be submitted at any time (on occasion). Applications for renewal are submitted every 15 years. Reports are submitted as events occur.

6. *Who will be required or asked to respond:* Applicants for and holders of specific licenses authorizing the use of licensed radioactive material for radiography.

7. *The estimated number of annual responses:* 2,938.

8. *The estimated number of annual respondents:* 548.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 243,547.12 (3,814 reporting + 217,977.52 recordkeeping + 21,755.60 third party disclosure).

10. *Abstract:* 10 CFR part 34, establishes radiation safety requirements for the use of radioactive material in industrial radiography. The information in the applications, reports and records is used by the NRC staff to ensure that the health and safety of the public is protected, and that licensee possession and use of source and byproduct material is in compliance with license and regulatory requirements.

**III. Specific Requests for Comments**

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.

2. Is the estimate of the burden of the information collection accurate? Please explain your answer.

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: April 17, 2023.

For the Nuclear Regulatory Commission.

**David C. Cullison,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2023-08359 Filed 4-19-23; 8:45 am]

**BILLING CODE 7590-01-P**

**OFFICE OF PERSONNEL MANAGEMENT**

[OPM 1300, OMB Control No. 3206-0082]

**Submission for Review: Reinstatement of a Previously Approved Collection With Revisions, Presidential Management Fellows (PMF) Program Annual Application**

**AGENCY:** U.S. Office of Personnel Management.

**ACTION:** 60-Day notice and request for comments.

**SUMMARY:** The Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR) 3206-0082, OPM 1300 (PMF Program Annual Application).

**DATES:** Comments are encouraged and will be accepted until June 20, 2023. This process is conducted in accordance with 5 CFR 1320.1.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection by one of the following means:

- *Federal Rulemaking Portal:* <http://www.regulations.gov>. All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

- *Email:* [pmf@opm.gov](mailto:pmf@opm.gov). Please put "OPM 1300" in the subject line of the email.

**FOR FURTHER INFORMATION CONTACT:** A copy of this information collection request, with applicable supporting documentation, may be obtained by contacting the PMF Program Office, Office of Personnel Management, 1900 E Street NW, Suite 2469, Washington, DC 20415, Attention: Brandon Jacobsen, or via electronic mail to [pmf@opm.gov](mailto:pmf@opm.gov) with the subject line of "OPM 1300."

**SUPPLEMENTARY INFORMATION:** As required by the Paperwork Reduction Act of 1995, (Pub. L. 104-13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104-106), OPM is soliciting comments for this collection. OPM 1300, PMF Annual Application, is the Federal Government's centralized source for current and recent graduates to apply to the PMF Program to be selected as Finalists and reflects the minimal critical elements collected across the Federal Government to begin an application under the authority of Executive Order 13572 of December 27, 2010, and subparts A and D of part 362 of Title 5, Code of Federal Regulations. This revision proposes to reinstate a previously approved collection with revisions. Revisions include a new multi-part assessment process during the application process for all applicants and a structured interview for those applicants selected as Semi-Finalists. The burden hours have been adjusted as a result of the changes. Therefore, we invite comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

#### Analysis

*Agency:* Office of Personnel Management.

*Title:* OPM 1300.

*OMB Number:* 3206-0082.

*Frequency:* Annually.

*Affected Public:* Individuals.

*Number of Respondents:* 8,318.

*Estimated Time per Respondent:* 102 Minutes.

*Total Burden Hours:* 14,140.6.

U.S. Office of Personnel Management.

**Stephen Hickman,**

*Federal Register Liaison.*

[FR Doc. 2023-08350 Filed 4-19-23; 8:45 am]

**BILLING CODE 6325-43-P**

#### OFFICE OF PERSONNEL MANAGEMENT

##### President's Commission on White House Fellowships Advisory Committee: Closed Meeting

**AGENCY:** President's Commission on White House Fellowships, Office of Personnel Management.

**ACTION:** Notice of meeting.

**SUMMARY:** The President's Commission on White House Fellowships (PCWHF) was established by an Executive Order in 1964. The PCWHF is an advisory committee composed of Special Government Employees appointed by the President. The Advisory Committee meets in June to interview potential candidates for recommendation to become a White House Fellow.

**FOR FURTHER INFORMATION CONTACT:** Rosemarie Vela, 712 Jackson Place NW, Washington, DC 20503, Phone: 202-395-4522.

**SUPPLEMENTARY INFORMATION:** The meeting is closed.

*Name of Committee:* President's Commission on White House Fellowships Selection Weekend.

*Date:* June 1st-June 4th, 2023

*Time:* 8 a.m.-5:30 p.m.

*Place:* TBD.

*Agenda:* The Commission will interview 30 National Finalists for the selection of the new class of White House Fellows.

President's Commission on White House Fellowships.

**Stephen Hickman,**

*Federal Register Liaison.*

[FR Doc. 2023-08367 Filed 4-19-23; 8:45 am]

**BILLING CODE 6325-69-P**

#### POSTAL SERVICE

##### International Product Change—Priority Mail Express International, Priority Mail International & First-Class Package International Service Agreement

**AGENCY:** Postal Service™.

**ACTION:** Notice.

**SUMMARY:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International & First-Class Package International Service contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

**DATES:** Date of notice: April 20, 2023.

**FOR FURTHER INFORMATION CONTACT:** Christopher C. Meyerson, (202) 268-7820.

**SUPPLEMENTARY INFORMATION:** The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 11, 2023, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 18 to Competitive Product List*. Documents are available at [www.prc.gov](http://www.prc.gov), Docket Nos. MC2023-134 and CP2023-136.

**Tram T. Pham,**

*Attorney, Ethics and Legal Compliance.*

[FR Doc. 2023-08316 Filed 4-19-23; 8:45 am]

**BILLING CODE 7710-12-P**

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-97306; File No. SR-CBOE-2022-051]

##### Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Designation of Longer Period for Commission Action on a Proposed Rule Change To Amend Rules Relating to the Processing of Auction Responses

April 14, 2023.

On October 3, 2022, Cboe Exchange, Inc. filed with the Securities and Exchange Commission (the

“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to amend its rules relating to the processing of auction responses. The proposed rule change was published for comment in the **Federal Register** on October 20, 2022.<sup>3</sup> On November 23, 2022, pursuant to Section 19(b)(2) of the Act,<sup>4</sup> the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.<sup>5</sup> On January 18, 2023, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act<sup>6</sup> to determine whether to approve or disapprove the proposed rule change.<sup>7</sup> On April 10, 2023, the Exchange submitted Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change in its entirety.<sup>8</sup>

Section 19(b)(2) of the Act<sup>9</sup> provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The date of the publication of notice of the proposed rule change October 20, 2022. The 180th day after the publication of the notice of the proposed rule change is April 18, 2023, and June 17, 2023 is 240 days from that date.

The Commission finds that it is appropriate to designate a longer period within which to conclude proceedings on the proposed rule change so that it has sufficient time to consider the

proposed this proposed rule change and the proposed amendment. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>10</sup> designates June 17, 2023, as the date by which the Commission shall either approve or disapprove the proposed rule change, as modified by Amendment No. 1 (File No. SR-CBOE-2022-051).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>11</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2023-08307 Filed 4-19-23; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34886; 812-15410]

### Investment Managers Series Trust II and Embassy Asset Management, LP

April 14, 2023.

**AGENCY:** Securities and Exchange Commission (“Commission” or “SEC”).

**ACTION:** Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (“Act”) for an exemption from section 15(a) of the Act, as well as from certain disclosure requirements in rule 20a-1 under the Act, Item 19(a)(3) of Form N-1A, Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A under the Securities Exchange Act of 1934, and sections 6-07(2)(a), (b), and (c) of Regulation S-X (“Disclosure Requirements”).

**SUMMARY OF APPLICATION:** The requested exemption would permit Applicants to enter into and materially amend subadvisory agreements with subadvisers without shareholder approval and grant relief from the Disclosure Requirements as they relate to fees paid to the subadvisers.

**APPLICANTS:** Investment Managers Series Trust II and Embassy Asset Management, LP.

**FILING DATES:** The application was filed on November 18, 2022, and amended on March 10, 2023.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC’s Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the

request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on May 9, 2023, and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission’s Secretary.

**ADDRESSES:** The Commission:

*Secretarys-Office@sec.gov*. Applicants: Diane Drake, Esq., *diane.drake@mfac-ca.com*, Investment Managers Series Trust II, 235 West Galena Street, Milwaukee, WI 53212, and Laurie Anne Dee, Esq., *laurie.dee@morganlewis.com*, Morgan, Lewis & Bockius LLP, 600 Anton Boulevard, Suite 1800, Costa Mesa, CA 92626-7653.

**FOR FURTHER INFORMATION CONTACT:**

Christopher D. Carlson, Senior Counsel, or Daniele Marchesani, Assistant Chief Counsel, at (202) 551-6825 (Division of Investment Management, Chief Counsel’s Office).

**SUPPLEMENTARY INFORMATION:** For Applicants’ representations, legal analysis, and conditions, please refer to Applicants’ amended application, dated March 10, 2023, which may be obtained via the Commission’s website by searching for the file number at the top of this document, or for an Applicant using the Company name search field on the SEC’s EDGAR system. The SEC’s EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC’s Public Reference Room at (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2023-08306 Filed 4-19-23; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 96081 (October 14, 2022), 87 FR 63830.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> See Securities Exchange Act Release No. 96380, 87 FR 73366 (November 29, 2022). The Commission designated January 18, 2023 as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

<sup>6</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>7</sup> See Securities Exchange Act Release No. 96684, 88 FR 4243 (January 24, 2023).

<sup>8</sup> The full text of Amendment No. 1 is available on the Commission’s website at: <https://www.sec.gov/comments/sr-cboe-2022-051/sr-cboe2022051-20163989-333985.pdf>.

<sup>9</sup> 15 U.S.C. 78s(b)(2).

<sup>10</sup> *Id.*

<sup>11</sup> 17 CFR 200.30-3(a)(57).

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34–97311; File No. SR–ICEEU–2023–008]

**Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments of ICE Futures Europe (“IFEU”) Oil Futures Contracts**

April 14, 2023.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on April 6, 2023, ICE Clear Europe Limited (“ICE Clear Europe” or the “Clearing House”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule changes described in Items I, II and III below, which Items have been prepared by ICE Clear Europe. ICE Clear Europe filed the

proposed rule change pursuant to Section 19(b)(3)(A) of the Act<sup>3</sup> and Rule 19b–4(f)(2) thereunder,<sup>4</sup> such that the proposed rule change was immediately effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Clearing Agency’s Statement of the Terms of Substance of the Proposed Rule Change**

ICE Clear Europe proposes to amend certain clearing fees for ICE Futures Europe (“IFEU”) oil futures contracts.<sup>5</sup>

**II. Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, ICE Clear Europe included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the

proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICE Clear Europe has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

*(A) Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

(a) Purpose

ICE Clear Europe is proposing to increase certain clearing fees for specified ICE Futures Europe (“IFEU”) oil futures contracts, specifically the IFEU Brent Crude Oil, Low Sulphur Gasoil, West Texas Intermediate (WTI) Crude Oil, Midland WTI American Gulf Coast, Heating Oil and RBOB Gasoline futures contracts (collectively, the “IFEU Oil Futures”). The proposed fee changes are set forth in the following table:

Contract—IFEU Oil Futures	Existing clearing fee (US\$/contract)	Proposed new clearing fee (US\$/contract)
Futures Contract .....	0.57	0.60
EFP/EFS/Block .....	1.20	1.26

The proposed fee changes are intended to become operative on May 1, 2023, subject to regulatory approval.

The current clearing fees for IFEU Oil Futures have not changed since Intercontinental Exchange, Inc. acquired the International Petroleum Exchange (“IPE”) in 2001. The increases are intended to provide additional revenue, which ICE Clear Europe expects to use, among other purposes, to support the significant ongoing investments by ICE Clear Europe in clearing activities. Such investments include increased risk staffing requirements relating to increased market complexity, expansion of technology to improve platform capacity and reduce systems risk, expansion of reporting capabilities in light of regulatory requirements, ongoing development of compliance staff in light of increasing market complexity and size, and ongoing enhancement of IT and other operational resources to support clearing operations.

(b) Statutory Basis

ICE Clear Europe believes that the proposed amendments for the IFEU Oil

Futures are consistent with the requirements of Section 17A of the Act<sup>6</sup> and the regulations thereunder applicable to it. In particular, Section 17A(b)(3)(D) of the Act<sup>7</sup> requires that “[t]he rules of the clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants.” ICE Clear Europe believes that its clearing fees, as proposed to be amended, would be reasonable and appropriate for the IFEU Oil Futures. ICE Clear Europe’s fees are imposed at the product level on a per transaction basis (as are the applicable exchange fees), and would be generally applicable to market participants trading in the contracts. As set forth above, ICE Clear Europe has determined that the increased clearing fees are appropriate to support continued investments in enhancements to clearing operations, which support the clearing of the IFEU Oil Futures as well as other contracts. ICE Clear Europe has further determined that the increased fees would be commensurate with the size of the contracts and would provide an appropriate balance between the costs of clearing for market participants

and the expenses incurred by ICE Clear Europe in offering trading and clearing of the relevant contracts, taking into account the investments ICE Clear Europe has made and will continue to make in clearing such products. As such, in ICE Clear Europe’s view, the amendments are consistent with the equitable allocation of reasonable dues, fees, and other charges among its Clearing Members and other market participants, within the meaning of Section 17A(b)(3)(D) of the Act.<sup>8</sup>

The proposed amendments are also consistent with the requirements of Section 17A(b)(3)(F) of the Act<sup>9</sup> which requires, among other things, that the “rules of a clearing agency [ . . . ] are not designed to permit unfair discrimination in the admission of participants or among participants in the use of the clearing agency.” As noted above, the proposed fee changes for the IFEU Oil Futures would apply on a per transaction basis and would apply to Clearing Members and market participants generally. As a result, the amendments would not result in any unfair discrimination among Clearing Members in their use of the Clearing

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b–4(f)(2).

<sup>5</sup> Capitalized terms used but not defined herein have the meanings specified in the IFEU Oil Futures Contracts or, if not defined therein, the ICE Clear Europe Clearing Rules.

<sup>6</sup> 15 U.S.C. 78q–1.

<sup>7</sup> 15 U.S.C. 78q–1(b)(3)(D).

<sup>8</sup> 15 U.S.C. 78q–1(b)(3)(D).

<sup>9</sup> 15 U.S.C. 78q–1(b)(3)(F).

House, within the meaning of Section 17A(b)(3)(F) of the Act.<sup>10</sup>

*(B) Clearing Agency's Statement on Burden on Competition*

ICE Clear Europe does not believe the proposed amendments would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. Although ICE Clear Europe is increasing certain clearing fees, as set forth herein, it believes such changes are appropriate to reflect the costs and expenses incurred by the Clearing House and to support continued investment in its infrastructure to support clearing activities. Further, as discussed above, because fees are imposed on a per transaction basis at the product level, the revised fees would be applied equally to all Clearing Members and other market participants who transact in the IFEU Oil Futures. ICE Clear Europe does not believe that the amendments would adversely affect the ability of such Clearing Members or other market participants generally to access clearing services for the Contracts. Further, since the revised fees will apply to market participants generally, ICE Clear Europe believes that the amendments would not otherwise affect competition among Clearing Members, adversely affect the market for clearing services or limit market participants' choices for obtaining clearing services. Accordingly, ICE Clear Europe does not believe that the amendments would impose any impact or burden on competition that is not appropriate in furtherance of the purpose of the Act.

*(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Written comments relating to the proposed amendment has not been solicited or received by ICE Clear Europe. ICE Clear Europe will notify the Commission of any comments received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>11</sup> and paragraph (f) of Rule 19b-4<sup>12</sup> thereunder. At any time within 60 days of the filing of the proposed rule

change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, security-based swap submission or advance notice is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>) or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-ICEEU-2023-008 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to File Number SR-ICEEU-2023-008. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change, security-based swap submission or advance notice that are filed with the Commission, and all written communications relating to the proposed rule change, security-based swap submission or advance notice between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's website at <https://www.theice.com/notices/Notices.shtml?regulatoryFilings>.

All comments received will be posted without change. Persons submitting comments are cautioned that we do not

redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-ICEEU-2023-008 and should be submitted on or before May 11, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>13</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2023-08308 Filed 4-19-23; 8:45 am]

**BILLING CODE 8011-01-P**

**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #17877 and #17878; Oklahoma Disaster Number OK-00167]**

**Administrative Declaration of a Disaster for the State of Oklahoma**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of Oklahoma dated 04/13/2023.

*Incident:* Wildfires.

*Incident Period:* 03/31/2023 through 04/10/2023.

**DATES:** Issued on 04/14/2023.

*Physical Loan Application Deadline Date:* 06/13/2023.

*Economic Injury (EIDL) Loan Application Deadline Date:* 01/16/2024.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the 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:* Logan.

*Contiguous Counties:*

Oklahoma: Canadian, Garfield, Kingfisher, Lincoln, Noble, Oklahoma, Payne

<sup>13</sup> 17 CFR 200.30-3(a)(12).

<sup>10</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>11</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>12</sup> 17 CFR 240.19b-4(f).

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere .....	4.750
Homeowners without Credit Available Elsewhere .....	2.375
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 17877 5 and for economic injury is 17878 0.

The State which received an EIDL Declaration # is Oklahoma.

(Catalog of Federal Domestic Assistance Number 59008)

**Isabella Guzman,**  
*Administrator.*

[FR Doc. 2023-08362 Filed 4-19-23; 8:45 am]

**BILLING CODE 8026-09-P**

**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #17879 and #17880; MISSOURI Disaster Number MO-00124]**

**Administrative Declaration of a Disaster for the State of Missouri**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of Missouri dated 04/14/2023.

*Incident:* Severe Storms, Tornadoes, Hail and Straight-line Winds.

*Incident Period:* 04/05/2023.

**DATES:** Issued on 04/14/2023.

*Physical Loan Application Deadline Date:* 06/13/2023.

*Economic Injury (EIDL) Loan Application Deadline Date:* 01/16/2024.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration,

409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the 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:* Bollinger.

*Contiguous Counties:*

Missouri: Cape Girardeau, Madison, Perry, Stoddard, Wayne

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere .....	4.750
Homeowners without Credit Available Elsewhere .....	2.375
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 17879 C and for economic injury is 17880 0.

The States which received an EIDL Declaration # is Missouri.

(Catalog of Federal Domestic Assistance Number 59008)

**Isabella Guzman,**  
*Administrator.*

[FR Doc. 2023-08364 Filed 4-19-23; 8:45 am]

**BILLING CODE 8026-09-P**

**SMALL BUSINESS ADMINISTRATION**

**RIN 3245-AI02**

**Small Business Innovation Research Program and Small Business Technology Transfer Program Policy Directive; Correction**

**AGENCY:** Small Business Administration.

**ACTION:** Notice of technical amendments; request for comments; correction.

**SUMMARY:** The Small Business Administration (SBA) is correcting a notice that appeared in the **Federal**

**Register** on April 3, 2023. SBA is amending the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs Policy Directive to incorporate a template for agencies participating in the SBIR or STTR programs (Participating Agencies) to request the disclosure of statutorily required information from SBIR or STTR applicants.

**DATES:** These revisions to the SBIR/STTR Policy Directive take effect on May 3, 2023, without further action, unless significant adverse comment is received by May 3, 2023. If significant adverse comment is received, SBA will publish a timely withdrawal of the notice in the **Federal Register**.

**ADDRESSES:** You may submit comments, identified by number SBA-2023-0004, through the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

SBA will post all comments on [www.regulations.gov](http://www.regulations.gov). Please do not submit confidential business information (CBI) as defined in the User Notice at [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** Erick Page-Littleford at (202) 718-7738 or [erick.page-littleford@sba.gov](mailto:erick.page-littleford@sba.gov).

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2023-06870 appearing on page 19704 in the **Federal Register** of Monday, April 3, 2023, the following corrections are made:

**ADDRESSES** [Corrected]

1. On page 19704, in the second column of the **ADDRESSES** section, the docket number "SBA-XXX-XXXX" is corrected to read "SBA-2023-0004".

Dated: April 13, 2023.

**John R. Williams,**  
*Director, Office of Innovation and Technology.*

[FR Doc. 2023-08330 Filed 4-19-23; 8:45 am]

**BILLING CODE 8026-09-P**

**DEPARTMENT OF STATE**

**[Public Notice 12050]**

**Determination Under Section 7012 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 Relating to Assistance to Yemen**

Pursuant to the authority vested in me by section 7012 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (Div. K, Pub. L. 117-328) (FY 2023 SFOAA), E.O. 12163, as amended by E.O. 13346, and Department of State

Delegation of Authority 513, I hereby determine that assistance for Yemen is in the national interest of the United States and thereby waive, with respect to Yemen, the application of section 7012 of the FY 2023 SFOAA with respect to such assistance.

This determination shall be published in the **Federal Register** and, along with the accompanying Memorandum of Justification, shall be reported to Congress.

Dated: April 10, 2023.

**Richard R. Verma,**

*Deputy Secretary of State for Management and Resources.*

[FR Doc. 2023-08380 Filed 4-19-23; 8:45 am]

BILLING CODE 4710-31-P

## DEPARTMENT OF STATE

[Public Notice 12051]

### Notice of Determinations; Culturally Significant Object Being Imported for Exhibition—Determinations: Exhibition of “The St. Blasien Psalter”

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that a certain object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary exhibition or display at The Metropolitan Museum of Art, New York, New York, and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: [section2459@state.gov](mailto:section2459@state.gov)). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA-5), Suite 5H03, Washington, DC 20522-0505.

**SUPPLEMENTARY INFORMATION:** The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28,

2000, and Delegation of Authority No. 523 of December 22, 2021.

**Scott Weinhold,**

*Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2023-08342 Filed 4-19-23; 8:45 am]

BILLING CODE 4710-05-P

## DEPARTMENT OF STATE

[Public Notice: 12052]

### Notice of Charter Renewal for the President’s Emergency Plan for AIDS Relief (PEPFAR) Scientific Advisory Board

**ACTION:** Notice of charter renewal.

The Department of State has renewed The President’s Emergency Plan for AIDS Relief (PEPFAR) Scientific Advisory Board, hereinafter referred to as “the Board.” The Board is established under the general authority of the Secretary of State and the Department of State (“the Department”) as set forth in title 22 of the United States Code, in particular section 2656 of that title, and consistent with the Federal Advisory Committee Act, as amended (5 U.S.C. chapter 10). The Board serves the U.S. Global AIDS Coordinator solely in an advisory capacity concerning scientific, implementation, and policy issues related to the global response to HIV/AIDS.

In accordance with Public Law 92-463, section 14, it has been formally determined to be in the public interest to continue the Charter of the PEPFAR Scientific Advisory Board for another two years. The Charter renewal was filed on February 27, 2023.

For further information about the Board, please contact Dr. Sara Klucking, Senior Adviser for Research and Science and Designated Federal Officer, Office of the U.S. Global AIDS Coordinator and Health Diplomacy, Washington, DC 20006, at [KluckingSR@state.gov](mailto:KluckingSR@state.gov) or (202) 615-4350.

**Sara R. Klucking,**

*Senior Advisor for Research and Science, Designated Federal Officer, Office of the U.S. Global AIDS Coordinator and Health Diplomacy, Department of State.*

[FR Doc. 2023-08317 Filed 4-19-23; 8:45 am]

BILLING CODE 4710-10-P

## DEPARTMENT OF STATE

[Public Notice 12054]

### Notice of Determinations; Culturally Significant Object Being Imported for Conservation, Scientific Research, and Exhibition—Determinations: Exhibition of “Petau Hours” Object

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that a certain object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary conservation, scientific research, and exhibition or display at the J. Paul Getty Museum at the Getty Center, Los Angeles, California, including in the exhibition “Graphic Design in the Middle Ages,” and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its temporary conservation, scientific research, 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:** Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: [section2459@state.gov](mailto:section2459@state.gov)). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW, (SA-5), Suite 5H03, Washington, DC 20522-0505.

**SUPPLEMENTARY INFORMATION:** The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

**Scott Weinhold,**

*Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2023-08345 Filed 4-19-23; 8:45 am]

BILLING CODE 4710-05-P

**DEPARTMENT OF STATE**

[Public Notice 12053]

**Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Giacomo Ceruti: A Compassionate Eye” 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 “Giacomo Ceruti: A Compassionate Eye” 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 exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: [section2459@state.gov](mailto:section2459@state.gov)). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW, (SA-5), Suite 5H03, Washington, DC 20522-0505.

**SUPPLEMENTARY INFORMATION:** The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

**Scott Weinhold,**

*Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2023-08344 Filed 4-19-23; 8:45 am]

BILLING CODE 4710-05-P

**SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36692]

**Rainier Rail LLC and WRL LLC—Intra-Corporate Family Transaction Exemption**

Rainier Rail LLC (Rainier) and WRL LLC (WRL) (collectively, the Parties)

have jointly filed a verified notice of exemption for an intra-corporate family transaction under 49 CFR 1180.2(d)(3). According to the verified notice, Paul Didelius (Didelius), an individual, controls both Rainier, currently a non-carrier, and WRL, a Class III rail carrier.

This transaction is dependent on two pending proceedings: *Rainier Rail LLC—Acquisition & Change of Operators Exemption—City of Tacoma Department of Public Works*, Docket No. FD 36658, in which Rainier seeks Board authority to acquire and operate approximately 41.86 miles of rail line in Washington, thereby becoming a Class III carrier; and *Didelius—Continuance in Control Exemption—Rainier Rail LLC*, Docket No. FD 36659, in which Didelius seeks Board approval to continue in control of Rainier upon it becoming a Class III rail carrier.<sup>1</sup>

Under the intra-corporate family transaction proposed in the verified notice, Rainier and WRL will merge on or after the date Rainier becomes a common carrier, with Rainier emerging as the surviving carrier entity. The verified notice states that the purpose of the transaction is to allow Rainier and WRL to eliminate needless operational and corporate management inefficiencies of interconnected operation in favor of the efficiencies of single-system operation.

The Parties state that the plan of merger that will govern the proposed transaction contains no interchange commitments that may limit future interchange with a third-party connecting carrier.<sup>2</sup>

According to the verified notice, the Parties plan to complete the merger on or after the date Rainier becomes a common carrier pursuant to the Board’s authorization. The effective date of this intra-corporate family transaction exemption will therefore be held in abeyance pending review of the petition for exemption in *Didelius—Continuance in Control Exemption—Rainier Rail LLC*, Docket No. FD 36659.

The verified notice states that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. Therefore, the transaction is exempt from the prior

approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(3).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. WRL is a Class III rail carrier and Rainier Rail would become a Class III rail carrier. Accordingly, the Board may not impose labor protective conditions here.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than seven days before the exemption becomes effective; a deadline for filing petitions for stay will be established in a future decision that establishes an effective date for this exemption.

All pleadings, referring to Docket No. FD 36692, should be filed with the Surface Transportation Board via e-filing on the Board’s website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on the Parties’ representative, Bradon J. Smith, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208.

According to the Parties, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and historic preservation reporting under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: April 17, 2023.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

**Eden Besera,***Clearance Clerk.*

[FR Doc. 2023-08358 Filed 4-19-23; 8:45 am]

BILLING CODE 4915-01-P

<sup>1</sup> The effective date of the acquisition and change of operators exemption in Docket No. FD 36658 is being held in abeyance pending Board review of the continuance in control petition in Docket No. FD 36659. *Rainier Rail LLC—Acquis. & Change of Operators Exemption—City of Tacoma Dep’t of Pub. Works*, FD 36658 (STB served Mar. 24, 2023).

<sup>2</sup> The Parties filed with their verified notice an unexecuted copy of the plan of merger, which is not yet finalized.

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Notice of Availability for the Written Re-Evaluation of the Final Programmatic Environmental Assessment and Mitigated Finding of No Significant Impact and Record of Decision for the SpaceX Starship/Super Heavy Launch Vehicle Program at the SpaceX Boca Chica Launch Site in Cameron County, Texas Regarding Vehicle Ocean Landings and Launch Pad Detonation Suppression System Water**

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

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, as amended, Council on Environmental Quality NEPA-implementing regulations, and FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, the FAA is announcing the availability of the Written Re-Evaluation for the Final Programmatic Environmental Assessment and Mitigated Finding of No Significant Impact and Record of Decision for the SpaceX Starship/Super Heavy Launch Vehicle Program regarding Vehicle Ocean Landings and Launch Pad Detonation Suppression System Water at the SpaceX Boca Chica Launch Site in Cameron County, Texas.

**FOR FURTHER INFORMATION CONTACT:** Amy Hanson, FAA Environmental Specialist, Federal Aviation Administration, 800 Independence Ave. SW, Suite 325, Washington, DC 20591; phone 847-243-7609; email [Amy.Hanson@faa.gov](mailto:Amy.Hanson@faa.gov).

**SUPPLEMENTARY INFORMATION:** The Written Re-Evaluation evaluated whether supplemental environmental analysis was needed to support the FAA Office of Commercial Space Transportation decision to issue a vehicle operator license to SpaceX for the operation of the Starship/Super Heavy launch vehicle at its existing Boca Chica Launch Site in Cameron County, Texas. The affected environment and environmental impacts of Starship/Super Heavy operations at the Boca Chica Launch Site were analyzed in the 2022 *Final Programmatic Environmental Assessment for the SpaceX Starship/Super Heavy Launch Vehicle Program at the SpaceX Boca Chica Launch Site in Cameron County, Texas (2022 PEA)*. The FAA issued a Mitigated Finding of No Significant Impact and Record of

Decision based on the 2022 Programmatic Environmental Assessment on June 13, 2022.

The FAA prepared the 2022 Programmatic Environmental Assessment to analyze the potential environmental impacts of constructing launch-related infrastructure and operating the Starship/Super Heavy launch vehicle at the Boca Chica Launch Site. SpaceX's proposed operations include launches originating from this site, as well as landings at this site, in the Gulf of Mexico, or in the Pacific Ocean off the coast of Hawaii. SpaceX has applied to the FAA for a license to conduct these operations with its Starship/Super Heavy launch vehicle. Prior to submitting a vehicle operator license application to the FAA, SpaceX provided the FAA with a launch profile of proposed launch operations, which was analyzed in the 2022 Programmatic Environmental Assessment.

Since the 2022 Programmatic Environmental Assessment, SpaceX provided the FAA with additional information regarding Starship's planned landing, Super Heavy's planned soft water landing, and the Launch Pad Detonation Suppression System. The FAA completed a Written Re-Evaluation for the Final Programmatic Environmental Assessment and Mitigated Finding of No Significant Impact and Record of Decision for the SpaceX Starship/Super Heavy Launch Vehicle Program regarding Vehicle Ocean Landings and the Launch Pad Detonation Suppression System at the SpaceX Boca Chica Launch Site in Cameron County, Texas. The final Written Re-Evaluation is available at: [www.faa.gov/space/stakeholder\\_engagement/spacex\\_starship](http://www.faa.gov/space/stakeholder_engagement/spacex_starship).

Based on the analysis within the Written Re-Evaluation, the FAA concluded that the issuance of a vehicle operator license for Starship/Super Heavy operations conforms to the prior environmental documentation, that the data contained in the 2022 Programmatic Environmental Assessment remains substantially valid, that there are no significant environmental changes, and all pertinent conditions and requirements of the prior approval have been met or will be met in the current action. Therefore, the preparation of a supplemental or new environmental document is not necessary to support the Proposed Action.

Issued in Washington, DC, on: April 14th, 2023.

**Stacey Molinich Zee,**

*Manager, Operations Support Branch, Office of Commercial Space Transportation.*

[FR Doc. 2023-08325 Filed 4-19-23; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration**

[Docket No. 2022-0176]

**Agency Information Collection Activities: Requests for Comments; Clearance of Renewal Approval of Information Collection 2120-0768, Part 107 Authorizations and Waivers Under 14 CFR Part 107**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew information collection 2120-0768.

**DATES:** Written comments should be submitted by May 22, 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.

**FOR FURTHER INFORMATION CONTACT:** Victoria Gallagher by email at: [Victoria.Gallagher@faa.gov](mailto:Victoria.Gallagher@faa.gov); phone: 202-674-3826.

**SUPPLEMENTARY INFORMATION:** The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on January 6, 2023 (88 FR 91105). The FAA proposes renewal of the collection of information related to requests made under 14 CFR part 107 to operate small Unmanned Aircraft Systems (UAS) in controlled airspace. FAA will use the collected information to make determinations whether to authorize or deny the requested operation of UAS in controlled airspace. The proposed information collection is necessary to issue such authorizations or denials consistent with the FAA's mandate to ensure safe and efficient use of national airspace. The FAA received no comments to the 60-day notice.

**Public Comments Invited:** You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

**OMB Control Number:** 2120-0768.

**Title:** Part 107 Authorizations and Waivers under 14 CFR part 107.

**Form Numbers:** There are no forms associated with this collection.

**Type of Review:** Renewal of existing information collection.

**Background:** There has been an increased number of operations of small Unmanned Aircraft Systems in the National Air Space (NAS) in recent years and regulations and statutes have been enacted to establish the use of small UAS in the NAS. Included in these is 14 CFR part 107. Section 107.41 states that "no person may operate a small unmanned aircraft in Class B, Class C, or Class D airspace or within the lateral boundaries of the surface areas of Class E airspace designated for an airport unless that person has prior authorization from Air Traffic Control (ATC)." Such authorization may be obtained in the form of either an airspace authorization issued by the FAA or a waiver of the authorization requirements of 14 CFR 107.41 (known as an airspace waiver).

In order to process authorization and airspace waiver requests, the FAA requires the operator's name, the operator's contact information, and information related to the date, place, and time of the requested small UAS operation. This information is necessary for the FAA to meet its statutory mandate of maintaining a safe and efficient national airspace. See 49 U.S.C. 40103, 44701, and 44807. The FAA will use the requested information to determine if the proposed UAS operation can be conducted safely.

The FAA proposes to use the Low Altitude Authorization and Notification Capability (LAANC) and a web portal to process authorization requests from the public to conduct part 107 flight operations pursuant to Section 107.41. The FAA also proposes to use the web portal to process requests from the public to conduct Part 107 flight operations that requires an airspace waiver.

**Respondents:** Small UAS operators seeking to conduct flight operations under 14 CFR part 107 within controlled airspace or flight operations that require waiver from the provisions of 14 CFR 107.41. Between 2023–2026, the FAA estimates that it will receive a total of 1,477,965 requests for airspace authorizations and 0 requests for airspace waivers.

**Frequency:** The requested information will need to be provided each time a respondent requests an airspace authorization to operate a small UAS under 14 CFR part 107 in controlled airspace and each time a respondent requests a waiver from the provisions of 14 CFR 107.41 to operate a small UAS in controlled airspace.

**Estimated Average Burden per Response:** The FAA estimates the respondents using LAANC will take five (5) minutes per airspace authorization request and those using the web portal will take thirty (30) minutes per request. For those making airspace waiver requests through the web portal, the FAA estimates it takes 30 minutes per request.

**Estimated Total Annual Burden:** For airspace authorizations, the FAA estimates that the average annual burden will be 61,582 burden hours. This includes 36,949 burden hours for 443,389 LAANC respondents and 24,633 burden hours for 49,266 web portal respondents.

Issued in Washington, DC, on April 17, 2023.

**Victoria Gallagher,**

*UAS LAANC Program Manager.*

[FR Doc. 2023-08357 Filed 4-19-23; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2023–0089]

#### Entry-Level Driver Training: Alaska's Ice Road Driving School; Application for Exemption

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** FMCSA announces that it has received an application from Alaska's Ice Road Driving School requesting an exemption from the skills road test portion of the behind-the-wheel (BTW) entry-level driver training (ELDT) requirements for driver trainees. The applicant explains that because of the unique road system and challenging

terrain in Alaska, it is difficult to adhere to the driver training regulations. The applicant further explains that the road configurations lead to only a few major established safe road systems in Alaska. The applicant believes that the road skills test for a Commercial Driver's License (CDL) applicant can safely be administered by the state test examiner as set routes can be established and approved without the CDL applicant completing certain portions of the mandatory BTW training. FMCSA requests public comment on the applicant's request for exemption.

**DATES:** Comments must be received on or before May 22, 2023.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2023–0089 by any of the following methods:

- **Federal eRulemaking Portal:** [www.regulations.gov](http://www.regulations.gov). See the Public Participation and Request for Comments section below for further information.

- **Mail:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

- **Hand Delivery or Courier:** West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.

- **Fax:** (202) 493–2251.

Each submission must include the Agency name and the docket number (FMCSA–2023–0089) for this notice. Note that DOT posts all comments received without change to [www.regulations.gov](http://www.regulations.gov), including any personal information included in a comment. Please see the Privacy Act heading below.

**Docket:** For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

**Privacy Act:** In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://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](http://www.transportation.gov/privacy), the comments are searchable by the name of the submitter.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Clemente, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA, at (202) 366-2722 or [richard.clemente@dot.gov](mailto:richard.clemente@dot.gov). If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366-9826.

**SUPPLEMENTARY INFORMATION:**

**I. Public Participation and Request for Comments**

FMCSA encourages you to participate by submitting comments and related materials.

*Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA-2023-0089), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to [www.regulations.gov](http://www.regulations.gov) and put the docket number "FMCSA-2023-0089" in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, click the "Comment" button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period.

**II. Legal Basis**

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the

information relevant to the application, including any safety analyses that have been conducted. The Agency must provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption and the regulatory provision from which the exemption is granted. The notice must specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

**III. Applicant's Request**

Alaska's Ice Road Driving School seeks an exemption from the requirements, set forth in 49 CFR part 380, Appendices A and B, that driver-trainees seeking a Class A or Class B CDL demonstrate proficiency in BTW maneuvers related to entering the on ramp, exiting the off ramp, right turns, and left turns. The applicant states that due to Alaska's unique road system they believe that the exemption would benefit Alaska's driver training schools and give them confidence to take on prospective students and complete the required BTW training safely. Alaska's Ice Road Driving School requests the exemption regarding routing prescriptions that are specific to exact off and on ramps, and right and left turns, adding that it will aid in the safe administration of road tests by the Alaska State Department of Motor Vehicles (DMV). The applicant adds that the regulation could be waived safely and allow the school and the State of Alaska to prescribe routes based upon the area in which the road skills exam would be administered. The applicant seeks the exemption on behalf of itself and all State and local Commercial Driving Schools in Alaska as well as individuals qualified as third-party testers in the State of Alaska.

A copy of the Alaska's Ice Road Driving School application for exemption is available for review in the docket for this notice.

**IV. Request for Comments**

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on Alaska's Ice Road Driving School

application for an exemption from specific requirements in 49 CFR 380 Appendices A and B regarding BTW driver training curricula. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file in the public docket relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

*Associate Administrator for Policy.*

[FR Doc. 2023-08336 Filed 4-19-23; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

[Docket No. 2023-0020]

**Pipeline Safety: Request for Special Permit; Florida Gas Transmission Company, LLC**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

**ACTION:** Notice.

**SUMMARY:** PHMSA is publishing this notice to solicit public comments on a request for special permit received from Florida Gas Transmission Company, LLC (FGT). The special permit request is seeking relief from compliance with certain requirements in the federal pipeline safety regulations. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

**DATES:** Submit any comments regarding this special permit request by May 22, 2023.

**ADDRESSES:** Comments should reference the docket number for this special permit request and may be submitted in the following ways:

- *E-Gov Website:* <http://www.Regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

- *Fax:* 1-202-493-2251.

• *Mail:* Docket Management System: 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:* Docket Management System: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

*Instructions:* You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at <http://www.Regulations.gov>.

**Note:** There is a privacy statement published on <http://www.Regulations.gov>. Comments, including any personal information provided, are posted without changes or edits to <http://www.Regulations.gov>.

*Confidential Business Information:* 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 notice 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 notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Kay McIver, DOT, PHMSA- PHP-80, 1200 New Jersey Avenue SE,

Washington, DC 20590-0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

**FOR FURTHER INFORMATION CONTACT:**

*General:* Ms. Kay McIver by telephone at 202-366-0113, or by email at [kay.mciver@dot.gov](mailto:kay.mciver@dot.gov).

*Technical:* Mr. Steve Nanney by telephone at 713-272-2855, or by email at [steve.nanney@dot.gov](mailto:steve.nanney@dot.gov).

**SUPPLEMENTARY INFORMATION:** PHMSA received a special permit request from FGT on March 27, 2023, seeking a waiver from the requirements of 49 CFR 192.611(a) and (d): Change in class location: Confirmation or revision of maximum allowable operating pressure and 49 CFR 192.619(a): Maximum allowable operating pressure: Steel or plastic pipelines.

This special permit is being requested in lieu of pipe replacement, pressure reduction, or new pressure tests for Class 1 to 3 location changes on five (5) gas transmission special permit segments totaling 9,824 feet (approximately 1.861 miles). The pipeline segments are as follows:

Special permit segment No.	Outside diameter (inches)	Length (feet)	County, state	Year installed	MAOP (psig)	Pressure test
189579 .....	26	60	Orange, FL .....	1968	974	1,346
202967 .....	30	159	Osceola, FL .....	1995	975	1,305
187434 .....	30	4,869	Osceola, FL .....	1995	975	1,305
187440 .....	30	285	Osceola, FL .....	1995	975	1,305
202974 .....	30	4,451	Osceola, FL .....	1995	975	1,305

**Note:** DSAW is double submerged arc welded longitudinal seam pipe.

The special permit request, proposed special permit with conditions, and draft environmental assessment (DEA) for the above listed FGT pipeline segments are available for review and public comments in Docket Number PHMSA-2023-0020. PHMSA invites interested persons to review and submit comments on the special permit request and DEA in the docket. Please submit comments on any potential safety, environmental, and other relevant considerations implicated by the special permit request. Comments may include relevant data.

Before issuing a decision on the special permit request, PHMSA will evaluate all comments received on or before the comments closing date. Comments received after the closing date will be evaluated, if it is possible to do so without incurring additional expense or delay. PHMSA will consider

each relevant comment it receives in making its decision to grant or deny this special permit request.

Issued in Washington, DC, under authority delegated in 49 CFR 1.97.

**Alan K. Mayberry,**  
Associate Administrator for Pipeline Safety.  
[FR Doc. 2023-08206 Filed 4-19-23; 8:45 am]  
**BILLING CODE 4910-60-P**

**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

[Docket No. PHMSA-2023-0013]

**Pipeline Safety: Carbon Dioxide Pipeline Safety Public Meeting**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice of public meeting and webcast.

**SUMMARY:** This notice announces a public meeting and forum on carbon dioxide (CO<sub>2</sub>) pipeline safety titled: “CO<sub>2</sub> Public Meeting 2023.”

**DATES:** The CO<sub>2</sub> Public Meeting 2023 will be held on May 31-June 1, 2023, in Des Moines, Iowa, from 8:30 a.m. to 4:30 p.m. (MT). Anyone who would like to attend the public meeting must register by May 12, 2023. Individuals requiring accommodations, such as sign language interpretation or other aids, are asked to notify PHMSA no later than May 12, 2023.

**ADDRESSES:** This public meeting and forum will be held in person and via webcast. The agenda and instructions on how to attend will be published once they are finalized on the following public meeting registration page:

<https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=165>.

**Presentations:** Presentations will be available on the meeting website and on the E-gov website, <https://regulations.gov>, at docket number PHMSA-2023-0013, no later than 30 days following the meeting.

**Submitting Comments:** You may submit comments, identified by Docket No. PHMSA-2023-0013, by any of the following methods:

- **E-Gov Web:** <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.
- **Mail:** Docket Management System: U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- **Hand Delivery:** DOT Docket Management System: 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, between 9 a.m. and 5 p.m. ET, Monday through Friday, except federal holidays.

• **Fax:** 202-493-2251. The Docket Management Facility, U.S. Department of Transportation will not issue confirmation notices for faxed comments.

• **Instructions:** Identify Docket No. PHMSA-2023-0013 at the beginning of your comments. If you submit your comments by mail, please submit two copies. If you wish to receive confirmation that PHMSA received your comments, you must include a self-addressed stamped postcard. Internet users may submit comments at: <http://www.regulations.gov>.

• **Note:** All comments received are posted without edits to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

• **Confidential Business Information:** 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 (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments in response to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give the agency by taking the following steps: (1)

mark each page of the original document submission containing CBI as "Confidential;" (2) send PHMSA a copy of the original document with the CBI deleted along with the original, unaltered document; and (3) explain why the information you are submitting is CBI. Submissions containing CBI should be sent to Max Kieba, 1200 New Jersey Avenue SE, DOT: PHMSA—PHP-40, Washington, DC 20590-0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

• **Privacy Act:** DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

• **Docket:** For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>. Follow the online instructions for accessing the dockets. Alternatively, you may review the documents in person at the street address listed above.

**FOR FURTHER INFORMATION CONTACT:** Max Kieba, Director, Program Development, by phone at 202-420-9169 or via email at [max.kieba@dot.gov](mailto:max.kieba@dot.gov).

**SUPPLEMENTARY INFORMATION:** The public meeting will serve as an opportunity for pipeline stakeholders to help inform pipeline safety-related rulemaking decisions and share information surrounding CO<sub>2</sub> pipeline safety. Key stakeholders include the public, states, tribal governments, other federal agencies, industry, and international regulators and/or organizations. Key topics are expected to include:

- Safety expectations for pipeline operators.
- General state of CO<sub>2</sub> pipeline infrastructure—current mileage and forecasts.
- Federal and state jurisdictions and authorities.
- Public awareness, engagement, and emergency notification.
- Emergency equipment, training, and response.
- Dispersion modeling.
- Safety measures to address other constituents besides CO<sub>2</sub> in CO<sub>2</sub> pipelines.
- Leak detection and reporting.
- Geohazards.
- Conversion to service.
- Environmental justice.

Anticipated speakers/participants are expected to include:

- Public advocacy groups.
- Pipeline operators.
- Federal regulators.
- Tribal governments.
- States through the National Association of Pipeline Safety Representatives (NAPSR).
- Other U.S. government agencies.
- International governments or other international organizations.
- Others from academia, emergency response community and industry.

The mission of PHMSA is to protect people and the environment by advancing the safe transportation of energy products and other hazardous materials that are essential to our daily lives. This meeting is a follow-up to PHMSA's May 2022 press release announcing new safety measures to protect Americans from carbon dioxide pipeline failures after the Sartaria, Mississippi, incident (<https://www.phmsa.dot.gov/news/phmsa-announces-new-safety-measures-protect-americans-carbon-dioxide-pipeline-failures>), and the December 2022 public meeting that discussed several topics, including some aspects of calculating potential impact radii for CO<sub>2</sub> pipeline releases. PHMSA also received a letter from the Pipeline Safety Trust on February 17, 2023 (Docket No. PHMSA-2022-0125), formally requesting that PHMSA hold a public meeting on CO<sub>2</sub> pipeline safety and the announced rulemaking under RIN 2137-AF60.

**Public Participation:** The meeting and forum will be open to the public. Members of the public who wish to attend must register on the meeting website, including their names and organization affiliation. PHMSA is committed to providing all participants with equal access to these meetings. If you need disability accommodations, please contact Janice Morgan by email at [janice.morgan@dot.gov](mailto:janice.morgan@dot.gov).

PHMSA is not always able to publish a notice in the **Federal Register** quickly enough to provide timely notification of last-minute changes that impact scheduled meetings. Therefore, individuals should check the meeting website listed in the **ADDRESSES** section of this notice or contact Janice Morgan by phone at 202-815-4705 or via email at [janice.morgan@dot.gov](mailto:janice.morgan@dot.gov) regarding any possible changes.

PHMSA invites public participation and public comment on the topics addressed in this public meeting and forum. Please review the **ADDRESSES** section of this notice for information on how to submit written comments.

**Agenda Summary:** This CO<sub>2</sub> Safety Public Meeting is to help inform pipeline safety-related rulemaking

decisions and provide a venue for information exchange among key stakeholders including the public, states, tribal governments, other federal agencies, industry, and international colleagues.

Issued in Washington, DC, on April 17, 2023, under authority delegated in 49 CFR 1.97.

**Massoud Tahamtani,**

*Deputy Associate Administrator for Pipeline Policy and Programs.*

[FR Doc. 2023-08369 Filed 4-19-23; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Securities Offering Disclosure Rules

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury.

**ACTION:** Notice and request for comment.

**SUMMARY:** The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on the renewal of an information collection as required by the Paperwork Reduction Act of 1995 (PRA). An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning renewal of an information collection titled “Securities Offering Disclosure Rules.” The OCC also is giving notice that it has sent the collection to OMB for review.

**DATES:** Comments must be submitted on or before May 22, 2023.

**ADDRESSES:** Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* [prainfo@occ.treas.gov](mailto:prainfo@occ.treas.gov).
- *Mail:* Chief Counsel’s Office,

Attention: Comment Processing, 1557-0120, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Fax:* (571) 293-4835.

**Instructions:** You must include “OCC” as the agency name and “1557-0120” in your comment. In general, the OCC will publish comments on [www.reginfo.gov](http://www.reginfo.gov) without change, including any business or personal

information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should also be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). You can find this information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet.

- **Viewing Comments Electronically:** Go to [www.reginfo.gov](http://www.reginfo.gov). Hover over the “Information Collection Review” tab and click on “Information Collection Review” from the drop-down menu. From the “Currently under Review” drop-down menu, select “Department of Treasury” and then click “submit.” This information collection can be located by searching by OMB control number “1557-0120” or “Securities Offering Disclosure Rules.” Upon finding the appropriate information collection, click on the related “ICR Reference Number.” On the next screen, select “View Supporting Statement and Other Documents” and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating [www.reginfo.gov](http://www.reginfo.gov), please contact the Regulatory Information Service Center at (202) 482-7340.

**FOR FURTHER INFORMATION CONTACT:** Shaquita Merritt, OCC Clearance Officer, (202) 649-5490, Chief Counsel’s Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from OMB for each collection of information that they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public

submit reports, keep records, or provide information to a third party. The OCC asks the OMB to extend its approval of the collection in this notice.

**Title:** Securities Offering Disclosure Rules.

**OMB Control No.:** 1557-0120.

**Type of Review:** Regular.

**Frequency of Response:** On occasion.

**Affected Public:** Businesses or other for-profit.

**Estimated Number of Respondents:** 16.

**Estimated Number of Responses:** 32.

**Total Annual Burden:** 544 hours.

**Abstract:** Twelve CFR part 16 governs the offer and sale of securities by national banks and Federal savings associations. The requirements in part 16 enable the OCC to perform its responsibility to ensure that the investing public has information about the condition of the institution, the reasons for raising new capital, and the terms of the offering. Part 16 requires that securities offering disclosures of national banks and Federal savings associations be generally consistent with similar Securities and Exchange Commission (SEC) disclosure requirements.

The principal collections of information in part 16 are as follows:

#### Section 16.3 Registration Statement and Prospectus Requirements

A registration statement and a prospectus for a security must be filed with the OCC. Securities of a national bank or Federal savings association may be offered through the use of a preliminary prospectus before a registration statement and prospectus if, among other things, a registration statement including preliminary prospectus has been filed with the OCC; the preliminary prospectus includes the information required by 12 CFR 16.15 with certain exceptions; a copy of the preliminary prospectus is furnished to each purchaser prior to or simultaneously with the sale of the security; and the delivery of a prospectus by dealers is subject to SEC rule 174 (17 CFR 230.174) setting forth certain exemptions that apply to transactions by dealers in national bank and Federal savings association issued securities.

#### Section 16.6 Sales of Non-Convertible Debt

Non-convertible debt, if issued in certificate form, must be legended to provide that it cannot be exchanged for notes or debentures of the national bank or Federal savings association in denominations smaller than \$250,000. Prior to or simultaneously with the sale

of the debt, each purchaser of the debt must receive an offering document and the offering document and any amendments thereto must be filed with the OCC. A Federal branch or agency need not comply with certain requirements of § 16.6 if it provides the OCC the information specified in SEC Rule 12g3-2(b) (17 CFR 240.12g3-2(b)) and provides purchasers the information specified in SEC Rule 144A(d)(4)(i) (17 CFR 230.144A(d)(4)(i)). A Federal branch or agency that provides the OCC with the information specified in SEC Rule 12g3-2(b) need not incorporate that information by reference into the offering document. However, the Federal branch or agency must make that information available to the potential purchasers upon request.

### Section 16.7 Nonpublic Offerings

Offers and sales of national bank or Federal savings association issued securities that meet certain requirements will be exempt from the registration and prospectus requirements of part 16 if, among other things, the securities are offered and sold in a transaction that satisfies the requirements of SEC Regulation D (17 CFR part 230, Regulation D—Rules Governing the Limited Offer and Sale of Securities Without Registration Under the Securities Act of 1933) and all subsequent sales of national bank or Federal savings association issued securities subject to the limitations on resale of SEC Regulation D (17 CFR part 230, Regulation D—Rules Governing the Limited Offer and Sale of Securities Without Registration Under the Securities Act of 1933) must be made pursuant to SEC Rule 144 (17 CFR 230.144), SEC Rule 144A (17 CFR 230.144A), another exemption from registration under the Securities Act referenced in § 16.5, or in accordance with the registration and prospectus requirements of § 16.3.

### Section 16.15 Form and Content

Any registration statement filed pursuant to part 16 must be on the form for registration (17 CFR part 239) that the national bank or Federal savings association would be eligible to use were it required to register the securities under the Securities Act and must meet the requirements of the SEC regulations referred to in the applicable form for registration. Any registration statement or amendment filed pursuant to part 16 must comply with the requirements of SEC Regulation C (17 CFR part 230, Regulation C—Registration), except to the extent those requirements conflict with specific requirements of part 16. The registration statement for securities

issued by a national bank or Federal savings association that is not in compliance with the regulatory capital requirements set forth in 12 CFR part 3, as applicable, must be on the Form S-1 (17 CFR part 239) registration statement under the Securities Act. A national bank or Federal savings association in organization pursuant to 12 CFR 5.20 is not required to include audited financial statements as part of its registration statement for the offer and sale of its securities, or as part of its offering statement for the offer and sale of its securities pursuant to 12 CFR 16.8, unless the OCC determines that factors particular to the proposal indicate that inclusion of such statements would be in the interest of investors or would further the safe and sound operation of a national bank or Federal savings association.

### Section 16.17 Filing Requirements and Inspection of Documents

In every instance where part 16 refers to a section of the Securities Act or the Exchange Act or an SEC rule that requires the filing of a notice or other document with the SEC, national banks and Federal savings associations must file that notice or other document with the OCC. Any filing of amendments or revisions under part 16 must include two copies, one of which must be marked to indicate, clearly and precisely, by underlining or in some other appropriate manner, the changes made.

On January 18, 2023, the OCC published a notice for 60 days of comment concerning the collection, 88 FR 2999. No comments were received. Comments continue to be solicited on:

- (a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;
- (b) The accuracy of the OCC's estimate of the burden of the information collection;
- (c) Ways to enhance the quality, utility, and clarity of the information to be collected;
- (d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and
- (e) Estimates of capital or start-up costs and costs of operation,

maintenance, and purchase of services to provide information.

**Theodore J. Dowd,**

*Deputy Chief Counsel, Office of the Comptroller of the Currency.*

[FR Doc. 2023-08299 Filed 4-19-23; 8:45 am]

**BILLING CODE 4810-33-P**

## U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

### Notice of Open Public Hearing

**AGENCY:** U.S.-China Economic and Security Review Commission.

**ACTION:** Notice of open public hearing.

**SUMMARY:** Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on “the national security implications of the economic relationship between the United States and the People’s Republic of China.” Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC, on May 4, 2023 on “Rule by Law: China’s Increasing Legal Reach.”

**DATES:** The hearing is scheduled for Thursday, May 4, 2023 at 9:30 a.m.

**ADDRESSES:** Members of the public will be able to attend in person at TBD or view a live webcast via the Commission’s website at [www.uscc.gov](http://www.uscc.gov). Visit the Commission’s website for any further instructions or changes to the status of public access to Capitol grounds. Reservations are not required to view the hearing online or in person.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public seeking further information concerning the hearing should contact Jameson Cunningham, 444 North Capitol Street NW, Suite 602, Washington, DC 20001; telephone: 202-624-1496, or via email at [jcunningham@uscc.gov](mailto:jcunningham@uscc.gov). Reservations are not required to attend the hearing.

**ADA Accessibility:** For questions about the accessibility of the event or to request an accommodation, please contact Jameson Cunningham via email at [jcunningham@uscc.gov](mailto:jcunningham@uscc.gov). Requests for an accommodation should be made as soon as possible, and at least five business days prior to the event.

### SUPPLEMENTARY INFORMATION:

**Background:** This is the fifth public hearing the Commission will hold during its 2023 report cycle. The hearing will start with an examination of how the Chinese Communist Party views law and its ambitions to promote those views internationally. Next, the

hearing will assess China's subversion of international laws and norms and violation of its treaty obligations and the consequences in various domains of international law through case studies. Finally, the hearing will consider how the U.S. court system treats the interpretation of Chinese law and enforcement of Chinese judgements, as well as the Chinese court systems attempts to influence and prevent parallel litigation in other jurisdictions.

The hearing will be co-chaired by Senator Carte Goodwin and Commissioner Jacob Helberg. Any interested party may file a written statement by May 4, 2023 by transmitting to the contact above. A portion of the hearing will include a question and answer period between the Commissioners and the witnesses.

*Authority:* Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106-398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108-7), as amended by Public Law 109-108 (November 22, 2005), as amended by Public Law 113-291 (December 19, 2014).

Dated: April 14, 2023.

**W. Peck,**

*Executive Director, U.S.-China Economic and Security Review Commission.*

[FR Doc. 2023-08291 Filed 4-19-23; 8:45 am]

**BILLING CODE 1137-00-P**

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## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0878]

### Agency Information Collection Activity Under OMB Review: Edith Nourse Rogers STEM Scholarship

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

**DATES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by clicking on the following link [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain), select "Currently under Review—Open for Public Comments", then search the list for the information collection by Title or "OMB Control No. 2900-0878."

**FOR FURTHER INFORMATION CONTACT:** Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20420, (202) 266-4688 or email [Maribel.aponte@va.gov](mailto:Maribel.aponte@va.gov). Please refer to "OMB Control No. 2900-0878" in any correspondence.

**SUPPLEMENTARY INFORMATION:**

*Authority:* Public Law 115-48 Section 111, and Title 38 U.S.C. 3320.

*Title:* Edith Nourse Rogers STEM Scholarship, VAF 22-10203.

*OMB Control Number:* 2900-0878.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* Section 111 of Public Law 115-48 added new Section 3320 to title 38, U.S.C. 3320 authorizes VA to administer the Edith Nourse Rogers STEM Scholarship Program. Under the program, VA provides up to 9 months or \$30,000 of Post-9/11 GI Bill benefits to certain eligible individuals selected by the Secretary of VA. To apply for and

receive the scholarship, an individual must complete the application, VA Form 22-10203. VA continues to require approval of this information collection so students can continue to apply, and for VA to continue to assess how to prioritize the awarding of the Scholarship, based on the information collected on the form. This collection renewal resulted in a decrease in burden hours due to a significant decrease in the initial number of scholarship applicants that submitted an application for the program during the periods from 2020 and 2021.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register Notice** with a 60-day comment period soliciting comments on this collection of information was published at 88 FR 9966 on February 15, 2023, page(s) 9966-9967.

*Affected Public:* Individuals and Households.

*Estimated Annual Burden:* 1,396 hours.

*Estimated Average Burden Time Per Respondent:* 5 minutes.

*Frequency of Response:* Once.

*Estimated Number of Respondents:* 16,752.

By direction of the Secretary.

**Dorothy Glasgow,**

*VA PRA Clearance Officer (Alt.), Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.*

[FR Doc. 2023-08329 Filed 4-19-23; 8:45 am]

**BILLING CODE 8320-01-P**

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