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DEPARTMENT OF HOMELAND SECURITY

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Ratification of Security Directives

AGENCY: Office of Strategy, Policy, and Plans, Department of Homeland Security (DHS).

ACTION: Notification of ratification of security directives.

SUMMARY: DHS is publishing official notification that the Transportation Security Oversight Board (TSOB) has ratified Transportation Security Administration (TSA) Security Directive Pipeline–2021–01B and Security Directive Pipeline–2021–02C applicable to owners and operators of critical oil and natural gas pipeline infrastructure (owner/operators). Security Directive Pipeline–2021–01B extended the expiration date of cybersecurity measures initially required by Security Directive Pipeline–2021–01, issued on May 27, 2022, for an additional year. Security Directive Pipeline–2021–02C revised the cybersecurity measures originally required by Security Directive Pipeline–2021–02, issued on July 19, 2021, to be more performance-based and less prescriptive than the original requirements. This performance-based approach ensures the mandated critical security outcomes are achieved while allowing covered owner/operators options to implement security measures for their specific systems and operations.

DATES: The TSOB ratified Security Directive Pipeline–2021–01B on June 24, 2021 and ratified Security Directive Pipeline–2021–02C on August 19, 2022.

FOR FURTHER INFORMATION CONTACT: Thomas McDermott, Acting Assistant Secretary for Cyber, Infrastructure, Risk and Resilience Policy at 202–834–5803 or *thomas.mcdermott@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Cybersecurity Threat

The cyber threat to the country's critical infrastructure, including pipelines, has remained elevated since the ransomware attack on the Colonial Pipeline Company on May 8, 2021. That attack temporarily disrupted critical supplies of gasoline and other refined petroleum products throughout the East Coast and demonstrated the significant threat such attacks pose to the country's infrastructure and economic well-being. The cyber threat posed by both criminal enterprises and nation-state actors continues to expand and become more complex. Ransomware tactics and techniques continue to evolve, exhibiting threat actors' growing technological sophistication and an increased ransomware threat to organizations globally.[1] The intelligence community has assessed that both the People's Republic of China and the Russian Federation have the capability to target critical infrastructure with cyber operations.[2]

In 2022, the threat was heightened further in light of the Russian Federation's attack on Ukraine.[3] Throughout the ongoing Russia-Ukraine conflict there has been an increase in activity by politically or ideologically-motivated cyber groups and criminal cyber groups, who may act independently and without official support from a nation-state government, to target critical infrastructure, including the transportation sector. Illustrating the threat, on March 24, 2022, the U.S. Department of Justice unsealed indictments of three Russian Federal Security Service (FSB) officers and employees of a State Research Center of the Russian Federation FGUP Central Scientific Research Institute of Chemistry and Mechanics (also known as ''TsNIIKhM'') for their involvement in intrusion campaigns against U.S. and international oil refineries, nuclear facilities, and energy companies. Documents revealed that the FSB conducted a multi-stage campaign in which they gained remote access to U.S. and international energy sector networks, deployed industrial control systems (ICS)-focused malware, and collected and exfiltrated enterprise and ICS-related data.[4] Since April 15, 2022, a pro-Russian hacking group known as ''Killnet'' has targeted a number of transportation entities, including U.S. and European airports and a U.S. oil and natural gas company. Killnet claimed responsibility for an October 10, 2022, cyber incident targeting the public-facing website of 48 airports across the United States, resulting in a number of these websites being unavailable for a period of time.

B. Security Directive Pipeline–2021–01B

On May 27, 2021, TSA issued Security Directive Pipeline–2021–01, which was the first of two security directives issued by TSA to enhance the cybersecurity of critical pipeline systems in response to the attack on Colonial Pipeline. Security Directive Pipeline–2021–01, and the subsequent amendments in this series, required covered owner/operators to: (1) report cybersecurity incidents to CISA; (2) appoint a cybersecurity coordinator to be available 24/7 to coordinate with TSA and CISA; and (3) conduct a self-assessment of cybersecurity practices, identify any gaps, and develop a plan and timeline for remediation.[5] This first security directive went into effect on May 28, 2021 and was ratified by the TSOB on July 3, 2021.[6]

On December 1, 2021, TSA amended Security Directive Pipeline–2021–01 to update the definition of cybersecurity incident to ensure the consistent identification of incidents that must be reported to CISA across all modes of

[1] Alert (AA22–040A), *2021 Trends Show Increased Globalized Threat of Ransomware,* released by CISA on February 10, 2022 (as revised).

[2] Annual Threat Assessment of the U.S. Intelligence Community, Office of the Director of National Intelligence, 8, 12 (February 2022).

[3] Joint Cybersecurity Alert—Alert (AA22–011A), *Understanding and Mitigating Russian State-Sponsored Cyber Threats to U.S. Critical Infrastructure,* released by CISA, the Federal Bureau of Investigation (FBI), and the National Security Agency (NSA) on January 11, 2022 (as revised); Joint Cybersecurity Alert—Alert (AA22–110A), *Russian State-Sponsored and Criminal Cyber Threats to Critical Infrastructure,* released cybersecurity authorities of the United States, Australia, Canada, New Zealand, and the United Kingdom on April 20, 2022 (as revised).

[4] Press Release 22–285, *Four Russian Government Employees Charged in Two Historical Hacking Campaigns Targeting Critical Infrastructure Worldwide,* Department of Justice, issued on March 24, 2022, available at *https://www.justice.gov/opa/pr/four-russian-government-employees-charged-two-historical-hacking-campaigns-targeting-critical.*

[5] Security Directive Pipeline–2021–01: Enhancing Pipeline Cybersecurity.

[6] *See* 86 FR 38209 (July 20, 2021).

transportation.[7] This amended directive, Security Directive Pipeline–2021–01A, was ratified by the TSOB on December 29, 2021.[8]

In light of the continuing and evolving threat, as reflected in recent and ongoing intelligence, TSA determined that the measures required by the Security Directive Pipeline–2021–01 series remain necessary to protect the Nation's critical pipeline infrastructure beyond Security Directive Pipeline–2021–01A's expiration date of May 28, 2022. On May 27, 2022, TSA issued Security Directive Pipeline–2021–01B to extend the requirements of Security Directive Pipeline–2021–01A for an additional year. Security Directive Pipeline–2021–01B became effective May 29, 2022 and expires on May 29, 2023. Security Directive Pipeline 2021–01B is available online in TSA's Surface Transportation Cybersecurity Toolkit.[9]

The only substantive change in Security Directive Pipeline–2021–01B to the prior requirements is an increase in the amount of time covered entities have to report cybersecurity incidents to CISA from 12 hours to 24 hours after an incident is identified. This change aligned the reporting timeline for critical pipeline entities to mirror the reporting requirements applicable to other surface transportation entities and aviation entities. TSA reached the determination to extend the reporting deadline to 24 hours following engagement with industry stakeholders and in consultation with CISA.

C. Security Directive Pipeline–2021–02C

Due to the extent of the threat to pipeline cybersecurity reflected by intelligence, and the need for widespread best practices to be mandated within the industry, TSA issued Security Directive Pipeline–2021–02 on July 19, 2021. This directive required owner/operators to implement additional cybersecurity measures to prevent disruption and degradation to their infrastructure in response to the ongoing threat. Specifically, Security Directive Pipeline–2021–02, which became effective on July 26, 2021, and was set to expire on July 26, 2022, required owner/operators to take the following additional actions:

- Implement an array of specified mitigation measures to reduce the risk of compromise from a cyberattack;
- Develop a Cybersecurity Contingency/Response Plan to reduce the risk of operational disruption or functional degradation of information technology and operational technology systems in the event of a malicious cyber intrusion; and
- Test the effectiveness their cybersecurity practices through an annual cybersecurity architecture design review conducted by a third party.

Security Directive Pipeline–2021–02 was ratified by the TSOB on August 17, 2021.[10]

On December 17, 2021, TSA issued Security Directive Pipeline–2021–02B, amending Security Directive Pipeline–2021–02 in response to industry input. Specifically, the amended directive revised the time limits for owner/operators to install security software updates and patches for operating systems, applications, drivers, and firmware on Information Technology systems. The TSOB ratified Security Directive Pipeline–2021–02B on January 13, 2022.[11]

In response to the persistent threat to critical oil and natural gas pipelines, TSA determined that it remains necessary for owner/operators of the most critical oil and natural pipelines to implement and maintain cybersecurity measures to prevent disruption and degradation to their infrastructure. On July 21, 2022, TSA issued Security Directive Pipeline–2021–02C requiring owner/operators of the most critical oil and natural gas pipelines to continue to implement necessary cybersecurity measures. The directive became effective on July 27, 2022, and is set to expire on July 27, 2023.

In order to best achieve the critical security outcomes necessary to counter the threat, Security Directive Pipeline–2021–02C transitioned the original requirements to a performance-based model. The directive maintains the security objectives of the previous versions, but implements them through performance-based standards rather than requiring specific prescriptive measures. This approach enhances security by allowing owner/operators to choose the most appropriate cybersecurity measures to protect their specific systems, while mandating that certain security outcomes are achieved. It also provides owner/operators greater ability to be agile and adaptive in leveraging innovative technologies in a changing threat environment.

Security Directive Pipeline–2021–02C identifies four critical security outcomes that covered entities are required to achieve:

- Implement network segmentation policies and controls to ensure that the Operational Technology (OT) system can continue to safely operate in the event that an Information Technology (IT) system has been compromised;
- Implement access control measures to secure and prevent unauthorized access to critical cyber systems;
- Implement continuous monitoring and detection policies and procedures to detect cybersecurity threats and correct anomalies that affect critical cyber system operations; and
- Reduce the risk of exploitation of unpatched systems through the application of security patches and updates for operating systems, applications, drivers and firmware on critical cyber systems in a timely manner using a risk-based methodology.

For each of these performance outcomes, the directive includes specific issues that must be addressed and provides options for achieving the required outcomes.

To ensure that the critical security outcomes identified are achieved under this performance-based framework, Security Directive Pipeline–2021–02C requires that owner/operators:

- Establish and implement a TSA-approved Cybersecurity Implementation Plan that describes the specific cybersecurity measures employed and the schedule for achieving the security outcomes identified;
- Develop and maintain an up-to-date Cybersecurity Incident Response Plan to reduce the risk of operational disruption, or the risk of other significant impacts on necessary capacity, as defined in the directive, should the Information and/or Operational Technology systems of a gas or liquid pipeline be affected by a cybersecurity incident; and
- Establish a Cybersecurity Assessment Program and submit an annual plan that describes how the Owner/Operator will proactively and regularly assess the effectiveness of cybersecurity measures and identify and resolve device, network, and/or system vulnerabilities.

Cybersecurity experts from TSA and the Cybersecurity and Infrastructure Security Agency (CISA) contributed to the development of the requirements and performance-based standards in Security Directive Pipeline–2021–02C to

[7] To counter the persistent and growing cyber threat to critical transportation infrastructure, TSA took action over the course of 2021 to require entities across the modes of transportation regulated by TSA to institute the same critical measures Security Directive Pipeline–2021–01 required in the pipeline context. To date, TSA has issued security directives to high-risk freight railroad carriers, passenger railroad carriers, and rail transit systems and, in the aviation sector, issued security program amendments to airports and aircraft operators.

[8] *See* 87 FR 31093 (May 23, 2022).

[9] TSA Surface Transportation Cybersecurity Toolkit, *available at https://www.tsa.gov/for-industry/surface-transportation-cybersecurity-toolkit.*

[10] *See* 86 FR 52953 (September 24, 2021).

[11] *See* 87 FR 31093 (May 23, 2022).

ensure the efficacy of the requirements in mitigating vulnerabilities. The directive also reflects input from stakeholders and for a transition to a performance-based, security outcome-focused model. Security Directive Pipeline–2021–02C is available online in TSA's Surface Transportation Cybersecurity Toolkit.[12]

II. TSOB Ratification

TSA has broad statutory responsibility and authority to safeguard the nation's transportation system.[13] The TSOB—a body consisting of the Secretary of Homeland Security, the Secretary of Transportation, the Attorney General, the Secretary of Defense, the Secretary of the Treasury, the Director of National Intelligence, or their designees, and a representative of the National Security Council—reviews certain TSA regulations and security directives consistent with law.[14] TSA issued both of these security directives under 49 U.S.C. 114(*l*)(2)(A), which authorizes TSA to issue emergency regulations or security directives without providing notice or public comment where ''the Administrator determines that a regulation or security directive must be issued immediately in order to protect transportation security. . . .''. Security directives issued pursuant to the procedures in 49 U.S.C. 114(*l*)(2) ''shall remain effective for a period not to exceed 90 days unless ratified or disapproved by the Board or rescinded by the Administrator.'' [15]

Following the issuance of Security Directive Pipeline–2021–01B on May 27, 2022, the chairman of the TSOB convened the board for the purpose of reviewing the directive. In reviewing Security Directive Pipeline–2021–01B, the TSOB considered the continuing need for TSA to maintain the directive's requirements pursuant to its emergency authority under 49 U.S.C. 114(*1*)(2) to prevent the disruption and degradation of the country's critical transportation infrastructure and the change in the deadline for reporting cybersecurity incidents to CISA from 12 hours to 24 hours. Following its review, the TSOB ratified Security Directive Pipeline–2021–01B on June 24, 2022.

Following the issuance of Security Directive Pipeline–2021–02C on July 21, 2022, the chairman again convened the board for the purpose of reviewing that directive. In reviewing Security Directive Pipeline–2021–02C, the TSOB considered its transition to a performance-based approach to requiring owner/operators of critical oil and natural gas pipelines to address persistent and evolving cyber threats that threaten the country's critical pipeline infrastructure as well as the need for TSA to issue the directive's requirements using its emergency authority under 49 U.S.C. ll4(*l*)(2)(A). The TSOB also considered whether to authorize TSA to extend the security directive beyond its current expiration date of July 27, 2023, subject to certain conditions, should the TSA Administrator believe such an extension is necessary to address the evolving threat that may continue beyond the original expiration date.

Following its review, the TSOB ratified Security Directive Pipeline–2021–02C on August 19, 2022. The TSOB also authorized TSA to extend the security directive beyond its current expiration date, should the TSA Administrator determine such an extension is necessary to address the evolving threat that may continue beyond the original expiration date. Such an extension is subject to the following conditions: (1) there are no changes to the security directive other than an extended expiration date; (2) the TSA Administrator makes an affirmative determination that conditions warrant the extension of the directive's requirements; and (3) the TSA Administrator documents such a determination and notifies the TSOB.

John K. Tien,

Deputy Secretary of Homeland Security & Chairman of the Transportation Security Oversight Board.

[FR Doc. 2023–11941 Filed 6–5–23; 8:45 am]

BILLING CODE 9110–9M–P

[12] TSA Surface Transportation Cybersecurity Toolkit, *available at https://www.tsa.gov/for-industry/surface-transportation-cybersecurity-toolkit.*

[13] *See, e.g.,* 49 U.S.C. 114(d), (f), (*l*), (m).

[14] *See, e.g.,* 49 U.S.C. 115; 49 U.S.C. 114(*l*)(2)(B).

[15] 49 U.S.C. 114(*l*)(2)(B).

DEPARTMENT OF HOMELAND SECURITY

6 CFR Chapter I

49 CFR Chapter XII

Ratification of Security Directives

AGENCY: Office of Strategy, Policy, and Plans, Department of Homeland Security (DHS).

ACTION: Notification of ratification of security directives.

SUMMARY: DHS is publishing official notification that the Transportation Security Oversight Board (TSOB) has ratified Transportation Security Administration (TSA) Security Directive 1580–21–01A, Security Directive 1582–21–01A, and Security Directive 1580/82–2022–01 applicable to owners and operators of critical railroad infrastructure (owner/operators). Security Directive 1580–21–01A and Security Directive 1582–21–01A amend and extend previously ratified security directives issued to critical rail entities to maintain the cybersecurity measures required by those directives. Security Directive 1580/82–2022–01 requires owner/operators to implement performance-based cybersecurity measures necessary to prevent the disruption and degradation of critical rail infrastructure.

DATES: The TSOB ratified Security Directive 1580–21–01A, Security Directive 1582–21–01A, and Security Directive 1580/82–2022–01 on November 16, 2022.

FOR FURTHER INFORMATION CONTACT: Thomas McDermott, Acting Assistant Secretary for Cyber, Infrastructure, Risk and Resilience Policy at 202–834–5803 or *thomas.mcdermott@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Cybersecurity Threat

The cyber threat to the country's critical infrastructure, including freight and passenger rail, remains elevated and poses a risk to the national and economic security of the United States. Malicious actors have increasingly demonstrated the capability to conduct cyber-attacks exploiting the vulnerabilities of the internet-accessible Operational Technology (OT) assets and Information Technology (IT) systems of the surface transportation sector. In recent years, cyber attackers have maliciously targeted surface transportation modes in the U.S., including freight railroads, passenger railroads, and rail transit systems, with multiple cyberattack and cyber espionage campaigns.[1] By targeting the

[1] These activities include the April 2021 breach of New York City's Metropolitan Transportation Authority (the nation's largest mass transit agency) by hackers linked to the Chinese government; the December 2020 ''Sunburst'' attack on transit agencies; the August 2020 attack on the Southeastern Pennsylvania Transportation Authority; the 2017 ransomware attack on the Sacramento Regional Transit District; and the November 2016 ransomware attack on the San Francisco Municipal Transportation agency. This threat is ongoing: on November 17, 2021 the Federal Bureau of Investigation, the Cybersecurity and Infrastructure Security Agency (CISA), the Australian Cyber Security Centre, and the United Kingdom's National Cyber Security Centre issued a joint cybersecurity advisory highlighting ongoing malicious cyber activity by an advanced persistent threat group (APT) that these agencies associated with the government of Iran. The advisory states

Continued

integrated cyber and physical infrastructure of surface transportation entities, these actions threaten the safe, secure, and uninterrupted daily operation of surface transportation systems relied upon by the U.S. economy with potential to cause nation-wide impact.

The cyber threat posed by both criminal enterprises and nation-state actors continues to expand and become more complex. Ransomware tactics and techniques continue to evolve, exhibiting threat actors' growing technological sophistication and an increased ransomware threat to organizations globally.[2] The intelligence community has assessed that both the People's Republic of China and the Russian Federation have the capability to target critical infrastructure with cyber operations.[3] In particular, the intelligence assessment is that China presents the most active and persistent cyber threat to the U.S. with the capability to launch attacks that would disrupt critical rail systems.[4]

In 2022, the threat was heightened further in light of the Russian Federation's attack on Ukraine.[5] Throughout the ongoing Russia-Ukraine conflict there has been an increase in activity by politically or ideologically-motivated cyber groups and criminal cyber groups, who may act independently and without official support from a nation-state government, to target critical infrastructure, including the transportation sector.[6] Illustrating the threat, on March 24, 2022, the U.S. Department of Justice unsealed indictments of three Russian Federal Security Service (FSB) officers and employees of a State Research Center of the Russian Federation FGUP Central Scientific Research Institute of Chemistry and Mechanics (also known as ''TsNIIKhM'') for their involvement in intrusion campaigns against U.S. and international oil refineries, nuclear facilities, and energy companies. Documents revealed that the FSB conducted a multi-stage campaign in which they gained remote access to U.S. and international energy sector networks, deployed industrial control systems (ICS)-focused malware, and collected and exfiltrated enterprise and ICS-related data.[7] Since April 15, 2022, a pro-Russian hacking group known as ''Killnet'' has targeted a number of transportation entities, including U.S. and European airports and a U.S. oil and natural gas company. Killnet claimed responsibility for an October 10, 2022, cyber incident targeting the public-facing website of 48 airports across the United States, resulting in a number of these websites being unavailable for a period of time.

B. Security Directive 1580–21–01A and Security Directive 1582–21–01A

To counter the threat to critical rail infrastructure, on December 2, 2021, TSA issued Security Directive 1580–21–01 and Security Directive 1582–21–01. These two materially identical security directives—one applicable to specified freight railroad carriers and the other applicable to specified passenger railroad carriers and rail transit systems—required covered owner/operators to implement the following four measures:

- Designate a Cybersecurity Coordinator who is required to be available to TSA and CISA at all times (all hours/all days) to coordinate implementation of cybersecurity practices, manage cybersecurity incidents, and serve as a principal point of contact with TSA and CISA for cybersecurity-related matters;
- Report cybersecurity incidents to CISA;
- Conduct a Cybersecurity Vulnerability Assessment to identify gaps in current cybersecurity measures, identify remediation measures, and develop a plan for the owner/operator to implement the remediation measures to address any identified vulnerabilities and gaps; and
- Develop a Cybersecurity Incident Response Plan to reduce the risk of operational disruption should their Information and/or Operational Technology systems be affected by a cybersecurity incident.

These directives became effective on December 31, 2021 and were set to expire on December 31, 2022. The TSOB ratified both directives on December 29. 2021.[8]

In light of the continuing and evolving threat to critical rail infrastructure, as reflected in recent and ongoing intelligence, TSA determined that it remains necessary for owner/operators of the most critical rail entities to implement cybersecurity measures to prevent disruption and degradation to their infrastructure. TSA issued Security Directive 1580–21–01A and Security Directive 1582–21–01A on October 18, 2022 to extend the expiration date for the initial requirements from December 31, 2022 to October 24, 2023. The directives are available online in TSA's Surface Transportation Cybersecurity Toolkit.[9]

The amended directives contain two additional changes from the original directives. First, both amended directives modify the requirement to develop a Cybersecurity Incident Response Plan to require covered entities to continuously update and maintain these plans, once developed. The original directive only required owner/operators to develop a plan by a specific date, but did not provide for ongoing updating and maintenance. Second, Security Directive 1580–21–01A, which applies to freight railroads, broadens the entities covered by the directive to include a small number of additional owner/operators designated and notified by TSA based on a risk determination. Security Directive 1580–21–01A and Security Directive 1582–21–01A became effective on October 24, 2022 and are set to expire on October 24, 2023.

C. TSA Security Directive 1580/82–2022–01

Along with extending the requirements of the previously issued security directives, as amended, TSA determined that additional cybersecurity measures must be implemented due to the extent of the threat reflected by current intelligence. Security Directive 1580/82–2022–01,

that ''The Iranian government-sponsored APT actors are actively targeting a broad range of victims across multiple U.S. critical infrastructure sectors, including the Transportation Sector and the Healthcare and Public Health Sector, as well as Australian organizations.'' Alert AA21–321A (November 17, 2021).

[2] Alert (AA22–040A), *2021 Trends Show Increased Globalized Threat of Ransomware,* released by CISA on February 10, 2022 (as revised).

[3] Annual Threat Assessment of the U.S. Intelligence Community, Office of the Director of National Intelligence, 8, 12 (February 2022).

[4] *Id.* at 12.

[5] Joint Cybersecurity Alert—Alert (AA22–011A), *Understanding and Mitigating Russian State-Sponsored Cyber Threats to U.S. Critical Infrastructure,* released by CISA, the Federal Bureau of Investigation (FBI), and the National Security Agency (NSA) on January 11, 2022 (as revised); Joint Cybersecurity Alert—Alert (AA22–110A), *Russian State-Sponsored and Criminal Cyber Threats to Critical Infrastructure,* released cybersecurity authorities of the United States, Australia, Canada, New Zealand, and the United Kingdom on April 20, 2022 (as revised).

[6] Joint Cybersecurity Alert—Alert (AA22–110A), *Russian State-Sponsored and Criminal Cyber Threats to Critical Infrastructure,* released cybersecurity authorities of the United States, Australia, Canada, New Zealand, and the United Kingdom on April 20, 2022 (as revised).

[7] Press Release 22–285, *Four Russian Government Employees Charged in Two Historical Hacking Campaigns Targeting Critical Infrastructure Worldwide,* Department of Justice, issued on March 24, 2022, available at *https://www.justice.gov/opa/pr/four-russian-government-employees-charged-two-historical-hacking-campaigns-targeting-critical.*

[8] *See* 87 FR 31093 (May 23, 2022).

[9] TSA Surface Transportation Cybersecurity Toolkit, *available at https://www.tsa.gov/for-industry/surface-transportation-cybersecurity-toolkit.*

also issued on October 18, 2022, requires owner/operators to implement additional performance-based cybersecurity measures to prevent disruption and degradation to their critical cyber systems. This approach ensures that the mandated critical security outcomes are achieved while allowing covered owner/operators options to implement security measures for their specific systems and operations. The directive became effective on October 24, 2022, and is set to expire on October 24, 2023.

The performance-based cybersecurity measures required by Security Directive 1580/82–22–01 closely model those required by Security Directive Pipeline–2021–02C [10] issued on July 21, 2022 to owner/operators of critical oil and natural gas pipelines. This framework enhances security by allowing owner/operators to choose the most appropriate methods to protect their specific systems, while mandating that certain security outcomes are achieved. It also provides owner/operators the ability to be agile and adaptive in leveraging innovative technologies in a changing threat environment.

Security Directive 1580/82–2022–01 identifies four critical security outcomes that covered owner/operators would be required to achieve:

- Implement network segmentation policies and controls to ensure that the Operational Technology (OT) system can continue to safely operate in the event that an Information Technology (IT) system has been compromised;
- Implement access control measures to secure and prevent unauthorized access to critical cyber systems;
- Implement continuous monitoring and detection policies and procedures to detect cybersecurity threats and correct anomalies that affect critical cyber system operations; and
- Reduce the risk of exploitation of unpatched systems through the application of security patches and updates for operating systems, applications, drivers, and firmware on critical cyber systems in a timely manner using a risk-based methodology.

For each of these performance outcomes, the directive includes specific issues that must be addressed and provides options for achieving the required outcomes.

To ensure that the critical security outcomes identified are achieved under this performance-based framework, Security Directive 1580/82–2022–01 requires that owner/operators:

- Establish and implement a TSA-approved Cybersecurity Implementation Plan that describes the specific cybersecurity measures employed and the schedule for achieving the security outcomes identified; and
- Establish a Cybersecurity Assessment Program and submit an annual plan that describes how the Owner/Operator will proactively and regularly assess the effectiveness of cybersecurity measures and identify and resolve device, network, and/or system vulnerabilities.[11]

Security Directive 1580/82–2022–01 applies to the same TSA-designated higher risk rail entities covered by Security Directive 1580–21–01A and Security Directive 1582–21–01A,[12] including the small number of additional railroads that Security Directive 1580–21–01A was broadened to include. The covered entities are those that the nation depends on to move passengers and transport freight in support of critical sectors, including national defense. Security Directive 1580/82–2022–01 is available online in TSA's Surface Transportation Cybersecurity Toolkit.[13]

II. TSOB Ratification

TSA has broad statutory responsibility and authority to safeguard the nation's transportation system.[14] The TSOB—a body consisting of the Secretary of Homeland Security, the Secretary of Transportation, the Attorney General, the Secretary of Defense, the Secretary of the Treasury, the Director of National Intelligence, or their designees, and a representative of the National Security Council—reviews certain TSA regulations and security directives consistent with law.[15] TSA issued each of these security directives under 49 U.S.C. 114(*l*)(2)(A), which authorizes TSA to issue emergency regulations or security directives without providing notice or public comment where ''the Administrator determines that a regulation or security directive must be issued immediately in order to protect transportation security. . . .''. Security directives issued pursuant to the procedures in 49 U.S.C. 114(*l*)(2) ''shall remain effective for a period not to exceed 90 days unless ratified or disapproved by the Board or rescinded by the Administrator.'' [16]

Following the issuance of Security Directive 1580–21–01A, Security Directive 1582–21–01, and Security Directive 1580/82–2022–01 on October 18, 2022, the chairman of the TSOB convened the board for the purpose of reviewing each directive. In reviewing Security Directive 1580–21–01A, Security Directive 1582–21–01, the TSOB considered the need for owner/operators to maintain the cybersecurity measures required by the amended directives. In reviewing Security Directive 1580/82–2022–01, the TSOB considered its performance-based requirements, including the security outcomes that covered owner/operators must achieve. For all of the directives, the TSOB reviewed the need for TSA to issue the security directives pursuant to its emergency authority under 49 U.S.C. 114(*l*)(2)(A) to require necessary cybersecurity measures in order to prevent the disruption and degradation of the country's critical rail infrastructure. The TSOB also considered whether to authorize TSA to extend the security directives beyond their current expiration date of October 24, 2023, subject to certain conditions, should the TSA Administrator believe such an extension is necessary to address the evolving threat that may continue beyond the original expiration date.

Following its review, the TSOB ratified Security Directive 1580–21–01A, Security Directive 1582–21–01, and Security Directive 1580/82–2022–01 on November 16, 2022. The TSOB also authorized TSA to extend each of the security directives beyond their current expiration date, should the TSA Administrator determine such an extension is necessary to address the

[10] Security Directive Pipeline–2021–02C replaced an earlier security directive (Security Directive Pipeline–2021–02) issued to critical pipeline entities on July 26, 2021, which required owner/operators to implement more prescriptive cybersecurity measures. Security Directive Pipeline–2021–02C maintained the security objectives of the previous directive but implemented them through performance-based standards rather than requiring prescriptive specific measures. Cybersecurity experts from TSA and the CISA contributed to the development of the requirements and performance-based standards in Security Directive Pipeline–2021–02C to ensure the efficacy of the requirements in mitigating vulnerabilities. The revised directive also reflected input from stakeholders and general congressional support for a transition to this performance-based, security outcome-focused model.

[11] Security Directive Pipeline–2021–02C also required owner/operators of critical pipeline entities to develop and maintain an up-to-date Cybersecurity Incident Response Plan to reduce the risk of operational disruption, or the risk of other significant impacts, in the event of cybersecurity incident. Security Directive 1580/82–2022–01 does not contain this requirement because covered owner/operators must maintain an up-to-date Cybersecurity Incident Response Plan under amended Security Directive 1580–21–01A and Security Directive 1582–21–01A.

[12] *See* 49 CFR 1580.101 and 1582.101.

[13] TSA Surface Transportation Cybersecurity Toolkit, *available at https://www.tsa.gov/for-industry/surface-transportation-cybersecurity-toolkit.*

[14] *See, e.g.,* 49 U.S.C. 114(d), (f), (*l*), (m).

[15] *See, e.g.,* 49 U.S.C. 115; 49 U.S.C. 114(*l*)(2)(B).

[16] 49 U.S.C. 114(*l*)(2)(B).

evolving threat that may continue beyond the original expiration date. Such an extension is subject to the following conditions: (1) there are no changes to the security directives other than an extended expiration date; (2) the TSA Administrator makes an affirmative determination that conditions warrant the extension of the directives' requirements; and (3) the TSA Administrator documents such a determination and notifies the TSOB.

John K. Tien,

Deputy Secretary of Homeland Security & Chairman of the Transportation Security Oversight Board.

[FR Doc. 2023–11942 Filed 6–5–23; 8:45 am]

BILLING CODE 9110–9M–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–0422; Project Identifier MCAI–2022–01067–T; Amendment 39–22439; AD 2023–10–03]

RIN 2120–AA64

Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all MHI RJ Aviation ULC Model CL–600–2C10 (Regional Jet Series 700, 701 & 702), CL–600–2C11 (Regional Jet Series 550), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 11, 2023.

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

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–0422; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For service information identified in this final rule, contact MHI RJ Aviation Group, Customer Response Center, 3655 Ave. des Grandes-Tourelles, Suite 110, Boisbriand, Québec J7H 0E2 Canada; North America toll-free telephone 833–990–7272 or direct-dial telephone 450–990–7272; fax 514–855–8501; email *thd.crj@mhirj.com*; website *mhirj.com*.
- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2023–0422.

FOR FURTHER INFORMATION CONTACT: Joseph Catanzaro, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all MHI RJ Aviation ULC Model CL–600–2C10 (Regional Jet Series 700, 701 & 702), CL–600–2C11 (Regional Jet Series 550), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes. The NPRM published in the **Federal Register** on March 3, 2023 (88 FR 13385). The NPRM was prompted by AD CF–2022–43, dated August 9, 2022, issued by Transport Canada, which is the aviation authority for Canada (referred to after this as the MCAI). The MCAI states that new airworthiness limitations have been developed.

In the NPRM, the FAA proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address an unannunciated loss or low quantity of fire extinguishing agent in the engine and auxiliary power unit (APU) fire extinguishing bottles. This condition, if not corrected, could result in the inability to extinguish and suppress an engine or APU fire.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2023–0422.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Task 26–20–00–101, ''Visual Check of the Engine Fire Extinguishing bottle pressure gauge'' and Task 26–20–00–102, ''Visual Check of the APU Fire Extinguishing bottle pressure gauge,'' of Section 1, ''Certification Maintenance Requirements,'' Subject 1–26, ''Fire Protection,'' of the MHI RJ Model CL–600–2C10, CL–600–2C11, CL–600–2D15, CL–600–2D24, and CL–600–2E25 Series 550/700/705/900/1000 Airworthiness Limitations, Maintenance Requirements Manual—Part 2, Volume 1, CSP B–053, Revision 26, dated March 25, 2022. This service information specifies procedures for new airworthiness limitations for certification maintenance requirements.

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

Costs of Compliance

The FAA estimates that this AD affects 606 airplanes of U.S. registry.

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

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2023–10–03 MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.):

Amendment 39–22439; Docket No. FAA–2023–0422; Project Identifier MCAI–2022–01067–T.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to all MHI RJ Aviation ULC (Type Certificate previously held by Bombardier, Inc.) Model CL–600–2C10 (Regional Jet Series 700, 701 & 702), CL–600–2C11 (Regional Jet Series 550), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900) and CL–600–2E25 (Regional Jet Series 1000) airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire Protection.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address an unannunciated loss or low quantity of fire extinguishing agent in the engine and auxiliary power unit (APU) fire extinguishing bottles. The unsafe condition, if not corrected, may lead to the inability to extinguish and suppress an engine or APU fire.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 60 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Task 26–20–00–101, ''Visual Check of the Engine Fire Extinguishing bottle pressure gauge'' and Task 26–20–00–102, ''Visual Check of the APU Fire Extinguishing bottle pressure gauge,'' of Section 1, ''Certification Maintenance Requirements,'' Subject 1–26, ''Fire Protection,'' of the MHI RJ Model CL–600–2C10, CL–600–2C11, CL–600–2D15, CL–600–2D24, and CL–600–2E25 Series 550/700/705/900/1000 Airworthiness Limitations, Maintenance Requirements Manual (MRM)—Part 2, Volume 1, CSP B–053, Revision 26, dated March 25, 2022 (Task 26–20–00–101 and Task 26–20–00–102 of the MRM—Part 2, Revision 26). The initial compliance time for doing the tasks is at the phase-in time specified in Task 26–20–00–101 and Task 26–20–00–102 of the MRM—Part 2, Revision 26, or within 60 days after the effective date of this AD, whichever occurs later.

(h) No Alternative Actions or Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals, are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (i)(1) of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada; or MHI RJ Aviation ULC's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Additional Information

(1) Refer to Transport Canada AD CF–2022–43, dated August 9, 2022, for related information. This Transport Canada AD may be found in the AD docket at *regulations.gov* under Docket No. FAA–2023–0422.

(2) For more information about this AD, contact Joseph Catanzaro, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov*.

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of

the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

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

(i) Task 26–20–00–101, ''Visual Check of the Engine Fire Extinguishing bottle pressure gauge'' and Task 26–20–00–102, ''Visual Check of the APU Fire Extinguishing bottle pressure gauge,'' of Section 1, ''Certification Maintenance Requirements,'' Subject 1–26, ''Fire Protection,'' of the MHI RJ Model CL–600–2C10, CL–600–2C11, CL–600–2D15, CL–600–2D24, and CL–600–2E25 Series 550/700/705/900/1000 Airworthiness Limitations, Maintenance Requirements Manual—Part 2, Volume 1, CSP B–053, Revision 26, dated March 25, 2022.

(ii) [Reserved].

(3) For service information identified in this AD, contact MHI RJ Aviation Group, Customer Response Center, 3655 Ave. des Grandes-Tourelles, Suite 110, Boisbriand, Québec J7H 0E2 Canada; North America toll-free telephone 833–990–7272 or direct-dial telephone 450–990–7272; fax 514–855–8501; email *thd.crj@mhirj.com*; website *mhirj.com*.

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

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

Issued on May 12, 2023.

Michael Linegang,

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

[FR Doc. 2023–11931 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–0171; Project Identifier MCAI–2022–01266–T; Amendment 39–22428; AD 2023–09–05]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 11, 2023.

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

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–0171; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For material incorporated by reference in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *regulations.gov* under Docket No. FAA–2023–0171.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone 206–231–3225; email *dan.rodina@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A300 B4–601, A300 B4–603, A300 B4–620, A300 B4–622, A300 B4–605R, A300 B4–622R, A300 C4–605R Variant F, A300 C4–620, A300 F4–605R, and A300 F4–622R airplanes. The NPRM published in the **Federal Register** on February 24, 2023 (88 FR 11827). The NPRM was prompted by AD 2022–0192, dated September 23, 2022, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2022–0192) (also referred to as the MCAI). The MCAI states that new or more restrictive airworthiness limitations have been developed.

In the NPRM, the FAA explained that EASA AD 2022–0192 specifies that it requires certain tasks (limitations) already in Airbus A300–600 ALS Part 2 DT–ALI, Revision 03, that is required by EASA AD 2019–0090, dated April 26, 2019 (which corresponds to FAA AD 2019–21–01, Amendment 39–19767 (84 FR 56935, October 24, 2019) (AD 2019–21–01)), and that incorporation of EASA AD 2022–0192 invalidates (terminates) prior instructions for those tasks. The NPRM therefore proposed to terminate the limitations required by paragraph (g) of AD 2019–21–01, for the tasks identified in the service information referred to in EASA AD 2022–0192 only, as specified in EASA AD 2022–0192. The FAA is issuing this AD to address fatigue cracking, damage, or corrosion in principal structural elements, which could result in reduced structural integrity of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2023–0171.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from The Air Line Pilots Association, International (ALPA) and FedEx. Both commenters supported the NPRM without change.

Conclusion

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

None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0192 specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits.

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

Costs of Compliance

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

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2023–09–05 Airbus SAS: Amendment 39–22428; Docket No. FAA–2023–0171; Project Identifier MCAI–2022–01266–T.

(a) Effective Date

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

(b) Affected ADs

This AD affects AD 2019–21–01, Amendment 39–19767 (84 FR 56935, October 24, 2019) (AD 2019–21–01).

(c) Applicability

This AD applies to all Airbus SAS airplanes identified in paragraphs (c)(1) through (4) of this AD, certificated in any category.

(1) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(2) Model A300 B4–605R and B4–622R airplanes.

(3) Model A300 F4–605R and F4–622R airplanes.

(4) Model A300 C4–605R Variant F airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue cracking, damage, or corrosion in principal structural elements, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0192, dated September 23, 2022 (EASA AD 2022–0192).

(h) Exceptions to EASA AD 2022–0192

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2022–0192.

(2) Paragraph (3) of EASA AD 2022–0192 specifies revising ''the AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA 2022–0192 is at the applicable ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2022–0192, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraph (4) of EASA AD 2022–0192.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2022–0192.

(i) Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2022–0192.

(j) Terminating Action for AD 2019–21–01

Accomplishing the actions required by this AD terminates the corresponding requirements of AD 2019–21–01 for the tasks identified in the service information referred to in EASA AD 2022–0192 only.

(k) Additional AD Provisions

The following provisions also apply to this AD:

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

lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(l) Additional Information

For more information about this AD, contact Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone 206–231–3225; email *dan.rodina@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2022–0192, dated September 23, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0192, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

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

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

Issued on May 5, 2023.

Michael Linegang,

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

[FR Doc. 2023–11911 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–0431; Project Identifier MCAI–2022–01277–T; Amendment 39–22444; AD 2023–10–08]

RIN 2120–AA64

Airworthiness Directives; ATR—GIE Avions de Transport Régional Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2022–25–16, which applied to all ATR—GIE Avions de Transport Régional Model ATR42–200, –300, and –320 airplanes. AD 2022–25–16 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD continues to require certain actions in AD 2022–25–16 and requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference (IBR). The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 11, 2023.

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

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of January 23, 2023 (87 FR 77491, December 19, 2022).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–0431; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For material incorporated by reference in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *regulations.gov* under Docket No. FAA–2023–0431.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3220; email *Shahram.Daneshmandi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2022–25–16, Amendment 39–22272 (87 FR 77491, December 19, 2022) (AD 2022–25–16), which applied to all ATR—GIE Avions de Transport Régional Model ATR42–200, –300, and –320 airplanes. AD 2022–25–16 retained certain requirements of AD 2020–09–16 and also required revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive maintenance requirements and airworthiness limitations, as specified in EASA AD 2022–0062, dated April 8, 2022. The FAA issued AD 2022–25–16 to prevent reduced structural integrity of the airplane.

The NPRM published in the **Federal Register** on March 13, 2023 (88 FR 15333). The NPRM was prompted by AD 2022–0199, dated September 26, 2022, issued by EASA (EASA AD 2022–0199) (also referred to as the MCAI). The MCAI states that new or more restrictive airworthiness limitations have been developed.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2023–0431.

In the NPRM, the FAA proposed to retain certain requirements of AD 2022–25–16. The FAA also proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2022–0199. The FAA is issuing this AD to prevent

reduced structural integrity of the airplane.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

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

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0199 specifies new or more restrictive maintenance tasks and airworthiness limitations for airplane structures and components.

This AD also requires EASA AD 2022–0062, dated April 8, 2022, which the Director of the Federal Register approved for incorporation by reference as of January 23, 2023 (87 FR 77491, December 19, 2022).

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

Costs of Compliance

The FAA estimates that this AD affects 26 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA estimates the total cost per operator for the retained actions from AD 2022–25–16 to be $7,650 (90 work-hours × $85 per work-hour).

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

The FAA estimates the total cost per operator for the new actions to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2022–25–16, Amendment 39–22272 (87 FR 77491, December 19, 2022); and

■ b. Adding the following new AD:

2023–10–08 ATR—GIE Avions de Transport Régional: Amendment 39–22444; Docket No. FAA–2023–0431; Project Identifier MCAI–2022–01277–T.

(a) Effective Date

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

(b) Affected ADs

This AD replaces AD 2022–25–16, Amendment 39–22272 (87 FR 77491, December 19, 2022) (AD 2022–25–16).

(c) Applicability

This AD applies to all ATR—GIE Avions de Transport Régional Model ATR42–200, –300, and –320 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to prevent reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Revision of the Existing Maintenance or Inspection Program, With No Changes

This paragraph restates the requirements of paragraph (j) of AD 2022–25–16, with no changes. Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0062, dated April 8, 2022 (EASA AD 2022–0062). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2022–0062, With No Changes

This paragraph restates the exceptions specified in paragraph (k) of AD 2022–25–16, with no changes.

(1) The requirements specified in paragraph (1) and (2) of EASA AD 2022–0062 do not apply to this AD.

(2) Paragraph (3) of EASA AD 2022–0062 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after January 23, 2023 (the effective date of AD 2022–25–16).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2022–0062 is at the applicable ''limitations'' and ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2022–0062, or within 90 days after January 23, 2023 (the effective date of AD 2022–25–16), whichever occurs later.

(4) The provisions specified in paragraphs (4) and (5) of EASA AD 2022–0062 do not apply to this AD.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2022–0062.

(i) Retained Provisions for Alternative Actions, Intervals, and Critical Design Configuration Control Limitations (CDCCLs), With No Changes

This paragraph restates the requirements of paragraph (l) of AD 2022–25–16, with no changes. Except as required by paragraph (j) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2022–0062.

(j) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2022–0199, dated September 26, 2022 (EASA AD 2022–0199). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2022–0199

(1) The requirements specified in paragraphs (1) and (2) of EASA AD 2022–0199 do not apply to this AD.

(2) Paragraph (3) of EASA AD 2022–0199 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2022–0199 is at the applicable ''limitations'' and ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2022–0199, or within 90 days after the effective date of this AD, whichever occurs later.

(4) The provisions specified in paragraphs (4) and (5) of EASA AD 2022–0199 do not apply to this AD.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2022–0199.

(l) New Provisions for Alternative Actions, Intervals, and CDCCLs

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (*e.g.,* inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2022–0199.

(m) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(n) Additional Information

For more information about this AD, contact Shahram Daneshmandi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3220; email *Shahram.Daneshmandi@faa.gov.*

(o) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on July 11, 2023.

(i) European Union Aviation Safety Agency (EASA) AD 2022–0199, dated September 26, 2022.

(ii) [Reserved]

(4) The following service information was approved for IBR on January 23, 2023 (87 FR 77491, December 19, 2022).

(i) European Union Aviation Safety Agency (EASA) AD 2022–0062, dated April 8, 2022 (EASA AD 2022–0062).

(ii) [Reserved]

(5) For EASA ADs 2022–0199 and 2022–0062, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find these EASA ADs on the EASA website at *ad.easa.europa.eu.*

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

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

Issued on May 25, 2023.

Michael Linegang,

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

[FR Doc. 2023–11918 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1660; Project Identifier MCAI–2022–01268–T; Amendment 39–22447; AD 2023–11–02]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 11, 2023.

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

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2022–1660; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for

Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

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

• You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *regulations.gov* under Docket No. FAA–2022–1660.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3225; email *dan.rodina@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes, Model A300 B4–605R and B4–622R airplanes; Model A300 C4–605R Variant F airplanes; and Model A300 F4–605R and F4–622R airplanes. The NPRM published in the **Federal Register** on January 12, 2023 (88 FR 2035). The NPRM was prompted by AD 2022–0194, dated September 23, 2022, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2022–0194) (also referred to as the MCAI). The MCAI states that new or more restrictive airworthiness limitations tasks related to the trimmable horizontal stabilizer actuators (THSA) are necessary. EASA AD 2022–0194 specifies that revised tasks (limitations) in Airbus A300–600 Airworthiness Limitations Section (ALS), Part 4, System Equipment Maintenance Requirements (SEMR) Revision 03, dated August 28, 2017, are required by EASA AD 2017–0202, dated October 12, 2017 (which corresponds to FAA AD 2018–18–21, Amendment 39–19400 (83 FR 47054, September 18, 2018) (AD 2018–18–21)). EASA AD 2022–0194 also specifies that incorporation of EASA AD 2022–0194 invalidates (terminates) prior instructions for the tasks specified in Airbus A300–600 Airworthiness Limitations Section (ALS), Part 4, System Equipment Maintenance Requirements (SEMR) Revision 03, Variation 3.1, dated June 30, 2022 (Variation 3.1), only. For this AD, the corresponding action is specified in paragraph (j)(2) of this AD, which states that accomplishing the actions specified in this AD terminates the corresponding requirements of AD 2018–18–21, for the tasks identified in the service information referenced in EASA AD 2022–0194 only.

The MCAI also states that EASA AD 2015–0081, dated May 7, 2015 (EASA AD 2015–0081) requires replacement of certain THSA. EASA AD 2015–0081 corresponds to FAA AD 2016–15–01, Amendment 39–18592 (81 FR 47696, July 22, 2016) (AD 2016–15–01). AD 2016–15–01 required inspecting THSA part numbers, serial numbers, and flight cycles on certain THSAs; and repetitive replacement of certain THSAs. The THSA limitation task specified in this AD addresses the actions required by AD 2016–15–01. Paragraph (j)(1) of this AD therefore terminates all of the requirements of AD 2016–15–01, for Model A300–600 series airplanes only.

In the NPRM, the FAA proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2022–0194. The FAA is issuing this AD to address the risks associated with the effects of aging on airplane systems. The unsafe condition, if not addressed, could change system characteristics, leading to an increased potential for failure of certain life-limited parts, and reduced structural integrity or controllability of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2022–1660.

Discussion of Final Airworthiness Directive

Comments

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

The FAA received an additional comment from United Parcel Service (UPS). The following presents the comment received on the NPRM and the FAA's response.

Request To Extend Compliance Time and Threshold

UPS proposed a bridging plan to transition to the new Variation 3.1 with initial threshold of not to exceed 14,600 flight cycles, with repeat replacement of 13,500 flight cycles. UPS asserted that the restrictive compliance time specified in paragraph (h)(2) of the proposed AD could result in immediate grounding of airplanes with parts currently installed on the airplane accumulating between 13,500 flight cycles and 14,600 flight cycles, since a current parts shortage at repair vendors does not support the increase in number of part removals at the reduced threshold. UPS also noted that AD 2016–15–01 provided a 2-year compliance time for a larger threshold decrease from 47,000 flight cycles to 14,600 flight cycles, and that the current replacement program at 14,600 flight cycles is effective to maintain safety and reliability.

The FAA does not agree with the requested change. The manufacturer has confirmed that adequate parts are available to support the required compliance time. As noted in paragraph (h)(3) of this AD, ''The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2022–0194 is on or before the applicable ''limitations'' and ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2022–0194, or within 90 days after the effective date of this AD, whichever occurs later.'' The FAA has determined that the compliance time, as proposed, should allow sufficient time for operators to coordinate with their respective vendors and accomplish the task. In developing an appropriate compliance time, the FAA considered the safety implications, the time necessary to accomplish the required actions, and normal maintenance schedules for timely accomplishment of the required actions. In light of these items, we have determined that the specified compliance time, as proposed, is appropriate. However, under the provisions of paragraph (k)(1) of this AD, the FAA will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the extension would provide an acceptable level of safety. This AD has not been changed with regard to this request.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD

as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0194 specifies new or more restrictive airworthiness limitations for certain THSAs. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Costs of Compliance

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

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2023–11–02 Airbus SAS: Amendment 39–22447; Docket No. FAA–2022–1660; Project Identifier MCAI–2022–01268–T.

(a) Effective Date

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

(b) Affected ADs

This AD affects AD 2016–15–01, Amendment 39–18592 (81 FR 47696, July 22, 2016) (AD 2016–15–01); and AD 2018–18–21, Amendment 39–19400 (83 FR 47054, September 18, 2018) (AD 2018–18–21).

(c) Applicability

This AD applies to all Airbus SAS Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes, Model A300 B4–605R and B4–622R airplanes; Model A300 C4–605R Variant F airplanes; and Model A300 F4–605R and F4–622R airplanes; certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address the risks associated with the effects of aging on airplane systems. The unsafe condition, if not addressed, could change system characteristics, leading to an increased potential for failure of certain life-limited parts, and reduced structural integrity or controllability of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0194, dated September 23, 2022 (EASA AD 2022–0194).

(h) Exceptions to EASA AD 2022–0194

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2022–0194.

(2) Paragraph (3) of EASA AD 2022–0194 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2022–0194 is on or before the applicable ''limitations'' and ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2022–0194, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraph (4) of EASA AD 2022–0194.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2022–0194.

(i) Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2022–0194.

(j) Terminating Actions for AD 2016–15–01 and AD 2018–18–21

(1) Accomplishing the actions required by this AD terminates all requirements of AD 2016–15–01 for Model A300–600 series airplanes only.

(2) Accomplishing the actions required by this AD terminates the corresponding requirements of AD 2018–18–21, for the tasks identified in the service information referenced in EASA AD 2022–0194 only.

(k) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested

using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the International Validation Branch, send it to the attention of the person identified in paragraph (l) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(l) Additional Information

Dan Rodina, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3225; email *dan.rodina@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2022–0194, dated September 23, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0194, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

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

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

Issued on May 25, 2023.

Ross Landes,

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

[FR Doc. 2023–11914 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–0428; Project Identifier MCAI–2022–01250–T; Amendment 39–22442; AD 2023–10–06]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2017–06–07, which applied to all Airbus SAS Model A330–200 Freighter, –200, and –300 series airplanes; and A340–200, –300, –500, and –600 series airplanes. AD 2017–06–07 required identification of potentially affected inboard flap parts, a one-time eddy current inspection to identify which material the parts are made of, and, depending on findings, replacement with serviceable parts. This AD was prompted by a determination that, even if affected inboard flaps were not installed on airplanes during production, affected inboard flaps could be installed on airplanes as spare parts. This AD continues to require the actions in AD 2017–06–07, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD also reduces the allowance for the installation of affected parts under certain conditions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 11, 2023.

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

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–0428; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

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

• You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *regulations.gov* under Docket No. FAA–2023–0428.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aviation Safety Engineer, FAA, International Validation Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3229; email *Vladimir.Ulyanov@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2017–06–07, Amendment 39–18831 (82 FR 17107, April 10, 2017) (AD 2017–06–07). AD 2017–06–07 applied to all Airbus SAS Model A330–223F and –243F airplanes; A330–201, –202, –203, –223, and –243 airplanes; A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes; A340–211, –212, and –213 airplanes; A340–311, –312, and –313 airplanes; A340–541 airplanes; and A340–642 airplanes. AD 2017–06–07 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2016–0231, dated November 22, 2016 (EASA AD 2016–0231), which superseded EASA AD 2016–0082, dated April 27, 2016, to correct an unsafe condition. AD 2017–06–07 required identification of potentially affected inboard flap parts, a one-time eddy current inspection to identify which material the parts are made of, and, depending on findings, replacement with serviceable parts. The FAA issued AD 2017–06–07 to detect and correct structural parts of inboard flaps made of nonconforming aluminum alloy, which could result in reduced structural integrity of the airplane.

The NPRM published in the **Federal Register** on March 8, 2023 (88 FR 14303). The NPRM was prompted by AD 2022–0189, dated September 19, 2022, issued by EASA (EASA AD 2022–0189) (also referred to as the MCAI), which superseded EASA AD 2016–0231. The MCAI states that since EASA AD 2016–0231 was issued, it was determined that, even if affected

inboard flaps were not installed on airplanes during production, affected inboard flaps could be installed on airplanes as spare parts. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2023–0428.

In the NPRM, the FAA proposed to continue to require the actions in AD 2017–06–07, as specified in EASA AD 2022–0189. The NPRM also proposed to reduce the allowance for the installation of affected parts under certain conditions. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

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

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0189 specifies procedures for identification of potentially affected inboard flap parts, a one-time special detailed inspection (eddy current) to identify which material the parts are made of, and, depending on findings, replacement with serviceable parts. The MCAI also reduces the allowance for the installation of affected parts under certain conditions. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 36 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2017–06–07	10 work-hours × $85 per hour = $850	$0	$850	$30,600

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
60 work-hours × $85 per hour = $5,100	$1,345,000	$1,350,100

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:
■ a. Removing Airworthiness Directive (AD) 2017–06–07, Amendment 39–18831 (82 FR 17107, April 10, 2017); and
■ b. Adding the following new AD:

2023–10–06 Airbus SAS: Amendment 39–22442; Docket No. FAA–2023–0428; Project Identifier MCAI–2022–01250–T.

(a) Effective Date

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

(b) Affected ADs

This AD replaces AD 2017–06–07, Amendment 39–18831 (82 FR 17107, April 10, 2017) (AD 2017–06–07).

(c) Applicability

This AD applies to all Airbus SAS Model A330–223F and –243F airplanes; A330–201, –202, –203, –223, and –243 airplanes; A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes; A340–211, –212, and –213 airplanes; A340–311, –312, and –313 airplanes; A340–541 airplanes; and A340–642 airplanes; certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by reports that nonconforming aluminum alloy was used to manufacture structural parts on the inboard flap. The FAA is issuing this AD to detect and correct structural parts of inboard flaps made of nonconforming aluminum alloy. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0189, dated September 19, 2022 (EASA AD 2022–0189).

(h) Exceptions to EASA AD 2022–0189

(1) Where EASA AD 2022–0189 refers to May 11, 2016 (the effective date of EASA AD 2016–0082, dated April 27, 2016), this AD requires using May 15, 2017 (the effective date of AD 2017–06–07).

(2) Where EASA AD 2022–0189 refers to its effective date, this AD requires using the effective date of this AD.

(3) This AD does not adopt the ''Remarks'' section of EASA AD 2022–0189.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2022–0189 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(ii) AMOCs approved previously for AD 2017–06–07 are approved as AMOCs for the corresponding provisions of EASA AD 2022–0189 that are required by paragraph (g) of this AD.

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

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

(k) Additional Information

For more information about this AD, contact Vladimir Ulyanov, Aviation Safety Engineer, FAA, International Validation Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3229; email *Vladimir.Ulyanov@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2022–0189, dated September 19, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0189, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

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

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

Issued on May 22, 2023.

Ross Landes,

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

[FR Doc. 2023–11930 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2023–0443; Airspace Docket No. 22–AGL–21]

RIN 2120–AA66

Establishment of Class E Airspace; Sandusky, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Sandusky, MI. This action supports new public instrument procedures.

DATES: Effective date 0901 UTC, October 5, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the Notice of Proposed Rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at *www.regulations.gov* using the FAA Docket number. Electronic retrieval help and guidelines are

available on the website. It is available 24 hours each day, 365 days each year.

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace extending upward from 700 feet above the surface at Sandusky City Airport, Sandusky, MI, to support instrument flight rule operations at this airport.

History

The FAA published an NPRM for Docket No. FAA 2023–0443 in the **Federal Register** (88 FR 17436; March 23, 2023), establishing the Class E airspace at Sandusky, MI. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

The NPRM was inadvertently published twice (88 FR 13744; March 6, 2023), under the same docket number (FAA–2023–0443). The two documents are identical. No comments were received in response to either publication.

Incorporation by Reference

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

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

The Rule

This action amends 14 CFR part 71 by establishing Class E airspace upward from 700 feet above the surface within a 6.4-mile radius of Sandusky City Airport, Sandusky, MI.

This action supports new public instrument procedures.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL MI E5 Sandusky, MI [Establish]

Sandusky City Airport, MI
(Lat. 43°27′20″ N, long. 82°50′30″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Sandusky City Airport.

* * * * *

Issued in Fort Worth, Texas, on May 31, 2023.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2023–11959 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–1678; Airspace Docket No. 22–AWA–4]

RIN 2120–AA66

Amendment of the Nashville International Airport Class C Airspace; Nashville, TN; and the John C. Tune Airport Class D Airspace; Nashville, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action reconfigures the Nashville International Airport (BNA) Class C airspace area and amends the ceiling of the John C. Tune Airport (JWN) Class D airspace area. The FAA is taking this action to reduce the risk of midair collisions and enhance the efficient management of air traffic operations in the Nashville, TN, terminal area.

DATES: Effective date 0901 UTC, August 10, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Nashville, TN, Class C airspace area, and the John C. Tune Airport Class D airspace area as necessary to enhance aviation safety in the Nashville terminal area.

History

The FAA published a NPRM for Docket No. FAA–2022–1678, in the **Federal Register** (88 FR 5283; January 27, 2023), proposing to amend the Nashville, TN, Class C airspace area, and the John C. Tune Class D airspace area. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. Twenty-five comments were received.

Discussion of Comments

One commenter wrote that BNA should be upgraded to a Class B airspace area, while two commenters were not in favor of Class B airspace at BNA. The NPRM proposed modifications to the existing Class C airspace area at BNA. Class B airspace at BNA is not being proposed, therefore it is outside the scope of this rulemaking action. While BNA currently meets the Class B enplaned passenger count criteria, at this time, it does not meet the total airport operations criteria to be considered as a candidate for a Class B airspace designation.

The majority of the comments concerned the impacts of the proposed lateral and vertical boundaries of the BNA Class C 15 nautical miles (NM) eastern outer ring on aircraft arriving at Lebanon Municipal Airport (M54). The 15 NM ring moves the Class C boundary to a point approximately 3 NM west of M54. Commenters wrote that M54 needs more space to maneuver. They stated that, when the wind is from the north, aircraft entering the traffic pattern for runway 01 at M54 would be concentrated into the already congested area west of M54 between the airport, and the eastern 15 NM ring of Class C airspace. As a result, pilots would be focusing on remaining clear of the Class C airspace while either just transiting northbound or southbound through the area or entering the traffic pattern downwind leg to land on runway 01 at M54. This could lead to unintended incursions into the Class C airspace.

The commenters made several suggestions for alleviating these concerns, including:

- Raising the floor in a portion of the eastern outer ring of the Class C airspace (*e.g.,* from the 060° bearing from BNA, clockwise to the 155° bearing from BNA, etc.) from 2,400 feet mean sea level (MSL) to 2,600 feet MSL, which would be 1,000 feet above M54's traffic pattern altitude.
- Adding a cutout from the Class C within a 5 NM radius of M54.
- Moving the 15 NM outer east ring boundary westward, farther away from M54. One commenter suggested aligning the east ring boundary along Interstate I–840 and Highway 109 providing a visual landmark to define the boundary.

The FAA considered the commenters' suggestions; however, each suggestion would result in reduced Class C airspace in areas where airspace control and communications between air traffic control (ATC) and all aircraft is warranted. Class C airspace is designed to keep ATC informed of all aircraft operating within the Class C area. This is important so that air traffic controllers are aware of all pilots' intentions. Heading and/or altitude changes made by unidentified, non-participating pilots are unpredictable, which may require controllers to take preventative action to avoid potential conflicts with other aircraft that are under their control. Such circumstances may disrupt the orderly flow of arrivals and departures as well as increase controller workload.

Regarding the suggestion to raise the east outer ring floor to 2,600-foot MSL, the purpose of setting the east outer ring floor at 2,400 feet MSL is to allow ATC to provide needed separation between all Instrument Flight Rules (IFR) aircraft landing on runway 19 at Smyrna Airport (MQY), and non-participating Visual Flight Rules (VFR) aircraft. Aircraft flying the published instrument approach to MQY runway 19 cross the WULIG waypoint (WP) (located approximately 11 NM northeast of MQY) at 3,000 feet MSL. As MQY traffic volume continues to increase, aircraft are being sequenced at or before the WULIG WP on the runway 19 instrument approach. Raising the outer ring floor to 2,600 feet MSL reduces effective separation outside of WULIG and increases the likelihood of Traffic Alert and Collision Avoidance System (TCAS) Resolution Advisory (RA) events for inbound aircraft.

Regarding the suggestions to move the eastern ring boundary westward, away from M54, the FAA is unable to adopt the suggestions. When aircraft are arriving and departing BNA to the north, numerous aircraft depart from runway 02R on a noise abatement heading of 055°. BNA departures are vectored into the eastern ring area to remain clear of BNA arrivals that are descending on the PASLY Standard Terminal Arrival (STAR). Currently, to clear aircraft on the STAR, BNA departure traffic must remain at 4,000 feet MSL. Additionally, the volume of pilot training traffic generated by flight schools operating in this area from airports east of BNA, including M54, MQY, and Murfreesboro Municipal (MBT), underscores the need for expanded Class C airspace in the east outer ring out to 15 NM.

Several commenters expressed concerns regarding controller staffing levels at BNA Terminal Radar Approach Control (TRACON) in light of increasing traffic volume and controller workload. The FAA will continue to provide VFR flight following services as duty priorities allow. A larger area of controlled airspace will significantly increase safety for all users but may

result in increased demand for air traffic services.

Incorporation by Reference

Class C airspace areas are published in paragraph 4000, and Class D airspace areas are published in paragraph 5000, of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11G dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

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

The Rule

This action amends 14 CFR part by expanding the BNA Class C airspace area and lowering the ceiling of the JWN Class D airspace area (see the attached chart).

This action makes minor edits in the text header of the BNA Class C airspace description, as published in FAA Order JO 7400.11, by updating the BNA airport reference point (ARP) coordinates from ''lat. 36°07′28″ N, long. 86°40′42″ W'' to ''lat. 36°07′28″ N, long. 86°40′41″ W'' This reflects the latest information in the Airport Master Records file. In addition, the Smyrna Airport, TN (MQY), is added to the text header because that airport is referenced in the Class C description. The Class C modifications are described below.

This action raises the BNA Class C airspace area ceiling from 4,600 feet MSL up to and including 6,000 feet MSL and extends the outer ring of the Class C airspace area from the current 10 NM radius from BNA to the 15 NM radius from BNA.

Additionally, the Class C surface area radius is extended from the current 5 NM radius from BNA to the 7 NM radius from BNA, starting from the 335° bearing from the airport, clockwise to the 230° bearing from the airport. However, the surface area radius remains at 5 NM from BNA from the 230° bearing, clockwise to the 335° bearing from the airport. The Class C surface area also excludes that portion of airspace that is within the Smyrna Airport Class D airspace area. The BNA Class C airspace also includes:

- That airspace extending upward from 1,800 feet MSL to 6,000 feet MSL within a 15-mile radius of Nashville International Airport from the 335° bearing from the airport clockwise to the 060° bearing from the airport;
- That airspace extending upward from 2,400 feet MSL to 6,000 feet MSL within a 15-mile radius of the airport from the 060° bearing from the airport clockwise to the 155° bearing from the airport, excluding that portion within the Smyrna Airport, TN, Class D airspace area;
- That airspace extending upward from 1,800 feet MSL to 6,000 feet MSL within a 15-mile radius of Nashville International Airport from the 155° bearing from the airport clockwise to the 230° bearing from the airport; and
- That airspace extending upward from 2,400 feet MSL to 6,000 feet MSL within a 15-mile radius of Nashville International Airport from the 230° bearing from the airport clockwise to the 335° bearing from the airport.

This action also amends the John C. Tune Airport (JWN) Class D airspace area by replacing the current 2,500-foot MSL ceiling with ''to but not including 2,400 feet MSL.'' The westward expansion of the BNA Class C airspace, with a floor of 2,400 feet MSL, overlies the JWN Class D airspace. Lowering the JWN Class D ceiling as described creates a clearer delineation between the Class C and Class D airspace areas, thus reducing the potential for pilot confusion over the airspace status.

Annual air traffic volume in BNA TRACON's area has increased by 49.2% since 2015, including significant volume increases at M54, JWN, MQY, and BNA airports. Due to the continuing rise in traffic, the predictability resulting from the BNA Class C airspace modification is needed to provide a safe and stable environment for arrivals and departures at BNA as well as the surrounding airports.

This rulemaking action is required to reduce the risk of midair collisions and enhance the efficient management of air traffic operations in the Nashville, TN, terminal area.

Regulatory Impact Analysis

Federal agencies consider impacts of regulatory actions under a variety of executive orders and other requirements. First, Executive Order 12866 and Executive Order 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify the costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year. The current threshold after adjustment for inflation is $177 million using the most current (2022) Implicit Price Deflator for the Gross Domestic Product. This portion of the preamble summarizes the FAA's analysis of the economic impacts of this rule.

In conducting these analyses, the FAA has determined that this rule: will have a minimal cost impact; is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866; will not have a significant economic impact on a substantial number of small entities; will not create unnecessary obstacles to the foreign commerce of the United States; and will not impose an unfunded mandate on State, local, or tribal governments, or on the private sector.

As discussed above, the FAA determined that changes put forth in this final rule will reduce the risk of midair collisions, efficiency, and airspace utilization. The final rule reconfigures BNA Class C airspace area and amends the ceiling of JWN Class D airspace area. Operations at BNA are rebounding from the drop in traffic that resulted during the Coronavirus disease (COVID–19) pandemic. In addition, air traffic in the Nashville terminal area has increased dramatically in all categories of aircraft. The existing Class C airspace no longer meets the needs of air traffic control and enhanced safety in the BNA terminal area. The goals of the final rule are to reduce the risk of midair collisions and improve the efficient management of air traffic operations in the Nashville, TN, terminal area.

The final rule modifies the BNA Class C airspace area and requires VFR aircraft to establish radio contact with ATC thereby enhancing safety and efficiency in the BNA terminal area. VFR operators only needs to make minor adjustments to accommodate the expanded availability of Class C services around BNA. Therefore, the FAA expects the final rule will result in minimal cost to VFR operators.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that

agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation.'' To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' The RFA covers a wide range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA. However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify, and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The final rule reconfigures BNA Class C airspace area and amends the ceiling JWN Class D airspace area. The FAA is taking this action to reduce the risk of midair collisions and enhance the efficient management of air traffic operations in the Nashville, TN, terminal area. The FAA determined that changes put forth in this rule increase airspace safety and efficiency.

The change affects general aviation operators using BNA Class C airspace area and amends the ceiling JWN Class D airspace area. Operators flying VFR needs to adjust their flight paths to avoid the modified Class C airspace and Class D airspace if the pilots wish to operate without contacting ATC. However, the modifications are intended to address the concerns raised by air traffic without being burdensome. Therefore, as provided in section 605(b), the head of the FAA certifies that this rulemaking will not result in a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this final rule and determined that it should improve safety and is consistent with the Trade Agreements Act. The FAA has assessed the potential effect of this final rule and determined that it would improve safety and is consistent with the Trade Agreements Act.

Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a state, local, or tribal government or the private sector to incur direct costs without the Federal government having first provided the funds to pay those costs. The FAA determined that the final rule will not result in the expenditure of $177 million or more by State, local, or tribal governments, in the aggregate, or the private sector, in any one year. This final rule does not contain such a mandate; therefore, the Act does not apply.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new information collection requirement associated with this final rule.

Environmental Review

The FAA has determined that this action of reconfiguring the existing Nashville International Airport (BNA) Class C area and amending the ceiling of the John C. Tune Airport (JWN) Class D airspace area in Nashville, TN, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 4000 Subpart C—Class C Airspace.

* * * * *

ASO TN C Nashville, TN [Amended]

Nashville International Airport, TN
(Lat. 36°07′28″ N, long. 86°40′41″ W)
Smyrna Airport, TN
(Lat. 36°00′32″ N, long. 86°31′12″ W)

That airspace extending upward from the surface to 6,000 feet MSL within a 5-mile radius of Nashville International Airport; and that airspace extending upward from the surface to 6,000 feet MSL within a 7-mile radius of Nashville International Airport from the 335° bearing from the airport clockwise to the 230° bearing from the airport, excluding that portion within the Smyrna Airport, TN, Class D airspace area; and that airspace extending upward from

1,800 feet MSL to 6,000 feet MSL within a 15-mile radius of Nashville International Airport from the 335° bearing from the airport clockwise to the 060° bearing from the airport; and that airspace extending upward from 2,400 feet MSL to 6,000 feet MSL within a 15-mile radius of the airport from the 060° bearing from the airport clockwise to the 155° bearing from the airport, excluding that portion within the Smyrna Airport, TN, Class D airspace area; and that airspace extending upward from 1,800 feet MSL to 6,000 feet MSL within a 15-mile radius of Nashville International Airport from the 155° bearing from the airport clockwise to the 230° bearing from the airport; and that airspace extending upward from 2,400 feet MSL to 6,000 feet MSL within a 15-mile radius of Nashville International Airport from the 230° bearing from the airport clockwise to the 335° bearing from the airport.

* * * * *

Paragraph 5000 Subpart D—Class D Airspace.

* * * * *

ASO TN D Nashville, TN [Amended]

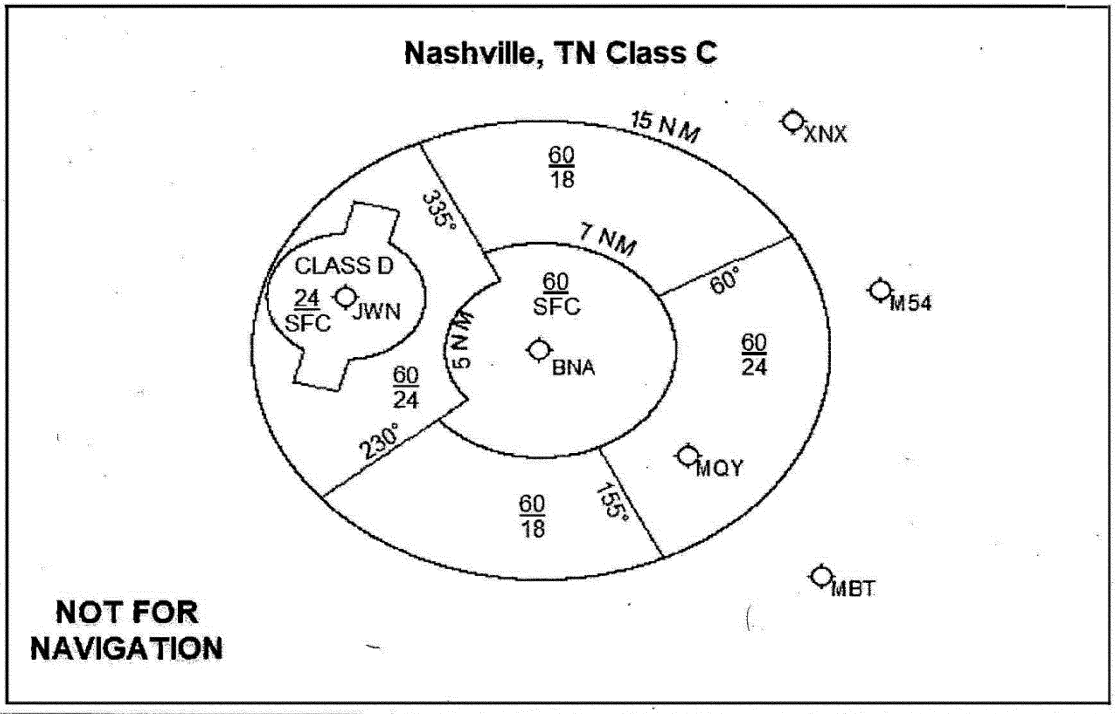
John C. Tune Airport, TN

(Lat. 36°10′59″ N, long. 86°53′11″ W)

That airspace upward from the surface to but not including 2,400 feet MSL within a 4.1-mile radius of John C. Tune Airport, and within 1.2-miles each side of the 195° bearing from the airport, extending from the 4.1-mile radius to 6.1-miles south of the airport, and within 1.2-miles each side of the 015° bearing from the airport, extending from the 4.1-mile radius to 6.1-miles north of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective dates and times will thereafter be continuously published in the Chart Supplement.

BILLING CODE 4910–13–P

MODIFICATION OF THE NASHVILLE INTERNATIONAL AIRPORT (BNA) CLASS C AIRSPACE AREA (Docket Number 22-AWA-4)



Airport Identifiers

BNA - Nashville International Airport

JWN - John C. Tune Airport

MBT - Murfreesboro Municipal Airport

MQY - Smyrna Airport

M54 - Lebanon Municipal Airport

XNX - Music City Executive Airport

NOTE – Bearings shown are degrees from BNA airport

* * * * *

Issued in Washington, DC, on May 31, 2023.

Brian Konie,

Acting Manager, Airspace Rules and Regulations.

[FR Doc. 2023–11909 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–13–C

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 548

Publication of Belarus Sanctions Regulations Web General License 2 and Subsequent Iterations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing nine general licenses (GLs) issued pursuant to the Belarus Sanctions Regulations: GLs 2, 2A, 2B, 2C, 2D, 2E, 2F, 2G, and 2H, each of which was previously made available on OFAC's website.

DATES: GL 2 was issued on October 29, 2015. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

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

SUPPLEMENTARY INFORMATION:

Electronic Availability

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

Background

On October 29, 2015, OFAC issued GL 2 to authorize certain transactions otherwise prohibited by the Belarus Sanctions Regulations, 31 CFR part 548, and Executive Order 13405 of June 16, 2006, ''Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus'' (71 FR 35485, June 20, 2006). Subsequently, OFAC issued eight further iterations of GL 2: on April 28, 2016, OFAC issued GL 2A, which superseded GL 2; on October 18, 2016, OFAC issued GL 2B, which superseded GL 2A; on April 28, 2017, OFAC issued GL 2C, which superseded GL 2B; on October 24, 2017, OFAC issued GL 2D, which superseded GL 2C; on April 27, 2018, OFAC issued GL 2E, which superseded GL 2D; on October 24, 2018, OFAC issued GL 2F, which superseded GL 2E; on October 22, 2019, OFAC issued GL 2G, which superseded GL 2F; and on April 19, 2021, OFAC issued GL 2H, which superseded GL 2G. Each GL was made available on OFAC's website (*www.treas.gov/ofac*) when it was issued. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions Regulations

31 CFR Part 548

Executive Order 13405 of June 16, 2006

Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus

GENERAL LICENSE NO. 2

General License With Respect to Entities Blocked Pursuant to Executive Order 13405

(a) Effective October 30, 2015, except as provided in paragraphs (b) through (e) below, all transactions otherwise prohibited by Executive Order 13405 involving the following named entities, or any entities that are owned, individually or in the aggregate, directly or indirectly, 50 percent or more by one or more of the following named entities, are authorized:

- Belarusian Oil Trade House
- Belneftekhim
- Belneftekhim USA, Inc.
- Belshina OAO
- Grodno Azot OAO
- Grodno Khimvolokno OAO
- Lakokraska OAO
- Naftan OAO
- Polotsk Steklovolokno OAO

(b) Unless otherwise authorized by the Office of Foreign Assets Control, all property and interests in property of the entities described in paragraph (a) that were blocked pursuant to E.O. 13405 prior to October 30, 2015 remain blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(c) This general license does not authorize transactions, directly or indirectly, with any other person whose property and interests in property are blocked pursuant to 31 CFR 548.201(a) or Executive Order 13405, even if those transactions are conducted through any of the entities described in paragraph (a), above.

(d) U.S. persons engaging in transactions involving, directly or indirectly, any of the entities described in paragraph (a) as authorized by this general license are required, no later than 15 days after the execution of any such transaction in excess of $10,000, or any series of such transactions exceeding $10,000, to file a report with the U.S. Department of State, Office of Eastern European Affairs, 2201 C Street NW, Washington, DC 20520. Such reports shall include the following numbered sections and information:

(1) Estimated or actual dollar value of the transaction(s), as determined by the value of the goods, services, or contract;

(2) The parties involved;

(3) The type and scope of activities conducted; and

(4) The dates or duration of the activities.

Reports may also be filed via email to *BelarusGL@state.gov.*

(e) This authorization expires on April 30, 2016, unless extended or revoked.

Andrea M. Gacki,

Acting Director, Office of Foreign Assets Control.

Dated: October 29, 2015.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions Regulations

31 CFR Part 548

Executive Order 13405 of June 16, 2006

Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus

GENERAL LICENSE NO. 2A

General License With Respect to Entities Blocked Pursuant to Executive Order 13405

(a) General License No. 2, dated October 29, 2015, is replaced and superseded in its entirety by this General License No. 2A.

(b) Effective October 30, 2015, except as provided in paragraphs (c) through (f) below, all transactions otherwise prohibited by Executive Order 13405 involving the following named entities, or any entities that are owned, individually or in the aggregate, directly or indirectly, 50 percent or more by one or more of the following named entities, are authorized:

- Belarusian Oil Trade House
- Belneftekhim
- Belneftekhim USA, Inc.
- Belshina OAO
- Grodno Azot OAO
- Grodno Khimvolokno OAO
- Lakokraska OAO
- Naftan OAO
- Polotsk Steklovolokno OAO

(c) Unless otherwise authorized by the Office of Foreign Assets Control, all property and interests in property of the

entities described in paragraph (b) that were blocked pursuant to E.O. 13405 prior to October 30, 2015 remain blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(d) This general license does not authorize transactions, directly or indirectly, with any other person whose property and interests in property are blocked pursuant to 31 CFR 548.201(a) or Executive Order 13405, even if those transactions are conducted through any of the entities described in paragraph (b), above.

(e) U.S. persons engaging in transactions involving, directly or indirectly, any of the entities described in paragraph (b) as authorized by this general license are required, no later than 30 days after the execution of any such transaction in excess of $50,000, or any series of such transactions exceeding $50,000, to file a report with the U.S. Department of State, Office of Eastern European Affairs, 2201 C Street NW, Washington, DC 20520. Such reports shall include the following numbered sections and information:

(1) Estimated or actual dollar value of the transaction(s), as determined by the value of the goods, services, or contract;

(2) The parties involved;

(3) The type and scope of activities conducted; and

(4) The dates or duration of the activities.

Reports may also be filed via email to *BelarusGL@state.gov.*

Note to paragraph (e): U.S. financial institutions are not required to file a report if there are other U.S. persons involved in the reportable transaction that are not financial institutions.

This authorization expires on October 31, 2016, unless extended or revoked.

Andrea M. Gacki,

Acting Director, Office of Foreign Assets Control.

Dated: April 28, 2016.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions Regulations

31 CFR Part 548

Executive Order 13405 of June 16, 2006

Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus

GENERAL LICENSE NO. 2B

General License With Respect to Entities Blocked Pursuant to Executive Order 13405

(a) General License No. 2A, dated April 28, 2016, is replaced and superseded in its entirety by this General License No. 2B.

(b) Effective October 30, 2015, except as provided in paragraphs (c) through (f) below, all transactions otherwise prohibited by Executive Order 13405 involving the following named entities, or any entities that are owned, individually or in the aggregate, directly or indirectly, 50 percent or more by one or more of the following named entities, are authorized:

- Belarusian Oil Trade House
- Belneftekhim
- Belneftekhim USA, Inc.
- Belshina OAO
- Grodno Azot OAO
- Grodno Khimvolokno OAO
- Lakokraska OAO
- Naftan OAO
- Polotsk Steklovolokno OAO

(c) Unless otherwise authorized by the Office of Foreign Assets Control, all property and interests in property of the entities described in paragraph (b) that were blocked pursuant to E.O. 13405 prior to October 30, 2015 remain blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(d) This general license does not authorize transactions, directly or indirectly, with any other person whose property and interests in property are blocked pursuant to 31 CFR 548.201(a) or Executive Order 13405, even if those transactions are conducted through any of the entities described in paragraph (b), above.

(e) U.S. persons engaging in transactions involving, directly or indirectly, any of the entities described in paragraph (b) as authorized by this general license are required, no later than 30 days after the execution of any such transaction in excess of $50,000, or any series of such transactions exceeding $50,000, to file a report with the U.S. Department of State, Office of Eastern European Affairs, 2201 C Street NW, Washington, DC 20520. Such reports shall include the following numbered sections and information:

(1) Estimated or actual dollar value of the transaction(s), as determined by the value of the goods, services, or contract;

(2) The parties involved;

(3) The type and scope of activities conducted; and

(4) The dates or duration of the activities.

Reports may also be filed via email to *BelarusGL@state.gov.*

Note to paragraph (e): U.S. financial institutions are not required to file a report if there are other U.S. persons involved in the reportable transaction that are not financial institutions.

(f) This authorization expires on April 17, 2017, unless extended or revoked.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

Dated: October 18, 2016.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions Regulations

31 CFR Part 548

Executive Order 13405 of June 16, 2006

Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus

GENERAL LICENSE NO. 2C

General License With Respect to Entities Blocked Pursuant to Executive Order 13405

(a) General License No. 2B, dated October 18, 2016, is replaced and superseded in its entirety by this General License No. 2C.

(b) Effective October 30, 2015, except as provided in paragraphs (c) through (f) below, all transactions otherwise prohibited by Executive Order 13405 involving the following named entities, or any entities that are owned, individually or in the aggregate, directly or indirectly, 50 percent or more by one or more of the following named entities, are authorized:

- Belarusian Oil Trade House
- Belneftekhim
- Belneftekhim USA, Inc.
- Belshina OAO
- Grodno Azot OAO
- Grodno Khimvolokno OAO
- Lakokraska OAO
- Naftan OAO
- Polotsk Steklovolokno OAO

(c) Unless otherwise authorized by the Office of Foreign Assets Control, all property and interests in property of the entities described in paragraph (b) that were blocked pursuant to E.O. 13405 prior to October 30, 2015 remain blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(d) This general license does not authorize transactions, directly or indirectly, with any other person whose property and interests in property are blocked pursuant to 31 CFR 548.201(a) or Executive Order 13405, even if those transactions are conducted through any of the entities described in paragraph (b), above.

(e) U.S. persons engaging in transactions involving, directly or indirectly, any of the entities described in paragraph (b) as authorized by this general license are required, no later than 30 days after the execution of any

such transaction in excess of $50,000, or any series of such transactions exceeding $50,000, to file a report with the U.S. Department of State, Office of Eastern European Affairs, 2201 C Street NW, Washington, DC 20520. Such reports shall include the following numbered sections and information:

(1) Estimated or actual dollar value of the transaction(s), as determined by the value of the goods, services, or contract;

(2) The parties involved;

(3) The type and scope of activities conducted; and

(4) The dates or duration of the activities.

Reports may also be filed via email to *BelarusGL@state.gov.*

Note to paragraph (e): U.S. financial institutions are not required to file a report if there are other U.S. persons involved in the reportable transaction that are not financial institutions.

(f) This authorization expires on October 30, 2017, unless extended or revoked.

Andrea Gacki,

Acting Director, Office of Foreign Assets Control.

Dated: April 28, 2017.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions Regulations

31 CFR Part 548

Executive Order 13405 of June 16, 2006

Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus

GENERAL LICENSE NO. 2D

General License With Respect to Entities Blocked Pursuant to Executive Order 13405

(a) General License No. 2C, dated April 28, 2017, is replaced and superseded in its entirety by this General License No. 2D.

(b) Effective October 30, 2015, except as provided in paragraphs (c) through (f) below, all transactions otherwise prohibited by Executive Order 13405 involving the following named entities, or any entities that are owned, individually or in the aggregate, directly or indirectly, 50 percent or more by one or more of the following named entities, are authorized:

- Belarusian Oil Trade House
- Belneftekhim
- Belneftekhim USA, Inc.
- Belshina OAO
- Grodno Azot OAO
- Grodno Khimvolokno OAO
- Lakokraska OAO
- Naftan OAO
- Polotsk Steklovolokno OAO

(c) Unless otherwise authorized by the Office of Foreign Assets Control, all property and interests in property of the entities described in paragraph (b) that were blocked pursuant to E.O. 13405 prior to October 30, 2015 remain blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(d) This general license does not authorize transactions, directly or indirectly, with any other person whose property and interests in property are blocked pursuant to 31 CFR 548.201(a) or Executive Order 13405, even if those transactions are conducted through any of the entities described in paragraph (b), above.

(e) U.S. persons engaging in transactions involving, directly or indirectly, any of the entities described in paragraph (b) as authorized by this general license are required, no later than 30 days after the execution of any such transaction in excess of $50,000, or any series of such transactions exceeding $50,000, to file a report with the U.S. Department of State, Office of Eastern European Affairs, 2201 C Street NW, Washington, DC 20520. Such reports shall include the following numbered sections and information:

(1) Estimated or actual dollar value of the transaction(s), as determined by the value of the goods, services, or contract;

(2) The parties involved;

(3) The type and scope of activities conducted; and

(4) The dates or duration of the activities.

Reports may also be filed via email to *BelarusGL@state.gov.*

Note to paragraph (e): U.S. financial institutions are not required to file a report if there are other U.S. persons involved in the reportable transaction that are not financial institutions.

(f) This authorization expires on April 30, 2018, unless extended or revoked.

John E. Smith,

Director, Office of Foreign Assets Control.

Dated: October 24, 2017.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions Regulations

31 CFR Part 548

Executive Order 13405 of June 16, 2006

Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus

GENERAL LICENSE NO. 2E

General License With Respect to Entities Blocked Pursuant to Executive Order 13405

(a) General License No. 2D, dated October 24, 2017, is replaced and superseded in its entirety by this General License No. 2E.

(b) Effective October 30, 2015, except as provided in paragraphs (c) through (f) below, all transactions otherwise prohibited by Executive Order 13405 involving the following named entities, or any entities that are owned, individually or in the aggregate, directly or indirectly, 50 percent or more by one or more of the following named entities, are authorized:

- Belarusian Oil Trade House
- Belneftekhim
- Belneftekhim USA, Inc.
- Belshina OAO
- Grodno Azot OAO
- Grodno Khimvolokno OAO
- Lakokraska OAO
- Naftan OAO
- Polotsk Steklovolokno OAO

(c) Unless otherwise authorized by the Office of Foreign Assets Control, all property and interests in property of the entities described in paragraph (b) that were blocked pursuant to E.O. 13405 prior to October 30, 2015 remain blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(d) This general license does not authorize transactions, directly or indirectly, with any other person whose property and interests in property are blocked pursuant to 31 CFR 548.201(a) or Executive Order 13405, even if those transactions are conducted through any of the entities described in paragraph (b), above.

(e) U.S. persons engaging in transactions involving, directly or indirectly, any of the entities described in paragraph (b) as authorized by this general license are required, no later than 30 days after the execution of any such transaction in excess of $50,000, or any series of such transactions exceeding $50,000, to file a report with the U.S. Department of State, Office of Eastern European Affairs, 2201 C Street NW, Washington, DC 20520. Such

reports shall include the following numbered sections and information:

(1) Estimated or actual dollar value of the transaction(s), as determined by the value of the goods, services, or contract;

(2) The parties involved;

(3) The type and scope of activities conducted; and

(4) The dates or duration of the activities.

Reports may also be filed via email to *BelarusGL@state.gov.*

Note to paragraph (e): U.S. financial institutions are not required to file a report if there are other U.S. persons involved in the reportable transaction that are not financial institutions.

(f) This authorization expires on October 30, 2018, unless extended or revoked.

John E. Smith,

Director, Office of Foreign Assets Control.

Dated: April 27, 2018.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions Regulations

31 CFR Part 548

Executive Order 13405 of June 16, 2006

Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus

GENERAL LICENSE NO. 2F

General License With Respect to Entities Blocked Pursuant to Executive Order 13405

(a) General License No. 2E, dated April 27, 2018, is replaced and superseded in its entirety by this General License No. 2F.

(b) Effective October 30, 2015, except as provided in paragraphs (c) through (f) below, all transactions otherwise prohibited by Executive Order 13405 involving the following named entities, or any entities that are owned, individually or in the aggregate, directly or indirectly, 50 percent or more by one or more of the following named entities, are authorized:

- Belarusian Oil Trade House
- Belneftekhim
- Belneftekhim USA, Inc.
- Belshina OAO
- Grodno Azot OAO
- Grodno Khimvolokno OAO
- Lakokraska OAO
- Naftan OAO
- Polotsk Steklovolokno OAO

(c) Unless otherwise authorized by the Office of Foreign Assets Control, all property and interests in property of the entities described in paragraph (b) that were blocked pursuant to E.O. 13405 prior to October 30, 2015 remain blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(d) This general license does not authorize transactions, directly or indirectly, with any other person whose property and interests in property are blocked pursuant to 31 CFR 548.201(a) or Executive Order 13405, even if those transactions are conducted through any of the entities described in paragraph (b), above.

(e) U.S. persons engaging in transactions involving, directly or indirectly, any of the entities described in paragraph (b) as authorized by this general license are required, no later than 30 days after the execution of any such transaction in excess of $50,000, or any series of such transactions exceeding $50,000, to file a report with the U.S. Department of State, Office of Eastern European Affairs, 2201 C Street NW, Washington, DC 20520. Such reports shall include the following numbered sections and information:

(1) Estimated or actual dollar value of the transaction(s), as determined by the value of the goods, services, or contract;

(2) The parties involved;

(3) The type and scope of activities conducted; and

(4) The dates or duration of the activities.

Reports may also be filed via email to *BelarusGL@state.gov.*

Note to paragraph (e): U.S. financial institutions are not required to file a report if there are other U.S. persons involved in the reportable transaction that are not financial institutions.

(f) This authorization expires on October 25, 2019, unless extended or revoked.

Andrea Gacki,

Director, Office of Foreign Assets Control.

Dated: October 24, 2018.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions Regulations

31 CFR Part 548

Executive Order 13405 of June 16, 2006

Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus

GENERAL LICENSE NO. 2G

General License With Respect to Entities Blocked Pursuant to Executive Order 13405

(a) General License No. 2F, dated October 24, 2018, is replaced and superseded in its entirety by this General License No. 2G.

(b) Effective October 30, 2015, except as provided in paragraphs (c) through (f) below, all transactions otherwise prohibited by Executive Order 13405 involving the following named entities, or any entities that are owned, individually or in the aggregate, directly or indirectly, 50 percent or more by one or more of the following named entities, are authorized:

- Belarusian Oil Trade House
- Belneftekhim
- Belneftekhim USA, Inc.
- Belshina OAO
- Grodno Azot OAO
- Grodno Khimvolokno OAO
- Lakokraska OAO
- Naftan OAO
- Polotsk Steklovolokno OAO

(c) Unless otherwise authorized by the Office of Foreign Assets Control, all property and interests in property of the entities described in paragraph (b) that were blocked pursuant to E.O. 13405 prior to October 30, 2015 remain blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(d) This general license does not authorize transactions, directly or indirectly, with any other person whose property and interests in property are blocked pursuant to 31 CFR 548.201(a) or Executive Order 13405, even if those transactions are conducted through any of the entities described in paragraph (b), above.

(e) U.S. persons engaging in transactions involving, directly or indirectly, any of the entities described in paragraph (b) as authorized by this general license are required, no later than 30 days after the execution of any such transaction in excess of $50,000, or any series of such transactions exceeding $50,000, to file a report with the U.S. Department of State, Office of Eastern European Affairs, 2201 C Street NW, Washington, DC 20520. Such reports shall include the following numbered sections and information:

(1) Estimated or actual dollar value of the transaction(s), as determined by the value of the goods, services, or contract;

(2) The parties involved;

(3) The type and scope of activities conducted; and

(4) The dates or duration of the activities.

Reports may also be filed via email to *BelarusGL@state.gov.*

Note to paragraph (e): U.S. financial institutions are not required to file a report if there are other U.S. persons involved in the reportable transaction that are not financial institutions.

(f) This authorization expires at 12:01 a.m. eastern daylight time on April 26, 2021 unless extended or revoked.

Andrea Gacki,

Director, Office of Foreign Assets Control.

Dated: October 22, 2019.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions Regulations

31 CFR Part 548

GENERAL LICENSE NO. 2H

Authorizing the Wind Down of Transactions Involving Certain Blocked Entities

(a) Except as provided in paragraph (b) of this general license, all transactions and activities prohibited by the Belarus Sanctions Regulations, 31 CFR part 548 (the BSR), that are ordinarily incident and necessary to the wind down of transactions involving the following named entities or any entities in which the following named entities own, individually or in the aggregate, directly or indirectly, a 50 percent or greater interest, are authorized through 12:01 a.m. eastern daylight time, June 3, 2021:

- Belarusian Oil Trade House
- Belneftekhim
- Belneftekhim USA, Inc.
- Belshina OAO
- Grodno Azot OAO
- Grodno Khimvolokno OAO
- Lakokraska OAO
- Naftan OAO
- Polotsk Steklovolokno OAO

(b) This general license does not authorize:

(1) The unblocking of any property blocked pursuant to any part of 31 CFR chapter V, including all property and interests in property of the blocked persons identified in paragraph (a) of this general license that were blocked prior to October 30, 2015; or

(2) Any transactions or activities otherwise prohibited by the BSR, or prohibited by any other part of 31 CFR chapter V, statute, or Executive order, or involving any blocked persons other than the blocked persons identified in paragraph (a) of this general license.

(c) U.S. persons participating in a transaction, or series of transactions, authorized by this general license, in excess of $50,000 are required, no later than 30 days after the execution of any such transaction(s), to file a report with the U.S. Department of State, Office of Eastern European Affairs, 2201 C Street NW, Washington, DC 20520. Reports may also be filed via email to *BelarusGL@state.gov.* Such reports shall include the following numbered sections and information:

(1) Estimated or actual dollar value of the transaction(s), as determined by the value of the goods, services, or contract;

(2) The parties involved;

(3) The type and scope of activities conducted; and

(4) The dates or duration of the activities.

Note to paragraph (c): U.S. financial institutions are not required to file a report if there are other U.S. persons involved in the reportable transaction that are not financial institutions.

(d) Effective April 19, 2021, General License No. 2G, dated October 22, 2019, is replaced and superseded in its entirety by this General License No. 2H.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control.

Dated: April 19, 2021.

Andrea M. Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2023–11866 Filed 6–5–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 548

Publication of Belarus Sanctions Regulations Web General License 1 and Subsequent Iterations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing five general licenses (GLs) issued pursuant to the Belarus Sanctions Regulations: GLs 1, 1–A, 1–B, 1–C, and 1–D, each of which was previously made available on OFAC's website.

DATES: GL 1 was issued on September 4, 2008. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

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

SUPPLEMENTARY INFORMATION:

Electronic Availability

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

Background

On September 4, 2008, OFAC issued GL 1 to authorize certain transactions otherwise prohibited by Executive Order 13405 of June 16, 2006, ''Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus'' (71 FR 35485, June 20, 2006). Subsequently, OFAC issued four further iterations of GL 1: on February 19, 2009, OFAC issued GL 1–A, which superseded GL 1; on May 21, 2009, OFAC issued GL 1–B, which superseded GL 1–A; on November 13, 2009, OFAC issued GL 1–C, which superseded GL 1–B; and on May 17, 2010, OFAC issued GL 1–D, which superseded GL 1–C. Each GL was made available on OFAC's website (*www.treas.gov/ofac*) when it was issued. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions

GENERAL LICENSE NO. 1

Transactions With Certain Blocked Persons in Belarus Authorized

(a) Effective September 4, 2008, all transactions between U.S. persons and Lakokraska OAO and/or Polotsk Steklovolokno OAO, two entities that were designated on May 15, 2008, pursuant to Executive Order 13405 of June 16, 2006 (71 FR 35485, June 20, 2006) (''E.O. 13405''), are authorized for a period of 180 days [until March 2, 2009].

(b) Unless otherwise authorized by the Office of Foreign Assets Control, all property and interests in property of Lakokraska OAO or Polotsk Steklovolokno OAO that were previously blocked pursuant to E.O. 13405 remain blocked. A U.S. person may not procure goods, services, or technology from, or engage in transactions with, any other blocked person directly or indirectly through Lakokraska OAO or Polotsk Steklovolokno OAO.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

Date: September 4, 2008.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions

GENERAL LICENSE NO. 1–A

Transactions With Certain Blocked Persons in Belarus Authorized

(a) Effective September 4, 2008, all transactions between U.S. persons and Lakokraska OAO and/or Polotsk Steklovolokno OAO, two entities that were designated on May 15, 2008, pursuant to Executive Order 13405 of June 16, 2006 (71 FR 35485, June 20,

2006) (''E.O. 13405''), are authorized for a period of 270 days [until June 1, 2009].

(b) Unless otherwise authorized by the Office of Foreign Assets Control, all property and interests in property of Lakokraska OAO or Polotsk Steklovolokno OAO that were previously blocked pursuant to E.O. 13405 remain blocked. A U.S. person may not procure goods, services, or technology from, or engage in transactions with, any other blocked person directly or indirectly through Lakokraska OAO or Polotsk Steklovolokno OAO.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

Date: February 19, 2009.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions

GENERAL LICENSE NO. 1–B

Transactions With Certain Blocked Persons in Belarus Authorized

(a) Effective September 4, 2008, all transactions between U.S. persons and Lakokraska OAO and/or Polotsk Steklovolokno OAO, two entities that were designated on May 15, 2008, pursuant to Executive Order 13405 of June 16, 2006 (71 FR 35485, June 20, 2006) (''E.O. 13405''), are authorized. This authorization extends until November 30, 2009.

(b) Unless otherwise authorized by the Office of Foreign Assets Control, all property and interests in property of Lakokraska OAO or Polotsk Steklovolokno OAO that were previously blocked pursuant to E.O. 13405 remain blocked. A U.S. person may not procure goods, services, or technology from, or engage in transactions with, any other blocked person directly or indirectly through Lakokraska OAO or Polotsk Steklovolokno OAO.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

Date: May 21, 2009.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions

GENERAL LICENSE NO. 1–C

Transactions With Certain Blocked Persons in Belarus Authorized

(a) Effective September 4, 2008, all transactions between U.S. persons and Lakokraska OAO and/or Polotsk Steklovolokno OAO, two entities that were designated on May 15, 2008, pursuant to Executive Order 13405 of June 16, 2006 (71 FR 35485, June 20, 2006) (''E.O. 13405''), are authorized. This authorization extends until May 31, 2010.

(b) Unless otherwise authorized by the Office of Foreign Assets Control, all property and interests in property of Lakokraska OAO or Polotsk Steklovolokno OAO that were previously blocked pursuant to E.O. 13405 remain blocked. A U.S. person may not procure goods, services, or technology from, or engage in transactions with, any other blocked person directly or indirectly through Lakokraska OAO or Polotsk Steklovolokno OAO.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

Date: November 13, 2009.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions

GENERAL LICENSE NO. 1–D

Transactions With Certain Blocked Persons in Belarus Authorized

(a) Effective September 4, 2008, all transactions between U.S. persons and Lakokraska OAO and/or Polotsk Steklovolokno OAO, two entities that were designated on May 15, 2008, pursuant to Executive Order 13405 of June 16, 2006 (71 FR 35485, June 20, 2006) (''E.O. 13405''), are authorized. This authorization extends until November 30, 2010.

(b) Unless otherwise authorized by the Office of Foreign Assets Control, all property and interests in property of Lakokraska OAO or Polotsk Steklovolokno OAO that were previously blocked pursuant to E.O. 13405 remain blocked. A U.S. person may not procure goods, services, or technology from, or engage in transactions with, any other blocked person directly or indirectly through Lakokraska OAO or Polotsk Steklovolokno OAO.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

Date: May 17, 2010.

Andrea M. Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2023–11867 Filed 6–5–23; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 548

Publication of Belarus Sanctions Regulations Web General Licenses 3, 4, 5, 6, and 7

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing five general licenses (GLs) issued pursuant to the Belarus Sanctions Regulations: GLs 3, 4, 5, 6, and 7, each of which was previously made available on OFAC's website.

DATES: GL 3 was issued on June 21, 2021. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

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

SUPPLEMENTARY INFORMATION:

Electronic Availability

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

Background

On June 21, 2021, OFAC issued GL 3 to authorize certain transactions otherwise prohibited by the Belarus Sanctions Regulations, 31 CFR part 548 (the BSR). On August 9, 2021, OFAC issued GL 4, and on December 2, 2021, OFAC issued GL 5, each to authorize certain transactions otherwise prohibited by Executive Order (E.O.) 14038 of August 9, 2021, ''Blocking Property of Additional Persons Contributing to the Situation in Belarus'' (86 FR 43905, August 11, 2021). On February 24, 2022, OFAC issued GL 6 to authorize certain transactions otherwise prohibited by the BSR. On February 24, 2022, OFAC issued GL 7 to authorize certain transactions otherwise prohibited by the BSR and E.O. 14038. On March 22, 2023, OFAC incorporated the prohibitions of E.O. 14038, as well as any further Executive orders issued pursuant to the national emergency declared in E.O. 13405 of June 16, 2006, ''Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus'' (71 FR 35485,

June 20, 2006), into the BSR. Each GL was made available on OFAC's website (*www.treas.gov/ofac*) when it was issued. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions Regulations

31 CFR Part 548

GENERAL LICENSE NO. 3

Authorizing Certain Transactions With the State Security Committee of the Republic of Belarus

(a) Except as provided in paragraph (b) of this general license, all transactions and activities prohibited by the Belarus Sanctions Regulations, 31 CFR part 548 (the BSR), involving the State Security Committee of the Republic of Belarus (the Belarusian KGB) are authorized, provided that such transactions and activities are necessary and ordinarily incident to:

(1) Requesting, receiving, utilizing, paying for, or dealing in licenses, permits, certifications, or notifications issued or registered by the Belarusian KGB for the importation, distribution, or use of information technology products in Belarus, provided that (i) the exportation, reexportation, or provision of any goods or technology that are subject to the Export Administration Regulations, 15 CFR parts 730 through 774, is licensed or otherwise authorized by the Department of Commerce; and (ii) the payment of any fees to the Belarusian KGB for such licenses, permits, certifications, or notifications does not exceed $5,000 in any calendar year;

Note to paragraph (a)(1). Except for the limited purposes described in paragraph (a)(1), this paragraph does not authorize the exportation, reexportation, or provision of goods or technology to or on behalf of the Belarusian KGB.

(2) Complying with law enforcement or administrative actions or investigations involving the Belarusian KGB; and

(3) Complying with rules and regulations administered by the Belarusian KGB.

(b) This general license does not authorize:

(1) The transfer of any property or debiting of any account blocked pursuant to any Executive order, statute, or 31 CFR chapter V; or

(2) Any transactions or activities otherwise prohibited by the BSR, prohibited by any other part of 31 CFR chapter V, statute, or Executive order, or involving any blocked person other than the blocked person described in paragraph (a) of this general license.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control.

Dated: June 21, 2021.

OFFICE OF FOREIGN ASSETS CONTROL

Executive Order of August 9, 2021

Blocking Property of Additional Persons Contributing to the Situation in Belarus

GENERAL LICENSE NO. 4

Authorizing the Wind Down of Transactions Involving Belaruskali OAO

(a) Except as provided in paragraph (b) of this general license, all transactions and activities prohibited by Executive Order (E.O.) of August 9, 2021 that are ordinarily incident and necessary to the wind down of transactions involving Belaruskali OAO, or any entity in which Belaruskali OAO owns, directly or indirectly, a 50 percent or greater interest, are authorized through 12:01 a.m. eastern standard time, December 8, 2021.

(b) This general license does not authorize any transactions or activities otherwise prohibited by E.O. of August 9, 2021, or prohibited by any part of 31 CFR chapter V, statute, or other E.O., or involving any blocked persons other than the blocked persons identified in paragraph (a) of this general license.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control.

Dated: August 9, 2021.

OFFICE OF FOREIGN ASSETS CONTROL

Executive Order 14038 of August 9, 2021

Blocking Property of Additional Persons Contributing to the Situation in Belarus

GENERAL LICENSE NO. 5

Authorizing the Wind Down of Transactions Involving Open Joint Stock Company Belarusian Potash Company or Agrorozkvit LLC

(a) Except as provided in paragraph (b) of this general license, all transactions and activities prohibited by Executive Order (E.O.) 14038 that are ordinarily incident and necessary to the wind down of transactions involving Open Joint Stock Company Belarusian Potash Company (BPC) or Agrorozkvit LLC, or any entity in which BPC or Agrorozkvit LLC owns, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest, including the wind down of such transactions in which Belaruskali OAO has a property interest, are authorized through 12:01 a.m. eastern standard time, April 1, 2022.

(b) This general license does not authorize any transactions or activities otherwise prohibited by E.O. 14038, or prohibited by any part of 31 CFR chapter V, statute, or other E.O., or involving any blocked persons except as authorized in paragraph (a) of this general license.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control.

Dated: December 2, 2021.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions Regulations

31 CFR Part 548

GENERAL LICENSE NO. 6

Official Business of the United States Government

All transactions prohibited by the Belarus Sanctions Regulations, 31 CFR 548, that are for the conduct of the official business of the United States Government by employees, grantees, or contractors thereof are authorized.

Note to General License No. 6. *See also* section 9 of Executive Order 14038 of August 9, 2021, which exempts transactions for the conduct of the official business of the Federal Government by employees, grantees, or contractors thereof.

Andrea M. Gacki,

Director, Office of Foreign Assets Control.

Dated: February 24, 2022.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions Regulations

31 CFR Part 548

Executive Order 14038 of August 9, 2021

Blocking Property of Additional Persons Contributing to the Situation in Belarus

GENERAL LICENSE NO. 7

Official Business of Certain International Organizations and Entities

All transactions prohibited by the Belarus Sanctions Regulations, 31 CFR 548, or Executive Order 14038 that are for the conduct of the official business of the following entities by employees, grantees, or contractors thereof are authorized:

(a) The United Nations, including its Programmes, Funds, and Other Entities

and Bodies, as well as its Specialized Agencies and Related Organizations;

(b) The International Centre for Settlement of Investment Disputes (ICSID) and the Multilateral Investment Guarantee Agency (MIGA);

(c) The African Development Bank Group, the Asian Development Bank, the European Bank for Reconstruction and Development, and the Inter-American Development Bank Group (IDB Group), including any fund entity administered or established by any of the foregoing; and

(d) The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies.

Andrea M. Gacki,

Director, Office of Foreign Assets Control.

Dated: February 24, 2022.

Andrea M. Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2023–11868 Filed 6–5–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2023–0266]

Special Local Regulations; Marine Events Within the Fifth Coast Guard District—Lower Township, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a special local regulation for the Escape the Cape Swim from 6:30 a.m. through 10:30 a.m. on June 11, 2023. This action is necessary to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event. During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign. Non-participants must request permission to enter the regulated area.

DATES: The regulation 33 CFR 100.501 will be enforced for the special local regulation listed in Table 1 to Paragraph (i)(1) of § 100.501 for the Escape the Cape Swim from 6:30 a.m. through 10:30 a.m. on June 11, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, you may call or email Petty Officer Dylan Caikowski, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone 215–271–4814, email *SecDelBayWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulation in Table 1 to Paragraph (i)(1) in 33 CFR 100.501, for the regulated area of the Escape the Cape Swim from 6:30 a.m. to 10:30 a.m. on June 11, 2023. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District, § 100.501, specifies the location of the regulated area for the ''Escape the Cape Swim'' which encompasses portions of the Delaware Bay off Lower Township, NJ. During the enforcement period, as reflected in § 100.100(g), if you are the operator of a vessel in the regulated area, you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign. Non-participants are only allowed inside the regulated area to pass through or enter and remain within a designated spectator area. A non-participant must contact the Event Patrol Commander or an official patrol vessel to request permission to either enter the Spectator Area or pass through the regulated area.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and Broadcast Notice to Mariners.

Dated: May 30, 2023.

Jonathan D. Theel,

Captain, U.S. Coast Guard, Captain of the Port, Sector Delaware Bay.

[FR Doc. 2023–11986 Filed 6–5–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2023–0378]

Special Local Regulations; Marine Events Within the Fifth Coast Guard District—Cape May, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a special local regulation for the Around the Island Paddle on June 25, 2023. This action is necessary to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event. During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign. Non-participants must request permission to enter the regulated area.

DATES: The regulation 33 CFR 100.501 will be enforced for the special local regulation listed in Table 1 to Paragraph (i)(1) of § 100.501 for the Around the Island Paddle from 8 a.m. through 1 p.m. on June 25, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, you may call or email Petty Officer Dylan Caikowski, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone 215–271–4814, email *SecDelBayWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulation in Table 1 to Paragraph (i)(1) in 33 CFR 100.501 for the regulated area of the Around the Island Paddle from 8 a.m. through 1 p.m. on June 25, 2023. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District, § 100.501, specifies the location of the regulated area for the ''Around the Island Paddle'' which encompasses portions of Cape May Harbor, Atlantic Ocean, and Delaware Bay in Cape May, NJ. During the enforcement period, as reflected in § 100.100(g), if you are the operator of a vessel in the regulated area, you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign. Non-participants are only allowed inside the regulated area to pass through or enter and remain within a designated spectator area. A non-participant must contact the Event Patrol Commander or an official patrol vessel to request permission to either enter the Spectator Area or pass through the regulated area.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and Broadcast Notice to Mariners.

Dated: May 30, 2023.

Jonathan D. Theel,

Captain, U.S. Coast Guard, Captain of the Port, Sector Delaware Bay.

[FR Doc. 2023–11984 Filed 6–5–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2023–0457]

RIN 1625–AA00

Safety Zone; Lake of the Ozarks MM .5–1, Approximately 500 Feet Off the Bagnell Dam, Lake of the Ozarks, MO

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters of the Lake of the Ozarks at mile marker .5 to mile marker 1 approximately 500 feet southwest of the Bagnell Dam. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by a series of fireworks displays. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Upper Mississippi River or a designated representative.

DATES: This rule is effective June 17, 2023, through September 2, 2023.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2023–0457 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, 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.*

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 Information and Regulatory History

The Coast Guard is issuing this temporary 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)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM would be impractical and contrary to the public interest due to the date the event is taking place. It is impracticable and contrary to the public interest to publish an NPRM because we must establish this safety zone by June 17, 2023, to guard against potential hazards associated with this series of events. Potential safety hazards include the accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest due to the date the event is taking place and the need to protect against associated potential hazards. It would be impracticable to wait 30 days after publishing because we must establish this safety zone by June 17, 2023.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Upper Mississippi River (COTP) has determined that potential hazards associated with Celebrations Cruise fireworks, on June 17, July 1, July 8, July 15, July 22, July 29, August 5, August 19, and September 2, 2023, will be a safety concern for anyone within the fallout zone. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the fireworks displays.

IV. Discussion of the Rule

This rule establishes a safety zone from June 17, 2023, through September 2, 2023. The zone will be enforced from 8:45 p.m. until 10:15 p.m. on each of the following days in 2023: June 17, July 1, July 8, July 15, July 22, July 29, August 5, August 19, and September 2. The safety zone will cover all navigable waters within the outlined fallout zone, on the Lake of the Ozarks, between Mile Markers .5 to 1 approximately 500 feet southwest of the Bagnell Dam. The duration of enforcement of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the fireworks display. No vessel or person will be permitted to transit the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this 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 rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on a series of fireworks displays that impact a one half mile stretch of the Lake of the Ozarks mile marker .5 to mile marker 1 approximately 500 feet southwest of the Bagnell Dam on June 17, July 1, July 8, July 15, July 22, July 29, August 5, August 19, and September 2, 2023 from 8:45 p.m. to 10:15 p.m. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the safety zone, mariners may seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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 call or email 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 will 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 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 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 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 involves a safety zone that will be enforced from 8:45 p.m. to 10:15 p.m. on June 17, July 1, July 8, July 15, July 22, July 29, August 5, August 19, and September 2, 2023, that will prohibit entry on the Lake of the Ozarks between MM .5 to MM 1 approximately 500 feet southwest of the Bagnell Dam. It is categorically excluded from further review under paragraph L60 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.

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.

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 amends 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.T08–0457 to read as follows:

§ 165.T08–0457 Safety Zone[s]; Safety Zone, Lake of the Ozarks, Mile Markers .5–1, Lake of the Ozarks, MO.

(a) *Location.* The following area is a safety zone: all navigable waters of the Lake of the Ozarks at mile marker .5 to mile marker 1 approximately 500 feet southwest of the Bagnell Dam.

(b) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's 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 the USCG Sector Upper Mississippi River.

(2) To seek permission to enter, contact the COTP or the COTP's representative via VHF–FM channel 16, or through USCG Sector Upper Mississippi River at 314–269–2332. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(c) *Enforcement period.* This safety zone will be enforced from 8:45 p.m. to 10:15 p.m. each of the following days in 2023: June 17, July 1, July 8, July 15, July 22, July 29, August 5, August 19, and September 2, 2023.

Dated: May 31, 2023.

A.R. Bender,

Captain, U.S. Coast Guard, Captain of the Port Sector Upper Mississippi River.

[FR Doc. 2023–12064 Filed 6–5–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2023–0217]

Safety Zones; Fireworks Displays in the Fifth Coast Guard District—Avalon, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the North Atlantic Ocean, Avalon, NJ; Safety Zone from 9 p.m. through 10 p.m. on July 4, 2023, or a rain date of July 5, 2023, to provide for the safety of life

on navigable waterways during a barge-based fireworks display. During the enforcement period, no person or vessel may enter, remain in, or transit through the regulated area, and anyone in the vicinity must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 165.506 for Avalon, NJ will be enforced from 9 p.m. through 10 p.m. on July 4, 2023, or a rain date of July 5, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Petty Officer Dylan Caikowski, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone: (215) 271–4814, Email: *SecDelBayWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

The Coast Guard will enforce the safety zone in table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 1 for a barge-based fireworks display from 9 p.m. through 10 p.m. on July 4, 2023, or a rain date of July 5, 2023. This action is necessary to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after the fireworks display. Our regulation for safety zones of fireworks displays in the Fifth Coast Guard District, table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 1, specifies the location of the regulated area as all waters of the North Atlantic Ocean, in the vicinity of the shoreline at Avalon, NJ, within a 500-yard radius of the fireworks barge position. The approximate position for the fireworks barge is latitude 39°06′17.96″ N, longitude 074°42′05.47″ W. During the enforcement period, as reflected in § 165.506(d), vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on-scene.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via Local Notice to Mariners and Broadcast Notice to Mariners.

Dated: May 30, 2023.

Jonathan D. Theel,

Captain, U.S. Coast Guard Captain of the Port Delaware Bay.

[FR Doc. 2023–12015 Filed 6–5–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2023–0406]

Security Zone; Portland Rose Festival on Willamette River

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the security zone for the Portland Rose Festival on the Willamette River in Portland, OR, from noon on June 6, 2023 through noon on June 12, 2023. This action is necessary to ensure the security of vessels participating in the 2023 Portland Rose Festival on the Willamette River during the event. Our regulation for the Security Zone Portland Rose Festival on the Willamette River identifies the regulated area. During the enforcement period, no person or vessel may enter or remain in the security zone without permission from the Sector Columbia River Captain of the Port.

DATES: The regulations in 33 CFR 165.1312 will be enforced from noon on June 6, 2023 through noon on June 12, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LT Carlie Gilligan, Waterways Management Division, Sector Columbia River, U.S. Coast Guard; telephone 503–240–9319, email *D13-SMB-MSUPortlandWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the security zone for the Portland Rose Festival in 33 CFR 165.1312 for the Willamette River regulated area from noon on June 6, 2023 through noon on June 12, 2023. This action is necessary to ensure the security of vessels participating in the 2023 Portland Rose Festival on the Willamette River during the event. Under the provisions of 33 CFR 165.1312 and subpart D of Part 165, no person or vessel may enter or remain in the security zone, consisting of all waters of the Willamette River, from surface to bottom, encompassed by the Hawthorne and Steel Bridges, without permission from the Sector Columbia River Captain of the Port. Persons or vessels wishing to enter the security zone may request permission to do so from the on-scene Captain of the Port representative via VHF Channel 16 or 13. The Coast Guard may be assisted by other Federal, State, or local enforcement agencies in enforcing this regulation.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts.

Dated: May 30, 2023.

J.W. Noggle,

Captain, U.S. Coast Guard, Captain of the Port Columbia River.

[FR Doc. 2023–11926 Filed 6–5–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2023–0425]

RIN 1625–AA00

Safety Zone; Allegheny River Mile Markers 0.0–0.3, Pittsburgh, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for the Allegheny River on June 19, 2023, at mile marker 0 to mile marker 0.3 from 9:30 p.m. through 10 p.m. This action is necessary to provide for the safety of life on the navigable waters during a firework display. This rule prohibits persons and vessels from being in the safety zone unless authorized by the Captain of the Port Pittsburgh (COTP) or a designated representative.

DATES: This rule is effective on June 19, 2023, from 9:30 p.m. through 10 p.m.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2023–0425 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LTJG Eyobe Mills, Marine Safety Unit Pittsburgh, U.S. Coast Guard, at telephone 412–221–0807, email *Eyobe.D.Mills@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 Information and Regulatory History

The Coast Guard is issuing this temporary 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)(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 and contrary to the public interest. This safety zone must be established by June 19, 2023, to provide for the safety of life on the navigable waters during a firework display, and we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule. The NPRM process would delay the establishment of the safety zone until after the date of the firework display. Vessels inside of the safety zone have the potential of getting hit by firework debris.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because action is needed by June 19, 2023, to ensure the safety of the of life on the navigable waters during the firework display.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Pittsburgh (COTP) has determined that potential hazards associated with a firework show on June 19, 2023, will be a safety concern for anyone on the Allegheny River from mile markers 0.0 to mile marker 0.3 from 9:30 p.m. to 10 p.m.. The purpose of this rule is to ensure safety of the participant, vessels, and the navigable waters in the safety zone before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 9:30 p.m. until 10 p.m. on June 19, 2023. The safety zone will cover all navigable waters on the Allegheny River from mile markers 0.0 to mile marker 0.3. The duration of the zone is intended to protect personnel, vessels, and the marine environment in the navigable waters during a firework display.

No vessel or person is permitted to enter the safety zone without obtaining permission from the COTP or a designated representative of the COTP. 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 the COTP. To seek permission to enter, contact the COTP or a designated representative via VHF–FM channel 16, or through Marine Safety Unit Pittsburgh at 412–221–0807. Persons and vessels permitted to enter the safety zone must comply with all lawful orders or directions issued by the COTP or designated representative. 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 through Local Notice to Mariners (LNMs), Broadcast Notices to Mariners (BNMs), and/or Marine Safety Information Bulletins (MSIBs), as appropriate.

V. Regulatory Analyses

We developed this 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 rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on size, location, and duration of the temporary safety zone. This safety zone only impacts a 0.3 mile stretch on the Allegheny River for 30 minutes on June 19, 2023. Moreover, the Coast Guard will issue Local Notice to Mariners and Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone and the rule allows vessels to seek permission from the COTP to transit the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this 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 safety zone 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 call or email 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 will 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 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 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 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 involves a temporary safety zone lasting 30 minutes on June 19, 2023, on the Allegheny River. It is 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.

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.

List of Subjects in 33 CFR Part 165

Marine safety, Navigation (water), Reporting, and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 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.T08–0425 to read as follows:

§ 165.T08–0425 Safety Zone Allegheny River, Pittsburgh, PA.

(a) *Location.* The following area is a temporary safety zone on the Allegheny River from mile marker 0.0 to mile marker 0.3.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Pittsburgh (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on Channel 16 or at 412–670–4288. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section is effective from 9:30 p.m. through 10 p.m. on June 19, 2023. The temporary safety zone will be enforced during the 30 minutes firework show.

Eric J. Velez,

Commander, U.S. Coast Guard, Captain of the Port, MSU Pittsburgh.

[FR Doc. 2023–11985 Filed 6–5–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2023–0455]

Safety Zones; Annual Events in the Captain of the Port Buffalo Zone

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulations.

SUMMARY: The Coast Guard will enforce multiple safety zones located in federal regulations for recurring marine events taking place in July 2023. This action is necessary and intended for the safety of life and property on navigable waters during these events. During the enforcement periods, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo or a designated representative.

DATES: The Coast Guard will enforce the following regulations listed in 33 CFR 165.939, Table 165.939, July Safety Zones:

1. Entry (a)(7) Blazing Paddles (a.k.a. Blazing Paddles Paddle Fest)—from 7:15 a.m. through 1:45 p.m. on July 22, 2023
2. Entry (b)(10) Sheffield Lake Annual Community Days (a.k.a. Sheffield Lake Annual Community Day Festival)—from 09:45 p.m. through 10:35 p.m. on July 21, 2023
3. Entry (d)(1) Madison Light Up the Park (a.k.a. Madison Township Light Up the Park)—from 9:15 p.m. through 10:15 p.m. on July 22, 2023

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LT. Jared Stevens, Waterways Management Division, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216–937–0124, email *D09-SMB-MSUCLEVELAND-WWM@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce multiple safety zones for annual events in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939, Table 165.939 for events occurring in the month of July as listed in the **DATES** section above. Pursuant to

33 CFR 165.23, entry into, transiting, or anchoring within these safety zones during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or his designated representative. Those seeking permission to enter the safety zone may request permission from the Captain of Port Buffalo via channel 16, VHF–FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or his designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that the safety zone need not be enforced for the full duration stated in this notice, he may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: May 30, 2023.

J.B. Bybee,

Commander, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2023–12033 Filed 6–5–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2023–0279]

Safety Zones; Fireworks Displays in the Fifth Coast Guard District—Lewes, DE

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Delaware Bay, Lewes, DE; Safety Zone from 9 p.m. through 10 p.m. on July 4, 2023, or on a rain date of July 5, 2023, to provide for the safety of life on navigable waterways during a barge-based fireworks display. During the enforcement period, no person or vessel may enter, remain in, or transit through the regulated area, and anyone in the vicinity must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The portion of the regulation 33 CFR 165.506 for Lewes, DE, as identified in entry 12 of table 1 to paragraph (h)(1), will be enforced from 9 p.m. through 10 p.m. on July 4, 2023, or on a rain date of July 5, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, you may call or email Petty Officer Dylan Caikowski, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone 215–271–4814, email *SecDelBayWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

The Coast Guard will enforce the safety zone in table 1 to paragraph (h)(1) to 33 CFR 165.506, entry No. 12, for a barge-based fireworks display from 9 p.m. through 10 p.m. on July 4, 2023, or on a rain date of July 5, 2023. This action is necessary to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after a fireworks display. Our regulation for safety zones of fireworks displays within the Fifth Coast Guard District, table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 12 specifies the location of the regulated area as all waters of the Delaware Bay off Lewes, DE, within a 350-yard radius of the fireworks barge position. The approximate position for the display is latitude 38°47′12″ N, longitude 075°07′48″ W. During the enforcement period, as reflected in § 165.506(d), vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on-scene.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via Local Notice to Mariners and Broadcast Notice to Mariners.

Dated: May 30, 2023.

Jonathan D. Theel,

Captain, U.S. Coast Guard Captain of the Port Delaware Bay.

[FR Doc. 2023–12014 Filed 6–5–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2023–0417]

Safety Zone; Annual Fireworks Displays Within the Sector Columbia River Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce safety zone regulations at various locations in the Sector Columbia River Captain of the Port Zone from July 4, 2023 to July 22, 2023, to provide for the safety of life on navigable waters during fireworks displays. The regulation for fireworks displays within the Thirteenth Coast Guard District designates safety zones and identifies approximate dates for these events. Specific dates and times are identified in this notice. These regulations prohibit persons and vessels from being in the safety zones unless authorized by the Captain of the Port Sector Columbia River or a designated representative.

DATES: The regulations in 33 CFR 165.1315 will be enforced for the safety zones identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LT Carlie Gilligan, Waterways Management Division, Sector Columbia River, Coast Guard; telephone 503–240–9319, email *D13-SMB-MSUPortlandWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce safety zones in the table to 33 CFR 165.1315(a) for the following events during the designated enforcement periods within a 450-yard radius of the launch site at the listed locations. These safety zones are subject to enforcement at least 1 hour prior to the start and 1 hour after the conclusion of the events.

TABLE—DATES AND TIMES OF ENFORCEMENT OF 33 CFR 165.1315 SAFETY ZONES AT VARIOUS LOCATIONS WITHIN THE SECTOR COLUMBIA RIVER CAPTAIN OF THE PORT ZONE IN 2023

Event name	Event location	Date of event	Latitude	Longitude
Tri-City Chamber of Commerce Fireworks/ River of Fire Festival.	Kennewick, WA	July 4, 2023 9:30 to 11 p.m	46°13′37″ N	119°08′47″ W
City of St. Helens 4th of July Fireworks	St. Helens, OR	July 4, 2023 9:30 to 11 p.m	45°51′54″ N	122°47′26″ W
Toledo Summer Festival	Toledo, OR	July 15, 2023 9:30 to 11 p.m	44°37′08″ N	123°56′24″ W
Westport 4th of July	Westport, WA	July 4, 2023 9:30 to 11 p.m	46°54′17″ N	124°05′59″ W
Garibaldi Days Fireworks	Garibaldi, OR	July 22, 2023 9:30 to 11 p.m	45°33′13″ N	123°54′56″ W
Bald Eagle Days	Cathlamet, WA	July 15, 2023 9:30 to 11 p.m	46°12′14″ N	123°23′17″ W

All coordinates listed in the Table reference Datum NAD 1983.

During the enforcement periods, as reflected in § 165.1315(a), persons and vessels are prohibited from being in the regulated areas unless authorized by the Captain of the Port Sector Columbia River or a designated representative. In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of these enforcement periods via the Local Notice to Mariners and Broadcast notice to mariners.

Dated: May 30, 2023.

J.W. Noggle,

Captain, U.S. Coast Guard, Captain of the Port Sector Columbia River.

[FR Doc. 2023–11919 Filed 6–5–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2023–0381]

Safety Zones; Fireworks Displays in the Fifth Coast Guard District—Beach Haven, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Little Egg Harbor, Parker Island, NJ; Safety Zone on July 4, 2023, or on a rain date of July 5, 2023, to provide for the safety of life on navigable waterways during a barge-based fireworks display. Our regulation for marine events within the Fifth Coast Guard District identifies the boundaries of the regulated area. During the enforcement period, no person or vessel may enter, remain in, or transit through the regulated area, and anyone in the vicinity must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The portion of the regulation 33 CFR 165.506 for Parker Island, NJ, as identified in entry 7 of table 1 to paragraph (h)(1), will be enforced from 9 p.m. through 10 p.m. on July 4, 2023, or on a rain date of July 5, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, you may call or email Petty Officer Dylan Caikowski, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone 215–271–4814, email *SecDelBayWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

The Coast Guard will enforce the safety zone in table 1 to paragraph (h)(1) to 33 CFR 165.506, entry No. 7 for a barge-based fireworks display from 9 p.m. through 10 p.m. on July 4, 2023, or on a rain date of July 5, 2023. This action is necessary to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after a fireworks display. Our regulation for safety zones of fireworks displays within the Fifth Coast Guard District, table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 7 specifies the location of the regulated area as all waters of Little Egg Harbor within a 500-yard radius of the fireworks barge position. The approximate position for the barge is latitude 39°34′18.77″ N, longitude 074°14′36.2″ W. During the enforcement period, as reflected in § 165.506(d), vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on-scene.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via Local Notice to Mariners and Broadcast Notice to Mariners.

Dated: May 30, 2023.

Jonathan D. Theel,

Captain, U.S. Coast Guard Captain of the Port Delaware Bay.

[FR Doc. 2023–12024 Filed 6–5–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No.: PTO–P–2018–0031]

RIN 0651–AD31

Setting and Adjusting Patent Fees During Fiscal Year 2020

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Final rule; delay of effective date and final rule.

SUMMARY: The United States Patent and Trademark Office (USPTO) published a final rule in the **Federal Register** on August 3, 2020, that includes a fee for patent applications that are not filed in the DOCX format, except for design, plant, or provisional applications. The effective date of this new fee was most recently delayed in a final rule published in the **Federal Register** on March 27, 2023, and was scheduled to become effective on June 30, 2023. Through this final rule, the USPTO is delaying the effective date of this fee until January 17, 2024.

DATES: This final rule is effective on January 17, 2024. As of June 6, 2023, the effective date of amendatory instruction 2.i. (affecting 37 CFR 1.16(u)), published at 85 FR 46932 on August 3, 2020; and delayed at 86 FR 66192 on November 22, 2021, and at 87 FR 80073 on December 29, 2022; and as further amended at 88 FR 17147 on March 22, 2023; and thereafter delayed at 88 FR 18052 on March 27, 2023, is further delayed until January 17, 2024. The change to 37 CFR 1.16(u) in amendatory instruction 2.i., published at 85 FR 46932 on August 3, 2020, is applicable only to nonprovisional utility applications filed under 35 U.S.C. 111 for an original patent on or after January 17, 2024.

FOR FURTHER INFORMATION CONTACT: Mark O. Polutta, Senior Legal Advisor, Office of Patent Legal Administration, at

571–272–7709; or Eugenia A. Jones, Senior Legal Advisor, Office of Patent Legal Administration, at 571–272–7727. You can also send inquiries to *patentpractice@uspto.gov.*

SUPPLEMENTARY INFORMATION: On August 3, 2020, the USPTO published a final rule in the **Federal Register** that included a new fee set forth in § 1.16(u) with an effective date of January 1, 2022. See Setting and Adjusting Patent Fees During Fiscal Year 2020, 85 FR 46932. As specified in § 1.16(u), the fee is due for any application filed under 35 U.S.C. 111 for an original patent—except design, plant, or provisional applications—where the specification, claims, and/or abstract do not conform to the USPTO requirements for submission in the DOCX format. Therefore, the fee is due for nonprovisional utility applications filed under 35 U.S.C. 111, including continuing applications, that are not filed in the DOCX format.

Currently, applicants may file patent applications in the DOCX format through EFS-Web and Patent Center. The USPTO plans to retire EFS-Web and therefore encourages stakeholders and applicants to review the information about Patent Center available at *www.uspto.gov/PatentCenter.* The USPTO continues to hold many discussions and training sessions with stakeholders to ensure a fair and reasonable transition to the DOCX format.

The USPTO is delaying the effective date of the fee set forth in § 1.16(u) until January 17, 2024. This further delay will give the USPTO an opportunity, through a separate **Federal Register** Notice, to invite and consider public comments on a proposed information collection pertaining to the impact of the § 1.16(u) fee on the filing of nonprovisional utility applications under 35 U.S.C. 111, including continuing applications. As required by the Paperwork Reduction Act of 1995 (PRA), the USPTO will submit the proposed information collection together with a summary of any received comments to the Office of Management and Budget for review under the PRA. **Federal Register** Notices published by the USPTO pertaining to the PRA are available at *www.uspto.gov/learning-and-resources/federal-register-notices/federal-register-notices-2023.* The USPTO expects that this delay will afford sufficient time to complete the PRA clearance process.

This delay will also provide applicants more time to adjust to filing patent applications in the DOCX format. Applicants are encouraged to begin filing patent applications in the DOCX format before the new effective date of the fee. The USPTO also reminds applicants that they can file test submissions through the Patent Center training mode to practice filing in DOCX. Applicants who have not yet taken advantage of the DOCX training sessions the USPTO hosts are encouraged to do so. Information on filing application documents in DOCX and a link to the DOCX training sessions are available at *www.uspto.gov/patents/docx.*

Rulemaking Requirements

A. Administrative Procedure Act: This final rule revises the effective date of a final rule published on August 3, 2020, implementing a non-DOCX filing surcharge fee, and is a rule of agency practice and procedure pursuant to 5 U.S.C. 553(b)(A). See *JEM Broad. Co.* v. *F.C.C.,* 22 F.3d 32 (D.C. Cir. 1994) (''[T]he 'critical feature' of the procedural exception [in 5 U.S.C. 553(b)(A)] 'is that it covers agency actions that do not themselves alter the rights or interests of parties, although [they] may alter the manner in which the parties present themselves or their viewpoints to the agency.' '' (quoting *Batterton* v. *Marshall,* 648 F.2d 694, 707 (D.C. Cir. 1980))); see also *Bachow Commc'ns Inc.* v. *F.C.C.,* 237 F.3d 683, 690 (D.C. Cir. 2001) (rules governing an application process are procedural under the Administrative Procedure Act); *Inova Alexandria Hosp.* v. *Shalala,* 244 F.3d 342, 350 (4th Cir. 2001) (rules for handling appeals were procedural where they did not change the substantive standard for reviewing claims). Prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553(b) or (c) (or any other law). See *Cooper Techs. Co.* v. *Dudas,* 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), do not require notice-and-comment rulemaking for ''interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice'' (quoting 5 U.S.C. 553(b)(A))).

Moreover, the Director of the USPTO, pursuant to the authority at 5 U.S.C. 553(b)(B), finds good cause to adopt the change to the effective date of § 1.16(u) in this final rule without prior notice and an opportunity for public comment, as such procedures would be impracticable and contrary to the public interest. The change to the effective date will provide the public an opportunity to more fully comprehend the nature of, and prepare to comply with, the DOCX format before the new fee is effective, as well as provide the USPTO sufficient time to complete the PRA clearance process for the new fee. Delay of this provision to provide prior notice-and-comment procedures is also impracticable because it would allow § 1.16(u) to go into effect before the public is ready for the DOCX format. The Director finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness of this rule. Immediate implementation of the delay in the effective date of the fee is in the public interest because it will provide the public an opportunity to more fully comprehend the nature of, and prepare to comply with, the DOCX format before the new fee in § 1.16(u) is effective, as well as provide the USPTO sufficient time to complete the PRA clearance process for the new fee.

B. Regulatory Flexibility Act: As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 or any other law, neither a regulatory flexibility analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is required. See 5 U.S.C. 603.

C. Executive Order 12866 (Regulatory Planning and Review): This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

D. Paperwork Reduction Act: The PRA (44 U.S.C. 3507(d)) requires that the USPTO consider the impact of paperwork and other information collection burdens imposed on the public. The USPTO has determined that there are no new requirements for information collection associated with this final rule.

List of Subjects for 37 CFR Part 1

Administrative practice and procedure, Biologics, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble, the USPTO amends 37 CFR part 1 as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2), unless otherwise noted.

§ 1.16 [Amended]

■ 2. In § 1.16, amend paragraph (u) introductory text by removing ''June 30,

2023'' and adding ''January 17, 2024'' in its place.

Katherine K. Vidal,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2023–11917 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–16–P

POSTAL SERVICE

39 CFR Part 111

New Mailing Standards for Domestic Mailing Services Products

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: On April 10, 2023, the Postal Service (USPS®) filed a notice of mailing services price adjustments with the Postal Regulatory Commission (PRC), effective July 9, 2023. This final rule contains the revisions to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) to implement the changes coincident with the price adjustments and other minor DMM changes.

DATES: *Effective* July 9, 2023.

FOR FURTHER INFORMATION CONTACT: Doriane Harley at (202) 268–2537 or Dale Kennedy at (202) 268–6592.

SUPPLEMENTARY INFORMATION:

On May 31, 2023, the PRC favorably reviewed the price adjustments proposed by the Postal Service. The price adjustments and DMM revisions are scheduled to become effective on July 9, 2023. Final prices are available under Docket No. R2023–2 (Order No. 6526) on the Postal Regulatory Commission's website at *www.prc.gov.*

Marketing Mail Flat-Shaped—New Pricing Structure

Currently, the pricing structure for USPS Marketing Mail flat-shaped pieces uses a two-tier pricing approach. For pieces weighing 4 oz or less, only a per-piece price is charged. For pieces weighing over 4 oz but less than 16 oz, both a per-piece and per-pound rate is charged.

The Postal Service will change the way USPS Marketing Mail flats are priced. For each presort level, all pieces regardless of their weight will pay a piece price which will differ only by the entry level, *i.e.,* Origin, DNDC, DSCF, and DDU. The pound price would be applicable only to the weight above 4 ounces. For example, if the piece weighs 6 ounces, the pound price will be charged only for the 2 ounces that are above 4 ounces.

Discount for USPS Marketing Mail Letter-Shaped Pieces on SCF Pallets

Currently, the Postal Service offers discounts for USPS Marketing Mail flat-shaped pieces on SCF pallets. This discount would now be extended to letter-shaped USPS Marketing Mail pieces on SCF Pallets. This discount will be applicable to Automation and Nonautomation (AADC, 3-Digit and 5-Digit Presort) Letters, Carrier Route Letters, High Density Letters, High Density Plus Letter and Saturation Letters on SCF Pallets regardless of the entry (None, DNDC, and DSCF).

Registered Mail Service Fees

The Postal Service is revising the fee structure for Registered Mail® service. Currently, the fee structure includes the combined cost of handling and insurance, which incrementally increases in accordance with an item's declared value, up to $50,000.00—the maximum available amount of insurance reimbursement. For items with declared value over $50,000, there are incrementally increasing handling fees, although the maximum amount of insurance reimbursement remains capped at $50,000. The Postal Service is revising the fee structure to eliminate the additional handling fees for items with declared value over $50,000, and instead have a flat fee that will cover the cost of insurance (which remains capped at a maximum of $50,000, regardless of the declared value) and handling on all items with declared values over $50,000.00.

USPS Ground Advantage Insurance

Currently, the Postal Service does not include insurance coverage with USPS Ground Advantage—Retail and USPS Ground Advantage—Commercial (formerly First-Class Package Service—Retail and First-Class Package Service—Commercial) pieces against loss, damage, or missing contents. Additionally, the Postal Service does not include insurance with USPS Ground Advantage Return service (formerly First-Class Package Return Service) pieces.

The Postal Service will include insurance, limited to a maximum liability of $100.00, with USPS Ground Advantage—Retail and USPS Ground Advantage—Commercial pieces.

In addition, the Postal Service will include the $100.00 of insurance with USPS Ground Advantage Return service pieces. The inclusion of $100.00 of insurance with USPS Ground Advantage Return service pieces, along with Priority Mail Return service which already has insurance included, will eliminate the senders' option to purchase insurance.

Elimination of Service Type Code Combinations

The Postal Service is eliminating certain service type code (STC)/extra service code (ESC) combinations. The decision is based on those product and extra service code combinations with low use or low demand, and those that do not follow Postal Service compliance with Intelligent Mail package barcode rules. Mailers can speak with a USPS representative for details.

Marriage Mail 2 oz Incentive Price

Marriage Mail is a form of marketing mail in which marketing service companies combine advertisements from multiple businesses into a single mailpiece to reduce the cost of the mailing for individual customers.

The Postal Service will provide marriage mailers an incentive price on Saturation USPS Marketing Mail letters and flats including EDDM (not EDDM Retail) that weigh 2 ounces or less, if they meet certain requirements.

Among the requirements to be eligible to claim the incentive price are that qualifying Marriage Mail pieces must include at least 4 advertisers and must be mailed at minimum 10 times every 12 months (starting with the month of first claiming the incentive price).

Information on the requirements to claim the Marriage Mail Incentive price will be posted on PostalPro at *postalpro.usps.com.*

2024 Mailing Promotions

The Postal Service has been incenting mailers to integrate mobile technology and use innovative print techniques in commercial mail since 2012. These promotions have become an integral way for industry to try new things and innovate their mail campaigns. A 2024 Promotions Calendar is planned with opportunities for mailers to receive a postage discount by applying treatments or integrating technology in their mail campaigns.

These revisions will provide consistency within postal products and add value for customers.

Market Dominant comments on Proposed changes and USPS responses.

The Postal Service did not receive any formal comments on the April 2023 proposed rule (88 FR 22973–22975).

* * * * *

The Postal Service adopts the described changes to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM),

incorporated by reference in the Code of Federal Regulations. We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401–404, 414, 416, 3001–3018, 3201–3220, 3401–3406, 3621, 3622, 3626, 3629, 3631–3633, 3641, 3681–3685, and 5001.

■ 2. Revise the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

240 Commercial Mail USPS Marketing Mail

243 Prices and Eligibility

1.0 Prices and Fees

* * * * *

1.2 USPS Marketing Mail Prices

* * * * *

[Renumber item (c) as (d) then add a new item (c) to read as follows:]

c. For USPS Marketing Mail flats that weigh over 4 ounces, the pound price is applicable only to the weight above 4 ounces. For example, if the piece weighs 6 ounces, the pound price will apply only to the 2 ounces that are above 4 ounces.

* * * * *

1.5 Computing Postage for USPS Marketing Mail

* * * * *

1.5.4 Per Piece and Per Pound Charges

[Add a sentence at the end of the paragraph to read as follows:]

* * * For USPS Marketing Mail flats that weigh over 4 ounces, the pound price is applicable only to the weight above 4 ounces.

1.5.5 Computing Affixed Postage for Piece/Pound Price Mailpieces

[Revise the text of 1.5.5 to read as follows:]

To compute postage to be affixed to each piece/pound price piece, multiply the weight of the piece (in pounds) by the applicable price per pound (For USPS Marketing Mail flats, multiply the weight of the piece that exceeds 4 ounces by the applicable price per pound); add the applicable per piece charge and any surcharge; and round the sum up to the next tenth of a cent. See 244.2.0 for affixing postage.

* * * * *

4.0 Price Eligibility for USPS Marketing Mail

* * * * *

4.3 Piece/Pound Prices

[Revise the last sentence of 4.3 to read as follows:]

Flats that exceed 4 ounces are subject to a two-part piece/pound price that includes a fixed charge per piece and a variable pound charge based on the weight above 4 ounces.

* * * * *

500 Additional Mailing Services

503 Extra Services

* * * * *

1.0 Basic Standards for All Extra Services

* * * * *

1.4 Eligibility for Extra Services

* * * * *

1.4.1 Eligibility—Domestic Mail

[Revise the text of 1.4.1 to read as follows:]

Exhibit 1.4.1 provides the eligibility of each extra service for domestic mail. The exhibit also provides the additional extra services that may be combined with each extra service. The combined extra services are subject to the eligibility of the mail listed for each extra service. Certain eligible extra service combinations may not be available for purchase (Mailers can speak with a USPS representative for details.). The following extra services or additional extra services may be added at the time of mailing, if available, when the standards for the services are met and the applicable fees are paid.

* * * * *

Exhibit 1.4.1 Eligibility—Domestic Mail

EXTRA SERVICE ELIGIBLE MAIL ADDITIONAL COMBINED EXTRA SERVICES
* * * * *
Insurance
Insurance Restricted Delivery

[Revise the ''Note:'' under ''Insurance'' to read as follows:]

Note: Priority Mail Express, Priority Mail, and USPS Ground Advantage includes $100.00 of insurance; see 503.4.0.

* * * * *

1.4.3 Eligibility—Domestic Returns

* * * * *

Exhibit 1.4.3 Eligibility—Domestic Returns

* * * * *

[Delete the ≤$500 and >$500 insurance options columns under the ''Eligible Extra Services (Paid by Sender) section of the table.]''

[Delete the [Delete footnote #4 in its entirety.]

* * * * *

2.0 Registered Mail

2.1 Basic Standards

2.1.1 Description

[Revise the ninth sentence in the introductory text of 2.1.1 to read as follows:]

* * * Registered Mail articles valued over $50,000.00 are charged a flat fee that includes insurance up to $50,000.00 maximum insurance limit, and the handling cost.* * *

* * * * *

4.0 Insured Mail

* * * * *

[Revise the heading of 4.2 to read as follows:]

4.2 Insurance Coverage Priority Mail, USPS Ground Advantage—Retail and USPS Ground Advantage—Commercial

[Revise the introductory text of 4.2 to read as follows:]

Priority Mail pieces (including Priority Mail Return service) and USPS Ground Advantage—Retail and USPS Ground Advantage—Commercial (including USPS Ground Advantage Return service), are insured against loss, damage, or missing contents, up to a maximum of $100.00, subject to the following:

[Revise the text of items a through c to read as follows:]

a. Insurance coverage is provided against loss, damage, or missing contents and is limited to a maximum liability of $100.00 when the pieces bear an Intelligent Mail package barcode (IMpb) or USPS retail tracking barcode (see 4.3.4) and the mailer pays retail or commercial prices.

b. In addition to the insurance coverage under *4.2a,* additional insurance may be purchased up to a maximum coverage of $5,000.00.

c. Pieces meeting the requirements under *4.2,* but not supported by a Shipping Services file must have a full acceptance scan in order to qualify for automatic insurance coverage.

* * * * *

[Revise the first sentence of item e to read as follows:]

e. Customers may file claims online for insured domestic items at *www.usps.com/domestic-claims.** * *

* * * * *

505 Return Services

* * * * *

3.0 USPS Returns Service

3.1 Basic Standards

* * * * *

3.1.3 Postage and Prices

Postage and prices are subject to the following:

* * * * *

c. The account holder or mailer may obtain extra and additional services as follows:

[Revise the text of item c1 to read as follows:]

1. Insurance is available for USPS Returns service (see *503.4*). Insurance is included with the postage for Priority Mail Return service and USPS Ground Advantage Return service (see 503.4.2). Additional insurance for Priority Mail Return service and USPS Ground Advantage Return service is available to the account holder for a fee on packages that have the applicable STC imbedded into the IMpb on the label, and for which the account holder has provided electronic data

that supports the value of the merchandise (see *503.4.3.1a*). Only the account holder may file a claim (see *609*). Mailers returning a USPS Returns service package may not obtain insurance at their own expense.

* * * * *

705 Advanced Preparation and Special Postage Payment Systems

* * * * *

8.0 Preparing Pallets

* * * * *

8.10 Pallet Presort and Labeling

* * * * *

8.10.3 USPS Marketing Mail or Parcel Select Lightweight—Bundles, Sacks, or Trays

* * * * *

[Revise the text 8.10.3c to read as follows]

c. *5-digit carrier routes, required except for trays,* permitted for bundles, sacks, trays, and cartons. Allowed with no weight minimum for bundles. Pallet must contain only carrier route mail for the same 5-digit ZIP Code. The SCF Pallet discount applies to 5-digit carrier routes USPS Marketing Mail letter trays on an SCF pallet entered at an Origin (None), DNDC, or DSCF entry. Labeling: * * *

* * * * *

[Revise the last two sentences of 8.10.3d to read as follows]

* * * The SCF Pallet discount applies to 5-digit/5-digit scheme USPS Marketing Mail letter trays and flat shaped bundles on an SCF pallet entered at an Origin (None), DNDC, or DSCF entry. SCF pallet discount does not apply to USPS Marketing Mail parcels. Labeling: * * *

* * * * *

[Revise the last two sentences of 8.10.3e to read as follows]

* * * The SCF Pallet discount applies to 3-digit, AADC, ADC, 5-digit, 5-digit scheme, Carrier Route, High Density, High Density Plus, and Saturation (including EDDM flats—Not Retail) USPS Marketing Mail letter trays and flat shaped bundles on an SCF pallet entered at an Origin (None), DNDC, or DSCF entry. SCF pallet discount does not apply to USPS Marketing Mail parcels.
Labeling: * * *

* * * * *

[Revise the last two sentences of 8.10.3f to read as follows]

* * * The SCF Pallet discount applies to 3-digit, AADC, ADC, 5-digit, 5-digit scheme, Carrier Route, High Density, High Density Plus, and Saturation (including EDDM flats—Not Retail) USPS Marketing Mail letter trays and flat shaped bundles on an SCF pallet entered at an Origin (None), DNDC, or DSCF entry. SCF pallet discount does not apply to USPS Marketing Mail parcels.
Labeling: * * *

* * * * *

Notice 123 (Price List)

[Revise prices as applicable.]

* * * * *

Tram T. Pham,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2023–11892 Filed 6–5–23; 8:45 am]
BILLING CODE P

POSTAL SERVICE

39 CFR Part 241

Relocating Retail Services; Adding New Retail Service Facilities

AGENCY: Postal Service™

ACTION: Interim final rule.

SUMMARY: This interim rule revises regulations concerning public notification and solicitation of comments regarding the relocation or addition of retail service facilities. It establishes written notice as the standard method for notifying the public of plans to add or relocate a retail service facility, rather than in-person meetings. In addition, the interim rule revises the scope of relocations subject to public notice and solicitation of community comments to exclude relocations within a single development of buildings that share access points from a public right of way. The interim rule also removes a duplicative requirement to inform the community of potential construction when adding a retail service facility and makes minor technical changes.

DATES: *Effective* June 6, 2023. Comments must be received by August 7, 2023.

ADDRESSES: Please submit written comments by email to *USPSFAC@usps.gov,* with the subject heading ''241.4 Rulemaking,'' or by mail to Joseph B. Fray, United States Postal Service, 475 L'Enfant Plaza SW, Room 6127, Washington, DC 20260–1127.

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure. You may inspect and photocopy all written comments, by appointment only, at USPS® Headquarters Library, 475 L'Enfant Plaza SW, 11th Floor North, Washington, DC 20260. These records are available for review on Monday through Friday, 9:00 a.m.–4:00 p.m., by calling 202–268–2906.

FOR FURTHER INFORMATION CONTACT: David P. Rouse, Director of Real Estate & Assets, United States Postal Service, at *David.P.Rouse@usps.gov,* (202) 210–3559.

SUPPLEMENTARY INFORMATION: When the Postal Service makes a tentative decision to relocate all retail services from a retail service facility to a separate physical building, or to add a new retail service facility for a community, it provides advance notification to the community and solicits community comments. 39 CFR 241.4(a)(1). The Postal Service considers community comments before reaching a final decision to proceed with, modify, or cancel the proposed relocation or addition. *Id.* 241.4(c)(4). Exceptions to the general notification requirement apply to certain temporary or emergency relocations. 39 CFR 241.4(a)(2). The purpose of the regulation is to notify members of the community and their elected officials of retail service facility relocations and additions, and to provide them the opportunity to comment on why the Postal Service's tentative decision and proposal may not be the optimal solution for the Postal Service's identified need. 39 CFR 241.4(c)(4). To obtain this community input, prior to the exceptional circumstances of the COVID–19 pandemic, the Postal Service notified the community through a news release and a public presentation, either as part of the agenda at a regularly scheduled public meeting of local officials or at a separately scheduled Postal Service public meeting addressing the proposal. 39 CFR 241.4(c)(2). The regulation presently allows for an alternate method of notifying the community under exceptional circumstances that would prevent a Postal Service representative from attending or conducting a public meeting . . . the Postal Service, in lieu of a public meeting, will mail written notification of the tentative decision and the proposal to customers within the community . . . seeking their written input on the proposal and providing an address to which the community and local officials may send written appeals of the tentative decision and comments on the proposal. 39 CFR 241.4(c)(3).

During the effectiveness of the Secretary of Health and Human Services' Determination of a Public Health Emergency related to COVID–19, the Postal Service has mailed postcards to communities affected by relocations and additions of retail service facilities to provide notice and solicit comments, rather than holding public meetings. This written notification proved to be a more effective means of communicating and provided community members with a more accessible method of providing comments. Because written notification and solicitation of comments more effectively and accessibly engages

members of affected communities than do public meetings, the Postal Service, through this interim rule, establishes written notification as the standard method of soliciting community comments for all subject relocations and additions, rather than just under the exceptional circumstances set forth in 39 CFR 241.4(c)(3).

In addition, the interim rule clarifies the scope of relocations subject to the notification requirement in a manner that excludes a move within a single development, such as among storefronts within a single shopping center, because such relocations have a *de minimis* effect on the availability of retail services in a community. Paragraph (c)(3)(ii)(A)(*4*) required that, as part of this process, the Postal Service inform the community of any construction that may be necessary when a retail service facility is added. Because the Postal Service is already required to inform the community of any decisions to undertake construction pursuant to 39 U.S.C. 409(f), this requirement was also deleted to avoid duplicating efforts. Finally, minor technical amendments were made to the language of the regulation.

The interim rule will benefit the Postal Service and the public in general. It will reduce burdens on the Postal Service and the public by recognizing that relocations of retail service facilities within a single development are not relocations that would materially affect communities. In addition, where relocation decisions would benefit from community input, the modified regulation will provide improved notice to the public and an easier and more accessible means of receiving community input.

This interim rule reflects the procedures in place since 2020 for notifying communities of retail service facility relocations and additions, and imposes no burden on members of the public; therefore, it is effective immediately.

Although exempted by 39 U.S.C. 410(a) from the advance notice requirements of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553), the Postal Service invites public comment at the above address and will consider any comments received before issuing a final rule.

List of Subjects in 39 CFR Part 241

Organization and functions (Government agencies).

For the reasons stated in the preamble, the Postal Service amends 39 CFR part 241 as set forth below:

PART 241—ESTABLISHMENT CLASSIFICATION, AND DISCTONUANCE

■ 1. The authority citation for 39 CFR part 241 continues to read as follows:

Authority: 39 U.S.C. 101, 401, 403, 404, 410, 1001.

■ 2. Amend § 241.4 by:
■ a. Revising paragraphs (a)(1), (a)(2) introductory text, and (a)(2)(i);
■ b. Adding paragraphs (a)(2)(iv) and (v);
■ c. Revising the first sentence of paragraph (a)(3);
■ d. Revising paragraphs (b), (c)(2), (c)(3) introductory text, (c)(3)(ii)(A)(*2*) and (*3*), and (c)(3)(ii)(B);
■ e. Removing paragraph (c)(3)(ii)(A)(*4*);
■ f. Revising the heading and first sentence of paragraph (c)(4); and
■ g. Revising paragraph (c)(5).

The revisions and additions read as follows:

§ 241.4 Relocating retail services; adding new retail service facilities.

(a) * * *

(1) Except as otherwise provided, this section applies when the Postal Service makes a tentative decision to relocate all retail services from a retail service facility to a separate physical building, or to add a new retail service facility for a community. As used in this section, ''retail services'' means the single-piece mail services offered to individual members of the public on a walk-in basis, and a ''retail service facility'' is a physical building where Postal Service employees provide such retail services.

(2) This paragraph (a)(2) applies to temporary additions of retail service or relocations of retail service facilities, emergency relocations of retail services, provisional relocations of retail services, and relocations of retail services within the same development or following redevelopment of a site.

(i) The Postal Service may implement temporary additions of retail service or relocations of retail service facilities without undertaking the process in paragraph (c) of this section when necessary to support Postal Service business for holidays, special events, or overflow business. Temporary additions of retail service and relocations of retail service facilities normally will be limited to 180 days in duration. Any additional incremental time periods of up to 180 days each must be approved by the Vice President, Facilities or his designee.

* * * * *

(iv) The Postal Service may implement relocations without undertaking the process in paragraph (c) of this section when the new retail service facility is within the same development as the relocated retail service facility. As used in this section, ''development'' means one or more commercial or mixed-use buildings that share an access point or points from a public right-of-way.

(v) The Postal Service may implement relocations without undertaking the process in paragraph (c) of this section when the relocated retail service facility is within the same site following the redevelopment of the building or development in which the relocated retail service facility was located.

(3) This section applies to tentative decisions described in paragraphs (a)(1) and (2) of this section made on or after June 6, 2023. * * *

(b) *Purpose.* The purpose of this section is to provide opportunities for community members and their elected local officials to comment on Postal Service tentative decisions described in paragraphs (a)(1) and (2) of this section and to give input on proposals for implementing those decisions (each a ''proposal''), and to require the Postal Service to consider any input in arriving at final decisions to proceed with, modify, or cancel proposals.

(c) * * *

(2) *Notify the community.* The Postal Service will send an initial news release outlining the proposal to one or more news media serving the community and, if the community has a retail service facility, then the Postal Service also will post a copy of the information given to local officials or the news release in the public lobby of that retail service facility. If the proposal concerns relocating retail services from a leased facility, then, using the most current notice address information in the Postal Service's file for the site, the Postal Service will deliver to the lessor a copy of the information given to local officials, provided, however, that no such notice will be required when the lessor has terminated the Postal Service's lease or has declined to renew the Postal Service lease on terms acceptable to the Postal Service.

(3) *Solicit comments from the community.* The Postal Service will mail written notification of the tentative decision and the proposal to customers within the community and post a notice of the proposal in the retail service facility that would be affected by the proposal, seeking their written input on the proposal and providing an address to which the community and local officials may send written comments on the proposal during the 45 days

following the mailing of that notification.

* * * * *

(ii)(A) * * *

(*2*) Identify the site or area, or both, to which the Postal Service anticipates adding the retail service facility; and

(*3*) Describe the anticipated size of the added retail service facility, and the anticipated services to be offered.

* * * * *

(B) The Postal Service may identify more than one potential site and/or area, for example, when the Postal Service has not selected yet among competing sites.

(4) *Consider comments.* After the 45-day comment period, the Postal Service will consider the comments received that identify reasons why the Postal Service's tentative decision and proposal (*e.g.,* to relocate to the selected site, or to add a new retail service facility) is, or is not, the optimal solution for the identified need. * * *

(5) *Identify any new site or area.* After the written notification under paragraph (c)(3) of this section, if the Postal Service decides to use a site or area that it did not identify in the written notification, and this section applies with respect to that new site or area, then the Postal Service will undertake the steps in paragraphs (c)(2) through (4) of this section with regard to the new site or area.

* * * * *

Tram T. Pham,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2023–11896 Filed 6–5–23; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2022–0581; FRL–10168–02–R5]

Air Plan Approval; Wisconsin; VOC RACT for Miscellaneous Industrial Adhesives and Miscellaneous Metal and Plastic Parts Coatings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions related to volatile organic compound (VOC) reasonably available control technology (RACT), submitted by the Wisconsin Department of Natural Resources (''Wisconsin'' or ''WDNR'') on June 28, 2022. The SIP revisions consist of several additions, corrections, and clarifications to the Wisconsin Administrative Code (WAC) NR 400 series and update the VOC RACT requirements for the Miscellaneous Industrial Adhesives and Miscellaneous Metal and Plastic Parts Coatings Control Techniques Guidelines (CTG) source categories. Also, EPA is approving Wisconsin's August 10, 2022, request to remove three previously approved Administrative Orders from the SIP. The request to remove these Administrative Orders includes a Clean Air Act (CAA) Section 110(l) demonstration highlighting that the revisions to Wisconsin's rules do not interfere with any applicable requirement concerning attainment or any other applicable requirement of the CAA because this SIP revision is a direct replacement for the previously approved orders. These SIP revisions apply to nonattainment areas in Wisconsin classified as moderate or above under the 2008 or later ozone National Ambient Air Quality Standards (''NAAQS'' or ''standard''). These revisions are consistent with the CTG documents issued by EPA in 2008 and are approvable because they serve as SIP strengthening measures. EPA proposed to approve this action on January 30, 2023, and received no adverse comments.

DATES: This final rule is effective on July 6, 2023.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2022–0581. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19. We recommend that you telephone Katie Mullen, at (312) 353–3490 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Katie Mullen, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–3490, *mullen.kathleen@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. Background Information

On January 30, 2023, EPA proposed to approve SIP revisions that consist of several additions, corrections, and clarifications to the Wisconsin Administrative Code (WAC) NR 400 series and update the VOC RACT requirements for the Miscellaneous Industrial Adhesives and Miscellaneous Metal and Plastic Parts Coatings Control Techniques Guidelines (CTG) source categories. Also, EPA proposed to approve Wisconsin's August 10, 2022, request to remove three previously EPA approved Wisconsin Administrative Orders from the SIP. An explanation of the CAA requirements, a detailed analysis of the revisions, and EPA's reasons for proposing approval were provided in the notice of proposed rulemaking (88 FR 5840) and will not be restated here. The public comment period for this proposed rule ended on March 1, 2023. EPA received no adverse comments on the proposal. Therefore, we are finalizing our action as proposed.

II. Final Action

EPA is approving in the Wisconsin SIP additions, corrections, and clarifications related to rules in WAC Chapters 400, 419, 421, 422, 423, 425, 439, and 484. Specifically we are approving NR 400.02(intro.), NR 419.02(intro.), NR 421.02(intro.), NR 422.01, NR 422.02, NR 422.03, NR 422.04, NR 422.05, NR 422.06, NR 422.08, NR 422.083, NR 422.084, NR 422.127, NR 422.128, NR 422.14, NR 422.145, NR 422.15, NR 422.151, NR 423.035(2)(a)1., NR 423.037(2)(a)1., NR 425.04(3)(a), NR 439.04(4) and (5), and NR 484.10 Table 5 Rows (9) and (25m), as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022. These revisions are consistent with the Miscellaneous Industrial Adhesives and Miscellaneous Metal and Plastic Parts Coatings CTGs issued by EPA in 2008. These revisions are approvable because they serve as SIP strengthening measures for Wisconsin's VOC rules. Also, EPA is approving Wisconsin's request for the removal of the previously approved Administrative Orders AM–20–01, AM–20–02, and AM–20–03, submitted in a letter from WDNR on August 10, 2022. When EPA approves this action, it concurrently

removes these three Administrative Orders from the Wisconsin SIP. The SIP revisions under Wisconsin Board Order AM–20–18 replace AM–20–01, AM–20–02, and AM–20–03.

III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Wisconsin regulations described in sections I and II of this preamble and set forth in the amendments to 40 CFR part 52, below. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov,* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Also in this document, as described in the amendments to 40 CFR part 52 set forth below, EPA is removing provisions of the EPA-Approved Wisconsin Regulations and Statutes from the Wisconsin State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

IV. 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 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); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs Federal agencies to identify and address ''disproportionately high and adverse human health or environmental effects'' of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as ''the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.'' EPA further defines the term fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.''

WDNR 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.

This action is subject to the Congressional Review Act, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 7, 2023. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 31, 2023.

Debra Shore,

Regional Administrator, Region 5.

For the reasons stated in the preamble, title 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. Section 52.2570 is amended by removing and reserving paragraphs (c)(139) and (140) and by adding paragraph (c)(148).

The addition reads as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(148) On June 28, 2022, WDNR submitted a SIP revisions request that consists of several additions, corrections, and clarifications within the Wisconsin Administrative code NR 400 series and updates the VOC RACT requirements for Miscellaneous Industrial Adhesives and Miscellaneous Metal and Plastic Parts Coatings CTG

source categories. Also, on August 10, 2022, WDNR submitted a request to remove from the SIP three Administrative Orders (AM–20–01, AM–20–02, AM–20–03) previously approved in paragraphs (c)(139) and (140) of this section. These SIP revisions apply to nonattainment areas in Wisconsin classified as moderate or above under the 2008 or later ozone standard. These revisions are consistent with the CTG documents issued by EPA in 2008 and are approvable because they serve as SIP strengthening measures.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 400.02(intro.), as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022.

(B) NR 419.02(intro.), as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022.

(C) NR 421.02(intro.), as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022.

(D) NR 422.01, NR 422.02, NR 422.03, NR 422.04, NR 422.05, NR 422.06, NR 422.08, NR 422.083, NR 422.084, NR 422.127, NR 422.128, NR 422.14 and 422.145, NR 422.15 and 422.151, as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022.

(E) NR 423.035(2)(a)1., and NR 423.037(2)(a)1., as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022.

(F) NR 425.04(3)(a), as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022.

(G) NR 439.04(4) and (5), as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022.

(H) NR 484.10 Table 5 Rows (9) and (25m), as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022.

(ii) [Reserved]

[FR Doc. 2023–11893 Filed 6–5–23; 8:45 a.m.]

BILLING CODE 6560–50–P

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 801

[Docket No.: NTSB–2021–0006]

RIN 3147–AA23

Internal Personnel Rules and Practices of the NTSB

AGENCY: National Transportation Safety Board (NTSB).

ACTION: Final rule.

SUMMARY: The NTSB previously issued an interim final rule (IFR), soliciting comments on its Internal Personnel Rules and Practices. The NTSB received one comment as a result and is issuing a final rule, adopting the IFR with disposition of comment.

DATES: This final rule is effective on June 6, 2023.

FOR FURTHER INFORMATION CONTACT: Kathleen Silbaugh, General Counsel, (202) 314–6080, *rulemaking@ntsb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On October 4, 2021, the NTSB issued an IFR, soliciting public comments on its amendment of the agency's Internal Personnel Rules and Practices. The IFR reflected that the agency closed its ''public reference room'' and made qualifying records electronically available. 86 FR 54641 (Oct. 4, 2021). Moreover, the agency removed an outdated paragraph describing a particular category of exempted records under the Freedom of Information Act (FOIA). The revisions to the NTSB FOIA regulation were issued as an IFR to ensure that updated regulations were in place as soon as practicable per *Milner* v. *Department of the Navy,* 131 S.Ct. 1259 (2011). The IFR comment period closed on December 3, 2021.

On December 30, 2021, the NTSB issued a correcting amendment to revise the wording of certain regulations in part 801 affected by the IFR's amendatory language. 86 FR 74377 (Dec. 30, 2021). By revising all references to ''public reading room'' to read ''electronic reading room'', that amendatory instruction resulted in the needless repetition of the word ''electronic reading room'' in 49 CFR 801.10(b)(2), 801.10(c), 801.30, 801.31, 801.32(b), 801.41. The correcting amendment revised the aforementioned regulations to reflect the agency's original intent for part 801.

II. Comment and Response

On November 28, 2021, the agency received one comment in response to the IFR. Thomas M. Kowalick, Chair, Standard for Motor Vehicle Event Data Recorder, Institute of Electrical and Electronic Engineers proffered the following amendatory language:

> Revise 49 CFR 801.52 by issuing an interim final rule to remove or update paragraph (b) in 49 CFR 801.52. Add or update a new paragraph establishing a National Transportation Safety Board (NTSB) *Auto Safety Trust Fund* to collect funds once yearly from automotive OEM's of the motor vehicle(s) in which fatalities occurred based on 00.02 percentage of the value of a statistical life determined by the United States Department of Transportation. Funds shall be collected conforming to the revised 49 CFR 801.52 and CFR 49 [sic] § 389.9 Treatment of Confidential Business Information Submitted Under Confidential Class Determinations from the original equipment manufacturer(s) of the motor vehicle(s) in which fatalities occurred.

The NTSB's Response: The NTSB appreciates the suggested amendatory language, but the agency finds that this comment is not significant for rulemaking purposes. Specifically, the proposed language pertains to an Auto Safety Trust Fund, which is beyond the scope of this rulemaking as it neither relates to Internal Personnel Rules and Practices, nor recommends changes proposed by the NTSB. Therefore, the NTSB need not address this comment any further.

III. Regulatory Analysis

Because the NTSB is an independent agency, this final rule does not require an assessment of its potential costs and benefits under section 6(a)(3) of Executive Order (E.O.) 12866, Regulatory Planning and Review, 58 FR 51735 (Sept. 30, 1993). In addition, the NTSB has considered whether this rule would have a significant economic impact on a substantial number of small entities, under the Regulatory Flexibility Act (5 U.S.C. 601–612). The NTSB certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

The NTSB does not anticipate this rule will have a substantial, direct effect on state or local governments or will preempt state law; as such, this rule does not have implications for federalism under E.O. 13132, Federalism, 64 FR 43255 (Aug. 4, 1999).

This rule complies with all applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, 61 FR 4729 (Feb. 5, 1996), to minimize litigation, eliminate ambiguity, and reduce burden. The NTSB has evaluated this rule under: E.O. 12898, Federal Actions to Address Environmental Judice in Minority Populations and Low-Income Populations, 59 FR 7629 (Feb. 16, 1994); E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks, 62 FR 19885 (Apr. 21, 1997); E.O. 13175, Consultation and Coordination with Indian Tribal Governments, 65 FR 67249 (Nov. 6, 2000); E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use, 66 FR 28355 (May 18, 2001); and the National Environmental Policy Act, 42 U.S.C. 4321–47. Pursuant to the Paperwork

Reduction Act, the NTSB has determined that there is no new requirement for information collection associated with this final rule. Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a ''major rule,'' as defined by 5 U.S.C. 804(2). The NTSB has concluded that this final rule neither violates nor requires further consideration under those orders, statutes, E.O.s, and acts.

List of Subjects in 49 CFR Part 801

Archives and records, Freedom of information.

PART 801—PUBLIC AVAILABILITY OF INFORMATION

■ Accordingly, the interim final rule revising 49 CFR part 801 that published at 86 FR 54641 on October 4, 2021, and the correcting amendment that published at 86 FR 74377 on December 30, 2021, are adopted as final without change.

Jennifer Homendy,

Chair.

[FR Doc. 2023–11962 Filed 6–5–23; 8:45 am]

BILLING CODE 7533–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 230519–0135]

RIN 0648–BF90

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Amendment to the Atlantic Pelagic Longline Take Reduction Plan

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

ACTION: Final rule.

SUMMARY: NMFS is amending the regulations implementing the Atlantic Pelagic Longline Take Reduction Plan (hereinafter called the PLTRP or the Plan) to reduce mortality and serious injury of short-finned pilot whales (*Globicephala macrorhynchus*) incidental to the Atlantic portion of the Category I Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery (hereinafter called Atlantic pelagic longline fishery) to meet the long-term goal of the Plan as required by the Marine Mammal Protection Act (MMPA). The amendments to the PLTRP are based on consensus recommendations submitted by the Atlantic Pelagic Longline Take Reduction Team (hereinafter called the PLTRT or the Team) and include both regulatory and non-regulatory management measures. Additionally, NMFS is removing Risso's dolphins (*Grampus griseus*) and long-finned pilot whales (*Globicephala melas melas*) from the purpose and scope of the Plan.

DATES: This final rule is effective July 6, 2023, except for the amendment to 50 CFR 229.36(d), in instruction number 4, which is effective July 8, 2024. (see **SUPPLEMENTARY INFORMATION** for more details).

ADDRESSES: Public comments and other supporting materials are available at *www.regulations.gov* identified by docket number NOAA–NMFS–2016–0105. Background documents for the PLTRP can be downloaded from the Pelagic Longline Take Reduction Plan website: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/pelagic-longline-take-reduction-plan.*

FOR FURTHER INFORMATION, CONTACT: Erin Fougères, NMFS, Southeast Region, at 727–824–5312 or *erin.fougeres@noaa.gov,* Kara Shervanick, NMFS, Southeast Region, at 727–824–5350 or *kara.shervanick@noaa.gov,* or Kristy Long, NMFS, Office of Protected Resources at 206–526–4792 or *kristy.long@noaa.gov.* Individuals who use telecommunications devices for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 4 p.m. eastern time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Section 118(f) of the MMPA requires NMFS to develop and implement take reduction plans to assist in the recovery of, or prevent the depletion of, each strategic marine mammal stock that interacts with Category I or II fisheries. Category I fisheries are fisheries that have frequent incidental mortality and serious injury of marine mammals, and Category II fisheries are fisheries that have occasional incidental mortality and serious injury of marine mammals. The MMPA also provides NMFS discretion to develop and implement a take reduction plan for any other marine mammal stocks that interact with a Category I fishery, which the agency determines, after notice and opportunity for public comment, has a high level of mortality and serious injury across a number of such marine mammal stocks.

The MMPA defines a strategic stock as a marine mammal stock: (1) for which the level of direct human-caused mortality exceeds the potential biological removal (PBR) level; (2) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act (ESA) in the foreseeable future; or (3) which is listed as threatened or endangered under the ESA, or is designated as a depleted species under the MMPA (16 U.S.C. 1362(19)). The PBR level is the maximum number of animals, not including natural mortalities, which can be removed annually from a stock, while allowing that stock to reach or maintain its optimum sustainable population level (50 CFR 229.2).

In accordance with section 118(f) of the MMPA (16 U.S.C. 1387), the immediate goal of a take reduction plan is to reduce, within 6 months of its implementation, the incidental mortality or serious injury of marine mammals taken in the course of commercial fishing operations to levels less than the PBR level for the stock. The long-term goal of a take reduction plan is to reduce, within 5 years of its implementation, the incidental mortality or serious injury of marine mammals taken in the course of commercial fishing to insignificant levels approaching a zero mortality and serious injury rate (*i.e.,* insignificance threshold or zero mortality rate goal), which is 10 percent of the PBR level for a marine mammal stock (69 FR 43338, July 20, 2004). The long-term goal takes into account the economics of the fishery, the availability of existing technology, and existing state or regional fishery management plans. The MMPA also requires NMFS to amend take reduction plans and implementing regulations as needed to meet these requirements and goals.

History of the PLTRT

NMFS announced the establishment of the PLTRT on June 22, 2005, in the **Federal Register** (70 FR 36120). Four professionally-facilitated meetings and two full-team conference calls were held between June 2005 and May 2006. The PLTRT reached consensus at the May 2006 meeting, and on June 8, 2006, submitted to NMFS a Draft PLTRP, including recommendations for take reduction measures, as well as research needs and other non-regulatory measures (PLTRT, 2006). Based on the Draft PLTRP, NMFS published a proposed rule (73 FR 35623, June 24, 2008) and a final rule (74 FR 23349, May 19, 2009) implementing the PLTRP,

which became effective on June 18, 2009 (50 CFR 229.36).

The existing regulatory measures in the PLTRP, include (1) the Cape Hatteras Special Research Area (CHSRA) in the Mid-Atlantic Bight (MAB) with special observer and research participation requirements for fishermen operating in that area; (2) a 20 nmi (37.04 km) limit on mainline length for all Atlantic pelagic longline sets within the U.S. exclusive economic zone (EEZ) portion of the MAB; and (3) a requirement that an informational placard regarding marine mammal handling/release guidelines be posted inside the wheelhouse and on the working deck of all Atlantic pelagic longline vessels operating in the EEZ off the U.S. east coast.

Since implementation of the PLTRP, the Team has continued to monitor the effectiveness of the Plan and review recent research relevant to the PLTRT and new scientific information on updated estimates of abundance and mortality and serious injury for pilot whales and Risso's dolphins. NMFS convened two professionally-facilitated in-person meetings (August 2012 and December 2015) and six webinars/conference calls (September 2010, June 2014, March 2015, September 2016, October 2016, and September 2019). During the 2015 and 2016 meetings, the discussions and ultimately the consensus recommendations were focused on reducing mortality and serious injury of the Western North Atlantic stock of short-finned pilot whales. The PLTRP has not yet met its long-term goal of effectively reducing short-finned pilot whale mortality and serious injury incidental to the Atlantic pelagic longline fishery to below the insignificance threshold of 10 percent of the PBR level.

The proposed rule to amend the PLTRP was published on December 15, 2020 (85 FR 81168). NMFS received 16 public comments. Additional background information is provided in the proposed rule and is not repeated here.

Components of the PLTRP Amendment

As described below, this amendment to the PLTRP includes the following regulatory components: (1) removes Risso's dolphins (*Grampus griseus*) and long-finned pilot whales (*Globicephala melas melas*) from the Plan's purpose and scope (2) removes the CHSRA and its special observer and research participation requirements, (3) modifies the current mainline length restrictions in the U.S. Atlantic EEZ portion of the Mid-Atlantic Bight (MAB) statistical area, and (4) implements terminal gear requirements in the U.S. Atlantic EEZ.

The amendment also includes two non-regulatory measures of the PLTRP: (1) convening a safe handling and release work group to update protocols for marine mammal interactions in the Atlantic pelagic longline fishery, and (2) updating observer protocols and fishery observer data forms to increase information collected from marine mammal interaction and depredation events in the Atlantic pelagic longline fishery.

The other requirements (*e.g.,* posting the Marine Mammal Handling and Release Placard in the wheelhouse and on deck) of the original PLTRP remain unchanged. The requirements of the PLTRP apply to the owner or operator of any vessel that has been issued or is required to be issued an Atlantic Highly Migratory Species (HMS) tunas, swordfish, or shark permit under 50 CFR 635.4 and that has onboard pelagic longline gear as defined at 50 CFR 635.2 in the EEZ (as defined in 50 CFR 600.10).

Removing Risso's Dolphins and Long-Finned Pilot Whales From the Plan's Purpose and Scope

The long-term goal of a take reduction plan is to reduce the incidental mortality or serious injury of marine mammals to insignificant levels approaching a zero mortality and serious injury rate (*i.e.,* insignificance threshold or zero mortality rate goal), which is defined as 10 percent of the PBR level for a marine mammal stock (69 FR 43338, July 20, 2004).

Based on data from 2015 through 2019, PBR for the western North Atlantic stock of Risso's dolphins was 301 and average annual mortality and serious injury incidental to the Atlantic pelagic longline fishery was 5.0 (Coefficient of Variation, or CV = 0.44; Hayes *et al.,* 2022). Thus, the average annual mortality and serious injury incidental to the Atlantic pelagic longline fishery is 1.7 percent of the stock's PBR level. Based on data from 2015 through 2019, PBR for the western North Atlantic stock of long-finned pilot whales was 306 and the average annual mortality and serious injury incidental to the Atlantic pelagic longline fishery was 1.5 long-finned pilot whales (CV = 0.49; Hayes *et al.,* 2022). Thus, the average annual mortality and serious injury incidental to the Atlantic pelagic longline fishery is 0.5 percent of the stock's PBR level.

For both Risso's dolphins and long-finned pilot whales, mortality and serious injury incidental to the pelagic longline fishery is currently below, and has been below, the insignificance threshold since the Plan's implementation. Therefore, NMFS is removing these stocks from the purpose and scope of the Plan.

Removing the Cape Hatteras Special Research Area

This amendment removes the CHSRA, along with its special observer and research participation requirements, which includes a call-in requirement for vessels to provide at least 48 hours advance notice before fishing with pelagic longline gear in that area. NMFS created this regulation initially with the goal of encouraging partnerships between fishermen and researchers in that area. However, NMFS has not used the special observer and research participation requirements to place an observer on a vessel in the CHSRA since the regulations were implemented. Instead, researchers and fishermen have partnered independent of the regulations for research in that area. Therefore, NMFS is removing the CHSRA and associated requirements because it is not needed.

Modifying the Mid-Atlantic Bight Mainline Length Restrictions

This amendment modifies the current 20 nmi (37.04 km) mainline length restrictions at 50 CFR 229.36(e) so that vessels in the EEZ portion of the MAB may set no more than one mainline in the water at any one time, not to exceed 32 nmi (59.26 km), subject to the following specifications: (1) there may be no more than 30 nmi (55.56 km) total of active gear (gear with leaders or hooks) deployed along the mainline, (2) a single section of active gear may not exceed 20 nmi (37.04 km), and (3) a section of active gear must be separated from other sections of active gear along the mainline by a gap without leaders or hooks (*i.e.,* hookless line ''interrupt'') of at least 1 nmi (1.85 km).

Implementing Terminal Gear Requirements

This amendment also implements terminal gear requirements in the U.S. Atlantic EEZ as part of the PLTRP. The intent of the terminal gear requirements is to enable hooks to straighten before leaders break, because interactions with marine mammals are less likely to result in a serious injury when hooks straighten and whales can self-release after a hooking event. The terminal gear requirements include: (1) circle hooks must have a round wire diameter not to exceed 4.05 mm (0.159 in) if the hooks are size 16/0, or 4.40 mm (0.173 in) if the hooks are size 18/0, and must have a straightening force not to exceed 300

lb (136.08 kg), and (2) monofilament leaders and branch lines (*i.e.,* gangions) must have a minimum diameter of 1.8 mm (0.071 in) and a breaking strength of at least 300 lb (136.08 kg). These requirements would apply to the EEZ portions of the Northeast Coastal (NEC), MAB, South Atlantic Bight (SAB), and Florida East Coast (FEC) pelagic longline statistical areas, which together compose the entirety of the U.S. Atlantic EEZ (east of the line of demarcation between the Atlantic Ocean and the Gulf of Mexico as defined in 50 CFR 600.105(c)).

New Non-Regulatory Components

The non-regulatory components added to the PLTRP in this amendment include:

1. Convening a safe handling and release work group to develop potential updates to the current safe handling and release protocols for marine mammal interactions in the Atlantic pelagic longline fishery. The work group would include PLTRT members, commercial fishermen, marine mammal health and disentanglement experts, and others with expertise and knowledge related to handling marine mammals and/or pelagic longline fishing practices.
2. Updating observer protocols and fishery observer data forms to increase information collected from marine mammal interaction and depredation events in the Atlantic pelagic longline fishery.

Compliance and Enforcement Monitoring

The current PLTRP Monitoring Strategy (NMFS, 2013) is a comprehensive plan that describes the methods for monitoring regulatory compliance and the effectiveness of the PLTRP. Compliance monitoring includes enforcement activities, research, collection of observer data, evaluation of self-reported fishing information, and education and outreach efforts. Effectiveness monitoring examines whether the long-term statutory goals described in the MMPA (*i.e.,* to reduce incidental mortality and serious injury of short-finned pilot whales to a level approaching the stock's insignificance threshold) are being achieved.

NMFS intends to update the monitoring strategy to reflect the new regulatory and non-regulatory components of the PLTRP. In addition, although Risso's dolphins and long-finned pilot whales are being removed from the Plan, NMFS will continue to monitor their mortality and serious injury incidental to the Atlantic pelagic longline fishery.

Comments and Responses

We published a proposed rule in the **Federal Register** on December 15, 2020 (85 FR 81168) and requested comments and information from the public. During the 60-day comment period, we received 16 comments from the Marine Mammal Commission (Commission), Oceana, a joint letter from Whale and Dolphin Conservation and Defenders of Wildlife (WDC and DOW), Blue Water Fishermen's Association (BWFA), Blue Water Fishing and Tackle Co., American Sword and Tuna Harvesters (ASTH) and five of their members, and 6 private citizens. Only comments relevant to the proposed rule were included below. All comments can be found at: *https://www.regulations.gov/document/NOAA-NMFS-2016-0105-0003/comment.* Comment responses below are arranged in the following order: general comments, including whether it would be helpful to the regulated community to further clarify the statistical area definitions in the regulatory text in the final rule, comments on removing long-finned pilot whales and Risso's dolphin from the PLTRP, comments on removing the CHSRA, comments on changes to mainline length restrictions, and lastly, comments on implementing terminal gear regulations.

General Comments

Comment 1: Five commenters (one member of the public, Blue Water Fishing Tackle Co., BWFA, Oceana, and the Commission) expressed general support for the entire proposed rule. Other commenters expressed their support for different aspects of the proposed rule. Two members of the public expressed support for removing Risso's dolphins and long-finned pilot whales from the PLTRP. One member of the public and BWFA expressed support for removing the CHSRA, while WDC and DOW stated that they did not oppose the removal of the CHSRA. Four members of the public and BWFA expressed support for both the mainline length and terminal gear requirements in the proposed rule. The Commission, WDC, and DOW expressed support for the terminal gear modifications and WDC and DOW stated that they did not oppose the mainline length restrictions. One member of the public and WDC and DOW expressed support for the non-regulatory recommendations in the proposed rule.

Response: We acknowledge and appreciate the support.

Comment 2: One member of the public acknowledged the trend of interactions has been declining, but suggested the regulatory and non-regulatory provisions in the proposed rule, particularly those related to terminal gear, do not go far enough and that additional provisions should be made to ensure that the Plan's long-term goal will be met in a timely manner.

Response: NMFS is amending the PLTRP in accordance with section 118(f) of the MMPA to reduce incidental mortality and serious injury of marine mammals incidental to commercial fishing to insignificant levels approaching a zero mortality and serious injury rate (*i.e.,* insignificance threshold or zero mortality rate goal), which is defined as 10 percent of the PBR level for a marine mammal stock (69 FR 43338, July 20, 2004). We will continue monitoring the effectiveness of the regulations after implementation to ensure the long-term goals of the plan are being met and will address future changes to the regulations, in coordination with the PLTRT, if needed.

Comment 3: One member of the public urged NMFS to reconvene the PLTRT prior to finalizing the proposed rule to ''receive its advice on additional or alternative measures submitted by agencies, groups, and individuals in response to this proposed action as well as any further changes NMFS may itself deem warranted.''

Response: NMFS convened the Team on February 10, 2021, during the public comment period of the proposed rule. The Key Outcomes Memo for this meeting can be found at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/pelagic-longline-take-reduction-plan.*

Comment 4: The ASTH stated their opposition to most of the proposals contained within the proposed rule, including removal of the CHSRA, mainline length restrictions, and terminal gear requirements.

Response: We acknowledge the opposition. The regulatory and non-regulatory measures in the rule are the result of deliberations and consensus recommendations by the multi-stakeholder PLTRT in accordance with section 118(f) of the MMPA. NMFS will be monitoring the effectiveness of the regulations after implementation to ensure the goals of the plan are being met and will address future changes to the regulations, in coordination with the PLTRT, if needed.

Comment 5: The Commission, WDC, and DOW were concerned about the delay in rulemaking between the PLTRT's consensus recommendations and the publication of the proposed rule. Furthermore, WDC and DOW questioned why the non-regulatory recommendations were not

accomplished prior to the proposed rule.

Response: We acknowledge the commenters' concerns. In this instance, the delays associated with this rule reflected the need to prioritize other legally-mandated, complex regulatory actions, including those associated with statutory and court-ordered deadlines, with limited available resources.

Comment 6: WDC and DOW recommended that NMFS report back to the Team on the outcome of the Safe Handling and Release Work Group and the effectiveness of any updated safe handling and release techniques. They also recommended that NMFS report back to the Team on the progress and effectiveness of the updated observer protocols.

Response: We acknowledge the commenters' recommendation and will update the PLTRT as appropriate.

Comment 7: WDC and DOW expressed concern about the suspension of mandatory observer coverage in 2020 due to the COVID–19 pandemic and inquired about the Agency's plan to account for the loss of data and whether there was a process by which data can be accurately extrapolated for marine mammal Stock Assessment Reports (SARs), accounting for COVID restrictions on observer data collection.

Response: In 2020, NMFS observers in the Pelagic Observer Program recorded 379 pelagic longline sets, which is an overall fishery coverage of 9 percent and in 2021, 415 pelagic longline sets were recorded, which is an overall fishery coverage of 9.7 percent. These coverage levels exceed the 8 percent observer coverage requirement under the May 2020 Biological Opinion for the pelagic longline fishery, suggesting that overall coverage was not impacted by the COVID restrictions. In the event that observer coverage for specific areas and quarters was impacted by the COVID restrictions, there are already methods in place that account for undersampling. For area-quarter strata that are not sampled or are poorly represented due to limited observer coverage, average bycatch rates from the prior 5 years of observations are used to estimate total bycatch. NMFS will evaluate the representativeness of observer data and take appropriate steps to reduce biases in bycatch estimation on an ongoing basis.

Comment 8: One member of the public commented that this proposed rule should have been the subject of an Environmental Impact Statement (EIS) instead of an Environmental Assessment (EA).

Response: The commenter did not provide any specific supporting details for this comment. Under the National Environmental Policy Act, a Federal agency may prepare an EA to determine whether a Federal action has the potential to cause significant environmental effects. If the agency determines that the action will not have significant environmental impacts, the agency will issue a Finding of No Significant Impact (FONSI). A FONSI is a document that presents the reasons why the agency has concluded that there are no significant environmental impacts projected to occur upon implementation of the action. If the EA determines that the environmental impacts of a proposed Federal action will be significant, an Environmental Impact Statement is prepared. In the case of this rulemaking, our EA led to the conclusion that the action will not have significant environmental impacts and a FONSI was prepared and an EIS was not required. The commenter did not identify any specific deficiencies in the Agency's draft EA.

Comment 9: BWFA noted that the PBR and mortality and serious injury data presented in the proposed rule for short-finned pilot whales may not be the most recent available, as more recent data were presented at the PLTRT's September 18, 2020 meeting. They requested that the most recent data be used in the final rule.

Response: We considered the most recent final SAR for short-finned pilot whales in preparation of the final rule, but because the mortality and serious injury estimates not notably different from the mortality and serious injury estimates used in the proposed rule, and remained well over PBR, we did not update the EA. At the time that the proposed rule was drafted, the most recent data available was from the 2018 SAR (data years 2012–2016). Since then, the 2019 SAR (data years 2013–2017) and the 2021 SAR (data years 2015–2019) for short-finned pilot whales have become available. The mean annual mortality and serious injury incidental to the PLL fishery as noted in the proposed rule (2018 SAR) was 168, or 71 percent of PBR. In the 2019 SAR, the mean annual mortality and serious injury was 160, or 68 percent of PBR, and in the 2021 SAR the mean annual mortality and serious injury is 136, or 58 percent of PBR. As a result, the most recent SAR concludes that the total U.S. fishery-related mortality and serious injury attributed to short-finned pilot whales exceeds 10 percent of the calculated PBR and therefore cannot be considered insignificant and approaching a zero mortality and serious injury rate; therefore, the long-term goal of the PLTRP is not being met.

Comment 10: WDC and DOW noted that they had no specific concerns about clarifying regional statistical area definitions in the regulatory text and encouraged industry input in the development of these clarifications. We did not receive other comments on this issue.

Response: We acknowledge and appreciate WDC and DOW's input. As further discussed below in the Changes from the Proposed Rule section, we assessed the proposed rule's regulatory text and determined that the same geographic areas can be more simply described and are therefore changing the text of the area descriptions to facilitate understanding of the rule's area of applicability. Specifically, for the areas other than the MAB, we assert referring to the U.S. Atlantic EEZ (east of the line of demarcation between the Atlantic Ocean and the Gulf of Mexico as defined in 50 CFR 600.105(c)) accurately and more clearly identifies the areas subject to the new terminal gear requirements.

Comment 11: One member of the ASTH commented that the rule would have significant impacts on their small business, but did not provide additional supporting information. They also expressed concerns about the process to coordinate our finding with the Small Business Administration (SBA) before making a final decision on this regulatory action.

Response: We appreciate the opportunity to clarify several issues raised in this comment. We certified to the Chief Counsel for Advocacy of the SBA that the proposed rule would not have a significant economic impact on a substantial number of small entities. The Chief Counsel for Advocacy of the SBA did not provide any comments on the proposed rule or on the adequacy of our assessment of impacts on small entities.

An estimated 88 pelagic longline vessels owned by 76 small businesses would be directly affected by this rule. They represent approximately 36 percent of the 248 permitted pelagic longline vessels and 214 small businesses in the pelagic longline fleet. Removing the CHSRA call-in requirement and requiring minimum gangion size and strength, combined, are expected to have little to no additional economic impacts. Modifying the mainline length requirements would cause a change in the amount of active gear deployed within the MAB ranging from a 0.7 percent decrease to a 4.8 percent increase. Assuming a constant one-to-one correspondence between the length of active gear and dockside revenue, there would be a

corresponding change in dockside revenue from highly migratory species harvested from the MAB ranging from a 0.7 percent reduction to a 4.8 percent increase. When dockside revenues from highly migratory species harvested from all east coast fishing areas are included, the percentages of the net reduction or net gain decline significantly. Requiring particular hook strengths could slightly increase the annual hook cost of 88 pelagic longline vessels that fish on the east coast by $60 to $75 per vessel, which represents from 0.07 percent to 0.08 percent of annual trip costs.

No changes to this final rule were made in response to public comments and there were no significant changes to the fishery between the proposed and final rule. As a result, a final regulatory flexibility analysis was not required and none was prepared.

Removing Species From the Purpose and Scope of the Plan

Comment 12: Two members of the public disagreed with removing Risso's dolphins or long-finned pilot whales from the PLTRP because their distribution overlaps with pelagic longline fishing and there is limited information available on the species' migration and movement patterns and insufficient information to reliably calculate abundance and, therefore, PBR.

Response: We acknowledge the commenters' concerns, and provide further clarification. Although the ranges of Risso's dolphins and long-finned pilot whales overlap with the fishery, observer data show that since the PLTRP was implemented, the mortality and serious injury of both species remains below 10 percent of PBR, thus meeting the long-term goal of the PLTRP in accordance with section 118(f) of the MMPA.

Comment 13: Two commenters requested that NMFS continue to monitor Risso's dolphin and long-finned pilot whale serious injury and mortality even though they will be removed from the Plan.

Response: We agree and will continue to closely monitor mortality and serious injury for these and other marine mammal species through our annual stock assessment and pelagic longline bycatch reports.

Removing the CHSRA

Comment 14: Three members of the public, the ASTH, and one ASTH member expressed opposition to removing the CHSRA, asking why NMFS would remove it if it is an important area for pilot whales and could impair future research.

Response: We acknowledge the concerns and appreciate the opportunity to clarify several issues raised in these comments. Removing the CHSRA will not impair future research opportunities. In order to deploy or fish with pelagic longline gear in the CHSRA, the regulations required fishermen to call NMFS Southeast Fisheries Science Center at least 48 hours, but no more than 96 hours, prior to embarking on the fishing trip to see if they must take a special observer to conduct scientific investigations in support of PLTRP implementation (50 CFR 229.36(d)). This requirement was in addition to any existing observer coverage requirements under the Pelagic Observer Program. However, NMFS has not used the special observer and research participation requirements to place an observer on a vessel in the CHSRA since the regulations were implemented. Instead, researchers and fishermen have voluntarily partnered independent of the regulations for research in that area. Because the CHSRA is not currently an area prohibited to fishing, the removal of the CHSRA's special observer and research participation requirements is not expected to impact bycatch rates of pilot whales, as no other restrictions on fishing activities are specifically associated with the area.

Comment 15: WDC and DOW commented on the importance of observer data throughout the fishery given the removal of the CHSRA.

Response: We agree that collecting observer data throughout the fishery is an important component in monitoring the effectiveness of the PLTRP. Because the CHSRA was a special requirement in addition to the overall monitoring of the fishery by the Pelagic Observer Program, removing the CHSRA is not expected to impact observer data or resulting bycatch estimates.

Mainline Length Restriction

Comment 16: Three commenters had questions and/or concerns about standardization and enforcement of mainline length restrictions and the lack of clarity in the rule as to how these will be addressed. Additionally, two commenters noted the importance of monitoring the effectiveness of the mainline measure.

Response: NMFS will work closely with its Office of Law Enforcement, the U.S. Coast Guard, and state enforcement agents to ensure effective enforcement of the regulations described in this final rule, including mainline length limitations. To protect the integrity and effectiveness of an enforcement plan, specific details concerning law enforcement tactics, techniques, and procedures will not be made public. Furthermore, NMFS will be updating the monitoring plan and will be evaluating the effectiveness of the new measures as data become available.

Comment 17: The ASTH and two of their members expressed opposition to the mainline requirement that prohibits setting multiple mainline sets, noting that multi-sets were a common practice and can decrease soak time.

Response: The 20 nmi (37.04 km) mainline length restriction in the EEZ portion of the MAB was originally developed because, at the time, data suggested that pilot whale interaction rates were twice as high in pelagic longline sets with total mainline lengths greater than 20 nmi (37.04 km) than for pelagic longline sets with total mainline lengths less than 20 nmi (37.04 km). Operators of individual fishing vessels were allowed to fish multiple mainline sets at one time to ''compensate'' for the reduction of hooks due to the reduced maximum mainline length of 20 nautical miles (PLTRT, 2006). Based on Team discussions, we presumed that less than 50 percent of fishing vessels in the MAB would set multiple mainlines to compensate for the reduced maximum mainline length. Beginning in 2013, however, fishing vessels in the MAB shifted from deploying mostly single mainline sets to also setting multiple mainlines in the water at one time (hereinafter referred to as ''multi-sets'') (PLTRT, 2015). From 1992 to 2012, multiple mainlines set as part of a multi-set represented 1 percent of all mainlines observed on pelagic longline fishing vessels in the Mid-Atlantic Bight, but increased to 47 percent from 2013 to 2015 (PLTRT, 2015). Analyses showed that the rate of pilot whales interactions were higher in multi-sets compared to single mainline sets and that pelagic longline multi-sets had longer soak durations than a similar length single mainline set (PLTRT, 2015). In light of this information, the Team recommended that NMFS increase the maximum mainline length from 20 nmi (37.04 km) to 32 nmi (59.26 km) (with some restrictions), but limit vessels to a single mainline in the water at any one time to limit the total length of active gear in the water and reduce soak duration (PLTRT, 2016).

Comment 18: Several members of the ASTH commented on the impact this rule would have on vessels who are using a deep set longline technique, as this technique uses a longer mainline and more hooks to reach depth.

Response: The current regulations prohibit commercial vessels from deploying a pelagic mainline that

exceeds 20 nmi (37.04 km) in length in the MAB (50 CFR 229.36(e)), unless authorized to do so for research purposes. This rule increases the maximum length of mainline in the MAB from 20 nmi (37.94 km) to 32 nmi (59.26 km). This rule applies to the owner or operator of any vessel that has been issued or is required to be issued an Atlantic HMS tunas, swordfish, or shark permit under 50 CFR 635.4 and that has onboard pelagic longline gear as defined at 50 CFR 635.2 in the EEZ (as defined in 50 CFR 600.10). At this time, Atlantic pelagic longline vessels using the deep set fishing technique are considered to be part of the pelagic longline fishery and are, therefore, subject to this rule. If those vessels are considered active then they were considered in the economic analysis. However, because this fishing technique is relatively new in this fishery, there are limited data on how, when, and where this type of fishing occurs. As such, any data from vessels using this technique were treated the same as data from a standard pelagic longline vessel for the mainline length analysis. We will update the Team as new information on this fishing technique becomes available.

Comment 19: The ASTH and two of their members commented how the analysis of the economic impacts does not take into account the adverse impact on vessels and small businesses that are presently deploying more than 32 nmi (59.26 km) of mainline, such as those deploying mainline that is 45 or 50 nmi in length.

Response: The regulations prohibit commercial vessels from deploying a pelagic mainline that exceeds 20 nmi (37.04 km) in length in the MAB (50 CFR 229.36(e)), unless authorized to do so for research purposes. This rule increases the maximum length of mainline in the MAB from 20 nmi (37.94 km) to 32 nmi (59.26 km), and is, therefore, expected to generate an economic benefit. We did not analyze the economic impacts of vessels fishing in the MAB deploying more than 20 nmi of mainline length along a single mainline because it exceeds the legal limit.

Mainline lengths are not currently regulated outside of the MAB, and this rule does not change that. Vessels fishing longer mainlines, such as 45 or 50 nmi, outside the MAB may continue to do so and experience no economic impacts. As a result, no changes to the economic analysis were made in response to public comments and there were no significant changes to the fishery requiring modifications to the economic analysis.

Terminal Gear Requirements

Comment 20: In the proposed rule, NMFS sought comments on the length of time necessary to implement the terminal gear regulations. Three commenters addressed the length of time needed for manufacturers and industry to implement the new terminal gear requirements. WDC and DOW noted that manufacturers may need time to produce new hooks, but were concerned about additional delays to implementing regulations. BWFA and Blue Water Fishing and Tackle Co. suggested that at least 1 full year would be needed to plan and implement the hook design and inventory changes that would be needed, but recommended that the fishery be given no less than 18 months following the publication of the final rule to implement the new hook requirements in order to work through existing inventories of hooks that would not meet the new regulatory requirements.

Response: We acknowledge these comments and to meet the competing conservation needs for the species and economic needs of the pelagic longline industry, we are delaying implementation of the new terminal gear requirements for 1 year from the effective date of the final rule.

Comment 21: In the proposed rule, NMFS sought comments on whether the proposed strength for gangions is sufficient for ensuring that the proposed hooks will straighten before the gangion breaks. BWFA and Blue Water Fishing and Tackle Co. provided information in support of the proposed strengths and noted that the test of a leader is generally a minimum strength, which means a 300 lb (136.08 kg) leader would likely require more than 300 lb before breaking, and that the leaders are changed out regularly to avoid having them degrade and weaken over time through use. In contrast, the Commission, Oceana, and one member of the public provided comments indicating that the proposed breaking strengths would be insufficient.

Response: We acknowledge and appreciate the information provided by the commenters. Based on these comments, we did not change the proposed strength for gangions (*i.e.,* leaders or branch lines) or hooks. Additionally, we will update the monitoring plan and evaluate the effectiveness of the new terminal gear requirements as data become available.

Comment 22: The Commission commented that it does not support the use of 18/0 hooks and recommended that ''NMFS select and implement the 'hooks' sub-action of alternative 3'' and strike 18/0 from the regulatory text.

Response: We acknowledge the Commission's comment. When the PLTRT developed this consensus recommendation in 2015, discussion focused on hook types, with Team members drawing on a combination of NMFS Southeast Fisheries Science Center analysis, weak hook study (C. Bergmann) and hook testing (McLellan *et al.,* 2014 and McLellan unpublished data) to identify hooks more likely to straighten under the force of a hooked pilot whale, which included 18/0 circle hooks with a 4.40 mm (0.173 in) wire diameter (PLTRT, 2015). Once the terminal gear requirements go into effect, we will monitor the use of such gear to determine whether there is any difference between the marine mammal bycatch on 16/0 and 18/0 hooks and reevaluate in the future with the Team, as needed.

Comment 23: Oceana, WDC, DOW, and one member of the public commented on the importance of monitoring the effectiveness of the terminal gear requirements, including collecting and analyzing data on straightened hooks, bare leaders, and updating the observer information collected. Additionally, a member of the public encouraged NMFS to have fishery observers collect straightened hooks in order to try to genetically identify the species involved in the straightening.

Response: NMFS agrees with the importance of monitoring the effectiveness of these requirements. We will update the monitoring plan and evaluate the effectiveness of the new measures as data becomes available. Additionally, one of the non-regulatory components of the Plan is to update observer protocols and fishery observer forms to increase information collected from marine mammal interaction and depredation events in the Atlantic pelagic longline fishery.

Comment 24: Several members of the ASTH expressed opposition to the terminal gear requirements because they think they will lose target catch and commented that the adverse economic impact would be similar to the adverse economic impact of the weak-hook requirement in the Gulf of Mexico.

Response: The weak hooks required by this final rule in the Atlantic EEZ are not the same as those required in the Gulf of Mexico. The hooks required by this final rule are stronger than the ones required in the Gulf of Mexico and are currently used by pelagic longline fishermen in the area. Additionally, NMFS will update the monitoring plan and will evaluate the effectiveness of

the new terminal requirements as data become available.

Changes From the Proposed Rule

In the proposed rule, NMFS solicited comments on several items: (1) whether the proposed strength for gangions is sufficient for ensuring that the proposed hooks will straighten before the gangion breaks, (2) the length of time necessary for hook manufacturers to produce and supply hooks that meet the new specifications as well as the length of time the industry would need to implement the use of hooks and gangions that meet new specifications in the fishery and (3) the clarity of the manner in which four fishing areas (Northeast Coast, Mid-Atlantic Bight, South Atlantic Bight, and Florida East Coast) are defined, as well as the consistency of the definitions. As described below, as a result of the comments received on the third question, NMFS is making changes to the proposed rule. Additionally, as a result of comments received on the second question, NMFS is delaying implementation of the terminal gear requirements. NMFS is not making other changes as a result of the public comments summarized earlier but has made clarifying changes as needed throughout the regulatory text.

Terminal Gear Strength

NMFS requested comments regarding whether the proposed strength for gangions (at least 300 lb (136.08 kg), based on manufacturer specifications when new) is sufficient for ensuring that the proposed hooks (with a straightening force not to exceed 300 lb based on manufacturer's specifications when new and a diameter not to exceed 4.05 mm (0.159 in) for size 16/0 hooks or 4.40 mm (0.173 in) for size 18/0 hooks) will straighten before the gangion (*i.e.,* leaders or branch lines) breaks, thereby allowing a short-finned pilot whale to self-release. We received comments from industry indicating that (a) the test of a gangion is generally a minimum strength, which means a 300 lb leader would likely require more than 300 lbs before breaking, and (b) the leaders are changed out regularly, and therefore are unlikely to degrade and weaken over time through use. Based on these comments, NMFS did not change the terminal gear requirements from the proposed rule. However, in line with comments from stakeholders, NMFS will continue to monitor the effectiveness of this requirement and reassess with the Team at a future meeting.

Delayed Implementation of Terminal Gear Requirements

NMFS requested comments concerning the length of time necessary for hook manufacturers to produce and supply hooks that meet the new specifications as well as the length of time the industry would need to implement the use of hooks and gangions that meet new specifications in the fishery.

Based on comments received from industry that they would need at least 12 months to comply with the new specifications, NMFS delayed implementation of the terminal gear requirements by 1 year, commencing 30 days after the date of publication of this rule, in effect allowing 13 months for production and supply of hooks that meet the final rule specifications. NMFS also notes that there are available hooks that meet the specifications of the final rule currently used by the fleet. In line with comments from industry stakeholders, NMFS will monitor for any supply chain issues associated with this requirement during the delayed implementation period.

Clarification of Where Terminal Gear Regulations Apply

The proposed rule defined three new fishing areas (NEC, SAB and FEC), in addition to the MAB, in order to identify where the terminal gear requirements would apply. NMFS requested comments regarding the clarity of the manner in which the areas are defined, as well as the consistency of the definitions.

To simplify the regulations, NMFS is changing the manner in which it describes where the terminal gear requirements apply, though the geographic scope of these requirements is unchanged. The proposed rule defined three new areas that are widely known to the pelagic longline fishery because they are statistical reporting areas depicted on maps, but are not currently defined in regulations. The NEC, SAB and FEC areas, along with the MAB area, are equivalent to the U.S. Atlantic EEZ (east of the line of demarcation between the Atlantic Ocean and the Gulf of Mexico as defined in 50 CFR 600.105(c)). Therefore, NMFS is clarifying the regulatory text for enforcement purposes that the terminal gear requirements apply to the entire U.S. Atlantic EEZ (east of the line of demarcation between the Atlantic Ocean and the Gulf of Mexico as defined in 50 CFR 600.105(c)) and is removing the proposed definitions for the NEC, SAB, FEC areas from the final rule.

Furthermore, for enforcement purposes, NMFS is clarifying the definition of the MAB (where the mainline length restrictions apply) by using specific references to the latitude and longitude coordinates to identify the area. NMFS is not changing the geographic scope of the MAB area.

Classification

An Environmental Assessment has been prepared, analyzing the impacts on the human environment that would result from this action and determining that the action will not have significant environmental impacts upon implementation of the action. A copy of the EA is available from NMFS (see **ADDRESSES**).

This rule has been determined to be not significant for purposes of Executive Order 12866.

No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting or recordkeeping compliance requirements are introduced in this final rule. This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this rule would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. The Chief Counsel for Advocacy of the SBA did not file any comments on the proposed rule. While NMFS received several public comments on the economic effects of weak hooks and mainline length requirements, no changes to this final rule were made in response to public comments and there were no significant changes to the fishery between the proposed and final rule. As a result, a final regulatory flexibility analysis was not required and none was prepared.

References

A complete list of all references cited in this final rule, along with other supporting documents can be found in the Federal eRulemaking Portal at *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0105* and is available upon request from the NMFS Southeast Regional Office in St. Petersburg, FL (see **ADDRESSES**).

List of Subjects in 50 CFR Part 229

Administrative practice and procedure, Fisheries, Marine mammals, Pelagic Longline.

Dated: May 22, 2023.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 229 is amended as follows:

PART 229—AUTHORIZATION FOR COMMERCIAL FISHERIES UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972

■ 1. The authority citation for part 229 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

■ 2. Effective July 6, 2023, in § 229.3, revise paragraphs (t) and (u) to read as follows:

§ 229.3 Prohibitions.

* * * * *

(t) It is prohibited to deploy or fish with pelagic longline gear (as defined in 50 CFR 635.2) in the EEZ (as defined in 50 CFR 600.10) of the Atlantic Ocean east of the line of demarcation between the Atlantic Ocean and the Gulf of Mexico (as defined in 50 CFR 600.105(c)), unless the vessel complies with the requirements specified in § 229.36(c) and (d).

(u) It is prohibited to deploy or fish with pelagic longline gear (as defined in 50 CFR 635.2) in the Mid-Atlantic Bight (as defined in § 229.36(b)(2)) unless the vessel complies with paragraph (t) of this section and the requirements specified in § 229.36(e).

* * * * *

■ 3. Effective July 6, 2023, in § 229.36:

■ a. Revise paragraphs (a) and (b)(1) and (2);

■ b. Remove paragraphs (b)(3) and (4);

■ c. Remove and reserve paragraph (d); and

■ d. Revise paragraph (e).

The revisions read as follows:

§ 229.36 Atlantic Pelagic Longline Take Reduction Plan (PLTRP).

(a) *Purpose and scope.* The purpose of this section is to implement the PLTRP to reduce incidental mortality and serious injury of short-finned pilot whales in the Atlantic pelagic longline fishery off the U.S. East Coast, a component of the Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery. The requirements in this section apply to the owner or operator of any vessel that has been issued or is required to be issued an Atlantic HMS tunas, swordfish, or shark permit (under 50 CFR 635.4) and that has onboard pelagic longline gear (as defined at 50 CFR 635.2) in the EEZ (as defined in 50 CFR 600.10) of the Atlantic Ocean east of the line of demarcation between the Atlantic Ocean and the Gulf of Mexico (as defined in 50 CFR 600.105(c)).

(b) * * *

(1) *Active gear* means mainline in the water with gangions (as defined in 50 CFR 635.2) or hooks attached.

(2) *Mid-Atlantic Bight* means the area bounded by rhumb lines connecting the following points: 43° N 77° W; 43° N 71° W; 35° N 71° W; 35° N 77° W; and 43° N 77° W.

* * * * *

(e) *Mainline gear restrictions.* Vessels operating in the portion of the Mid-Atlantic Bight in the EEZ (as defined in 50 CFR 600.10) may not deploy pelagic longline gear unless the gear meets the following mainline specifications:

(1) *Mainline setting.* There can only be one piece of mainline in the water at any time. If the gear breaks or parts after setting, the vessel owner or operator must make every effort to remove the additional portions of the gear as soon as possible.

(2) *Mainline length.* Mainline length cannot exceed 32 nmi.

(3) *Active gear.* There can be no more than 30 nmi of active gear.

(4) *Maximum active gear length.* A section of active gear cannot exceed 20 nmi.

(5) *Gaps.* Between any two parts of active gear, there must be a gap of at least 1 nmi.

■ 4. Effective July 8, 2024, in § 229.36, add paragraph (d) to read as follows:

§ 229.36 Atlantic Pelagic Longline Take Reduction Plan (PLTRP).

* * * * *

(d) *Hook and gangion requirements.* Vessels operating in the EEZ (as defined in 50 CFR 600.10) of the Atlantic Ocean east of the line of demarcation between the Atlantic Ocean and the Gulf of Mexico (as defined in 50 CFR 600.105(c)) can only possess, use, and deploy hooks and gangions that meet the following specifications:

(1) *Hooks.* The hook shank must be constructed of corrodible round wire stock that can be measured with a caliper or other appropriate gauge and meet the following specifications:

(i) A 16/0 circle hook must not exceed 4.05 mm (0.159 in) in diameter and straighten with a force not to exceed 300 lb (136.08 kg), based on manufacturer specifications when new.

(ii) A 18/0 circle hook must not exceed 4.40 mm (0.173 in) in diameter and straighten with a force not to exceed 300 lb (136.08 kg), based on manufacturer specifications when new.

(2) *Gangions.* Any gangion (as defined in § 635.2 of this title), must meet all of the following specifications:

(i) Made of monofilament nylon. No other line material (*e.g.,* wire) may be used; however, crimps and chafing gear are allowed.

(ii) Have a diameter of 1.8 mm (0.071 in) or larger.

(iii) Have a breaking strength of at least 300 lb, based on manufacturer specifications when new.

(3) *Exception for transit.* If pelagic longline gear is appropriately stowed, a vessel may transit through the EEZ of the Atlantic Ocean east of the line of demarcation between the Atlantic Ocean and the Gulf of Mexico (as defined in 50 CFR 600.105(c)) without meeting the gear requirements specified in this paragraph. For the purpose of this paragraph, transit means non-stop progression through an area without any fishing activity occurring. Longline gear is stowed appropriately if all gangions and hooks are disconnected from the mainline and are stowed on or below deck, hooks are not baited, and all buoys and weights are disconnected from the mainline and drum (buoys may remain on deck).

(4) *Exception for research.* No person may possess, use, or deploy hooks other than what is described in this section unless they have a written letter of authorization on board from the Southeast Regional Administrator to conduct scientific or gear research for reducing bycatch in the pelagic longline fishery. In order to obtain a written letter of authorization, the research must be consistent with the regulations at 50 CFR part 635 and be designed to:

(i) Advance the long-term goal of reducing mortality and serious injury of short-finned pilot whales in the Atlantic pelagic longline fishery to insignificant levels approaching a zero mortality and serious injury rate; or,

(ii) Reduce the bycatch of other listed, threatened, or protected species in the Atlantic pelagic longline fishery.

* * * * *

[FR Doc. 2023–11761 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket no. 230331–0089]

RTID 0648–XD042

Pacific Halibut Fisheries of the West Coast; Catch Sharing Plan; Inseason Action

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

ACTION: Temporary rule; inseason adjustment; request for comments.

SUMMARY: NMFS announces inseason actions for certain subareas in the Pacific halibut recreational fishery in the International Pacific Halibut Commission's regulatory Area 2A off Washington, Oregon, and California. Specifically, this action increases the bag limit from one to two fish per day in the Oregon Central Coast and Southern Oregon subareas starting June 12. It also adds the season dates of June 9, 11, 16, 18, 23, 25, and 30 for the Washington North Coast subarea and June 13 and 20 for the Columbia River subarea. This action is intended to conserve Pacific halibut and provide angler opportunity where available.

DATES: *Effective date:* June 2, 2023, through October 31, 2023.

Comment date: Comments due on or before June 21, 2023.

ADDRESSES: Submit your comments, identified by NOAA–NMFS–2023–0128, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2023–0128 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Jennifer Quan, Regional Administrator, c/o Katie Davis, West Coast Region, NMFS, 500 W Ocean Blvd., Long Beach, CA 90802.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will post them for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Docket: This rule is accessible via the internet at the Office of the Federal Register website at *https://www.federalregister.gov/.* Background information and documents are available at the NOAA Fisheries website at *https://www.fisheries.noaa.gov/action/2023-pacific-halibut-recreational-fishery* and at the Council's website at *http://www.pcouncil.org.* Other comments received may be accessed through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Katie Davis, phone: 323–372–2126 or email: *katie.davis@noaa.gov.*

SUPPLEMENTARY INFORMATION: On April 11, 2023, NMFS published a final rule approving changes to the Pacific halibut Area 2A Catch Sharing Plan and implementing recreational (sport) management measures for 2023 (88 FR 21503), as authorized by the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773–773(k)). The Pacific Fishery Management Council (Council) 2023 Catch Sharing Plan provides a recommended framework for NMFS' annual management measures and subarea allocations based on the 2023 Area 2A Pacific halibut catch limit of 1,520,000 pounds (lb) (689 metric tons (mt)) set by the International Pacific Halibut Commission (IPHC). The Area 2A catch limit and commercial fishery allocations were adopted by the IPHC and were published in the **Federal Register** on March 7, 2023 (88 FR 14066) after acceptance by the Secretary of State, with concurrence from the Secretary of Commerce, in accordance with 50 CFR 300.62. The Area 2A Pacific halibut management measures include recreational fishery season dates, bag limits, and subarea allocations.

Federal regulations at 50 CFR 300.63(c)(6), ''Inseason Management for Recreational (Sport) Halibut Fisheries in Area 2A.,'' allow the NMFS Regional Administrator to modify annual regulations during the season. These inseason provisions allow the Regional Administrator to modify recreational (sport) fishing periods, bag limits, size limits, days per calendar week, and subarea quotas, if it is determined it is necessary to meet the allocation objectives and the action will not result in exceeding the catch limit.

NMFS has determined that, due to lower than expected landings in the Central Oregon Coast and Southern Oregon subareas, the Washington North Coast subarea, and the Columbia River subarea, inseason action to modify the 2023 annual regulations for the recreational fishery is warranted at this time to provide additional opportunity for fishery participants to achieve the Area 2A subarea allocations. As stated above, inseason modification of fishing season dates and bag limits is authorized by Federal regulations at 50 CFR 300.63(c)(6). After consulting with the IPHC, the Council, the Washington Department of Fish and Wildlife (WDFW), and the Oregon Department of Fish and Wildlife (ODFW), NMFS determined the following inseason actions are necessary to meet the management objective of attaining subarea allocations, will not result in exceeding any subarea allocations, and are consistent with the inseason management provisions allowing for the modification of recreational fishing periods, recreational fishing days per calendar week, and fishing bag limits. Notice of these additional dates and increased bag limits will also be announced on the NMFS hotline at 206–526–6667 or 800–662–9825.

Inseason Action

Oregon Central Coast and Southern Oregon subareas

Description of the action: This inseason action implements an increase in the bag limit from one fish per day, to two fish per day in the Oregon Central Coast and Southern Oregon subareas for the remainder of the 2023 recreational fishery.

Reason for the action: The purpose of this inseason action is to provide additional opportunity for anglers in the Oregon Central Coast and Southern Oregon subareas. The recreational fishery in these subareas opened on May 1, 2023. NMFS has determined an increased bag limit is warranted due to lower than expected landings through May 19, 2023, and the expectation that a substantial amount of the Oregon combined allocation will go unharvested without increased bag limits. As of May 13, anglers in the Oregon Central Coast and Southern Oregon subareas have harvested 27,837 lb (12.63 mt) of the 293,436 lb (133.10 mt) allocation (9 percent), leaving 265,599 lb (120.47 mt) remaining (91 percent of the subarea allocation). Without the increased bag limits in this action, the bag limits implemented in the April 11, 2023 (88 FR 21503, April 11, 2023) final rule would likely result in substantial unharvested allocation in the combined Oregon Central Coast and Southern Oregon subareas. The Catch

Sharing Plan stipulates that ''if the Central Oregon Coast Subarea allocation (all-depth and nearshore combined) is 200,000 pounds or greater, the daily bag limit may be increased to two fish per day, based on consultation between ODFW, NMFS, IPHC, and PFMC with the intent of taking the entire subarea allocation by September 30.'' The Catch Sharing Plan also specifies that when the bag limit for the Oregon Central Coast subarea is increased from one to two fish, the bag limit for the Southern Oregon subarea is also increased.

After consulting with ODFW, it was determined that in order for anglers to have the opportunity to achieve the combined Oregon Central Coast and Southern Oregon subarea allocations, with little risk of the subareas or coastwide allocation being exceeded, increased bag limits are warranted for participants in these two Oregon subareas. Therefore, through this action, NMFS is announcing higher bag limits than those previously implemented in the final rule on April 11, 2023 (88 FR 21503, April 11, 2023). Specifically, the bag limits are increased for the Oregon Central Coast and Southern Oregon subareas from one fish to two fish per day.

Notice of these increased bag limits will also be announced on the NMFS hotline at 206–526–6667 or 800–662–9825.

Washington North Coast subarea

Description of the action: This inseason action implements seven additional fishing dates for the Washington North Coast subarea during the 2023 recreational fishery.

Reason for the action: The purpose of this inseason action is to provide additional opportunity for anglers in the Washington North Coast subarea by opening the fishery on June 9, 11, 16, 18, 23, 25, and 30. The recreational fishery in this subarea opened on May 4, 2023. NMFS has determined that these additional dates are warranted due to lower than expected landings through May 19, 2023, and the expectation that a substantial amount of subarea allocation will go unharvested without additional fishing dates. Fishing dates were set with the expectation that effort would return to pre-pandemic levels and with the intention of attaining most of the allocation before the end of June, with some allocation left for late summer opportunity. However, effort has not returned to pre-pandemic levels, likely due to high fuel prices and the resulting high cost of driving to remote port locations in the North Coast subarea as well as high vessel fuel prices, as well as reports of lower catch per unit effort (CPUE) and smaller halibut. As of May 14, anglers in the Washington North Coast subarea have harvested 15,217 lb (6.90 mt) of the 129,668 lb (58.82 mt) allocation (12 percent), leaving 114,451 lb (51.92 mt) remaining (88 percent of the subarea allocation). Without the additional dates in this action, the dates implemented in the final rule on April 11, 2023 (88 FR 21503, April 11, 2023) would likely result in substantial unharvested allocation in the Washington North Coast subarea.

After consulting with WDFW, it was determined that in order for anglers to have the opportunity to achieve Washington recreational allocation, with little risk of subarea or coastwide allocations being exceeded, additional season dates are warranted for participants in the Washington North Coast subareas. Therefore, through this action, NMFS is announcing additional season dates in June that were not previously implemented in the final rule on April 11, 2023 (88 FR 21503, April 11, 2023). Specifically, the additional season dates for the Washington North Coast subarea are June 9, 11, 16, 18, 23, 25, and 30.

Notice of these additional dates will also be announced on the NMFS hotline at 206–526–6667 or 800–662–9825.

Columbia River subarea

Description of the action: This inseason action implements two additional fishing dates for the Columbia River subarea during the 2023 recreational fishery.

Reason for the action: The purpose of this inseason action is to provide additional opportunity for anglers in the Columbia River subarea by opening the fishery on June 13 and 20. The recreational fishery in this subarea opened on May 4, 2023. NMFS has determined that these additional dates are warranted due to lower than expected landings through May 19, 2023. Fishing dates were set with the expectation that effort would return to pre-pandemic levels and with the intention of reaching the allocation before the end of June. However, effort has not returned to pre-pandemic levels, likely due to high vessel fuel prices, as well as reports of lower CPUE and smaller halibut. As of May 14, anglers in the Columbia River subarea have harvested 4,791 lb (2.17 mt) of the 18,875 lb (8.56 mt) allocation (25 percent), leaving 13,700 lb (6.21 mt) remaining (75 percent of the subarea allocation). Without the additional dates in this action, the dates implemented in the April 11, 2023 (88 FR 21503, April 11, 2023) final rule would likely result in unharvested allocation in the Columbia River subarea.

After consulting with WDFW and ODFW, it was determined that in order for anglers to have the opportunity to achieve Columbia River recreational allocation by the end of June, with little risk of subarea or coastwide allocations being exceeded, additional season dates are warranted for participants in the Columbia River subareas. Therefore, through this action NMFS is announcing new season dates in June that were not previously implemented in the April 11, 2023, final rule (88 FR 21503, April 11, 2023). Specifically, the additional season dates for the Columbia River subarea are June 13 and 20.

Notice of these additional dates will also be announced on the NMFS hotline at 206–526–6667 or 800–662–9825.

Weekly catch monitoring reports for the recreational fisheries in Washington, Oregon, and California are available on their respective state Fish and Wildlife agency websites. NMFS and the IPHC will continue to monitor recreational catch obtained via state sampling procedures until NMFS has determined there is not sufficient allocation for another full day of fishing, and the area is closed by the IPHC, or the season closes on September 30 in Washington and the Columbia River subarea or October 31 in Oregon, whichever is earlier.

Classification

NMFS issues this action pursuant to the Northern Pacific Halibut Act of 1982. This action is taken under the regulatory authority at 50 CFR 300.63(c)(6), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. ODFW and WDFW provided updated landings data to NMFS on May 19, 2023, showing that the fishery participants in the recreational fishery off of Oregon had caught only 9 percent of Central Coast and Southern subarea combined allocations, fishery participants in the recreational fishery off of Washington had caught only 12 percent of the North Coast subarea allocation, and fishery participants in the Columbia River subarea had caught only 25 percent of the subarea allocation. NMFS uses fishing rates from previous years to determine the number of recreational fishing dates needed to attain subarea allocations. Given the lower than expected catch rates in the Oregon

Central Coast and the Southern Oregon subareas, the Washington North Coast subarea, and the Columbia River subarea, increased bag limits in the Oregon Central Coast and Southern Oregon subareas, and additional dates in the Washington North Coast subarea and the Columbia River subarea are considered necessary to increase angler opportunity to reach the overall Oregon and Washington subarea allocations. This action should be implemented as soon as possible to allow fishery participants to take advantage of the increased bag limits in the Oregon subareas prior to the end of the season and to plan for additional season dates in the Washington and Columbia River subareas. As the fisheries close on October 31, 2023 in Oregon and on September 30, 2023 in Washington and the Columbia River subareas, implementing this action through proposed and final rulemaking would limit the benefit this action would provide to fishery participants. Without implementation of increased bag limits in Oregon and additional season dates in Washington and the Columbia River subarea, the overall Oregon and Washington allocations are unlikely to be harvested, limiting economic benefits to the participants and not meeting the goals of the Catch Sharing Plan. It is necessary that this rulemaking be implemented in a timely manner so that planning for increased bag limits and additional season dates can take place, and for business and personal decision making by the regulated public impacted by this action, which includes recreational charter fishing operations, associated port businesses, and private anglers who do not live near the coastal access points for this fishery, among others. To ensure the regulated public is fully aware of this action, notice of this regulatory action will also be provided to anglers through a telephone hotline, news release, and by the relevant state fish and wildlife agencies. NMFS will receive public comments for 15 days after publication of this action, in accordance with 50 CFR 300.63(c)(6)(iv). No aspect of this action is controversial, and changes of this nature were anticipated in the process described in regulations at 50 CFR 300.63(c).

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

Authority: 16 U.S.C. 773–773k.

Dated: June 1, 2023.

Jennifer M. Wallace,

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

[FR Doc. 2023–12071 Filed 6–2–23; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 88, No. 108
Tuesday, June 6, 2023

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2023–1276; Airspace Docket No. 22–AEA–37]

RIN 2120–AA66

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend six United States Area Navigation (RNAV) Q-routes in the eastern United States. This action supports the Northeast Corridor Atlantic Coast Routes (NEC ACR) Optimization Project to improve the efficiency of the National Airspace System (NAS).

DATES: Comments must be received on or before July 21, 2023.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2023–1276 and Airspace Docket No. 22–AEA–37 using any of the following methods:

* *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instructions for sending your comments electronically.

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Docket: Background documents or comments received may be read at *www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, GA 30337.

Incorporation by Reference

United States Area Navigation routes are published in paragraph 2006 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022. These

updates would be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend RNAV routes Q–97, Q–117, Q–131, Q–167, Q–409, and Q–439 to enhance the efficiency of the NEC ACR Optimization Project, resolve issues of similar sounding waypoint (WP) names that may cause confusion in communications, and to remove points that are not required in the route descriptions.

Q–97: Q–97 currently extends from the TOVAR, FL, WP to the Presque Isle, ME (PQI) Very High Frequency (VHF) Omnidirectional Range/Distance Measuring Equipment (VOR/DME). This action proposes to remove the following WPs and one Fix from the route because they do not denote a turn of one degree or more: EBAYY, FL; ELMSZ, SC; YURCK, NC; YEASO, NC; KOHLS, NC; HEADI, NJ; SAILN, OA (*i.e.,* OA means Offshore Atlantic); BEEKN, ME; and the BRIGS, NJ, Fix. In addition, the DELAAY, MD, WP would be moved, along the route, 11.5 nautical miles (NM) south of its current position. The move is required to deconflict New York arrival traffic from departures that are climbing southbound on RNAV routes Q–97 and Q–167. These changes would not affect the alignment of Q–97.

Q–117: Q–117 currently extends from YLEEE, NC to SAWED, VA. This action proposes to change the name of the YLEEE, NC, WP to the PRONI, NC, WP to eliminate confusion with another similar sounding WP name. This has led to navigation system data entry errors. The PRONI, NC, WP would have the same latitude/longitude coordinates as the YLEEE WP so the alignment of Q–117 would remain unchanged. As amended, Q–117 would extend from PRONI, NC to SAWED, VA.

Q–131: Q–131 currently extends from ZILLS, NC to ZJAAY, MD. To resolve confusion with similar sounding WP names, this action would change the name of the ZILLS, NC, WP to the WAALT, NC, WP; and change the YLEEE, NC, WP to the PRONI, NC, WP. The new WPs retain the same latitude/longitude coordinates as the points they would replace. This action would also remove the route segment from KALDA, VA to ZJAAY, MD from Q–131. That segment is being incorporated into RNAV route Q–101 in order to match the Q route structure with preferred routing and air traffic control system automation, to improve the efficiency to the NAS. As amended, Q–131 would extend from WAALT, NC to KALDA, VA.

Q–167: Q–167 currently extends from ZJAAY, MD to SSOXS, MA. This action would extend Q–167 12 NM southwestward from the ZJAAY, MD, WP to the KALDA, VA, WP to link with additional Q routes. In addition, the following WPs would be removed from the route description because they do not denote a turn of one degree or more: TOPRR, OA; SPDEY, OA; GRONC, NY, and NESTT, RI. The YAZUU, NJ, Fix, and the EMJAY, NJ, Fix would also be removed for the same reason. The following Fixes in the Q–167 route description are reclassified as WPs to match the National Airspace System Resource (NASR) database updates: ZIZZI, NJ; RIFLE, NY; and HOFFI, NY. As amended, Q–167 would extend from KALDA, VA to SSOXS, MA.

Q–409: Q–409 currently extends from ENEME, GA to WHITE, NJ. This action proposes to change the name of the GNARO, DE, WP to the OYVAY, DE, WP due to word pronunciation issues causing confusion for flight crews. In addition, the OYVAY WP would be relocated 4.37 NM southwest of the GNARO WP position. The TRPOD, MD, WP would be moved approximately 0.5 NM from its current position per air traffic control request. In addition, the JROSS, SC, WP and the DEEEZ, NC, WP would be removed from the route description because they do not denote a turn of one degree or more.

Q–439: Q–439 currently extends from BRIGS, NJ to Presque Isle, ME. Air traffic control requested that Q–439 be extended southwest from the BRIGS, NJ, Fix to overlie a portion of existing RNAV route Q–445 from BRIGS to a new HOWYU, DE, WP. This would add the HOWYU WP as the new starting point for Q–439. The RADDS, DE, Fix, and the WNSTN, NJ, WP would be to the route description between the HOWYU, DE, WP and the MANTA, NJ, Fix. The following Fixes would be removed from the route description because they do not denote a turn of one degree or more: BRIGS, NJ; DRIFT, NJ; PLUME, NJ; SHERL, NJ; DUNDEE, NY; and FRIAR, ME. In addition, the RIFLE, NY, Fix would be reclassified as a WP to match the NASR database updates. As amended, Q–439 would extend from the HOWYU, DE, Fix to Presque Isle, ME.

Full descriptions of the above amended routes are listed in the proposed amendments to part 71 set forth below.

This proposal supports the NEC ACR Optimization Project to improve the efficiency of the NAS.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 2006 United States Area Navigation Routes.

* * * * *

Q–97 TOVAR, FL to Presque Isle, ME (PQI) [Amended]

TOVAR, FL	WP	(Lat. 26°33′05.09″ N, long. 080°02′19.75″ W)
MALET, FL	FIX	(Lat. 28°41′29.90″ N, long. 080°52′04.30″ W)
DEBRL, FL	WP	(Lat. 29°17′48.73″ N, long. 081°08′02.88″ W)
KENLL, FL	WP	(Lat. 29°34′28.35″ N, long. 081°07′25.26″ W)
PRMUS, FL	WP	(Lat. 29°49′05.67″ N, long. 081°07′20.74″ W)
WOPNR, OA	WP	(Lat. 30°37′36.03″ N, long. 081°04′26.44″ W)
JEVED, GA	WP	(Lat. 31°15′02.60″ N, long. 081°03′40.14″ W)
CAKET, SC	WP	(Lat. 32°31′08.63″ N, long. 080°16′09.21″ W)
ELLDE, NC	WP	(Lat. 34°24′14.57″ N, long. 078°41′50.60″ W)
PAACK, NC	WP	(Lat. 35°55′40.26″ N, long. 077°15′30.99″ W)
SAWED, VA	FIX	(Lat. 37°32′00.73″ N, long. 075°51′29.10″ W)
KALDA, VA	WP	(Lat. 37°50′31.05″ N, long. 075°37′35.34″ W)
ZJAAY, MD	WP	(Lat. 38°03′09.95″ N, long. 075°26′34.27″ W)
DLAAY, MD	WP	(Lat. 38°15′02.70″ N, long. 075°16′52.87″ W)
Calverton, NY (CCC)	VOR/DME	(Lat. 40°55′46.63″ N, long. 072°47′55.89″ W)
NTMEG, CT	WP	(Lat. 41°16′30.75″ N, long. 072°28′52.08″ W)
VENTE, MA	WP	(Lat. 42°08′24.33″ N, long. 071°53′38.08″ W)
BLENO, NH	WP	(Lat. 42°54′55.00″ N, long. 071°04′43.37″ W)
FRIAR, ME	FIX	(Lat. 44°26′28.93″ N, long. 069°53′04.38″ W)
Presque Isle, ME (PQI)	VOR/DME	(Lat. 46°46′27.07″ N, long. 068°05′40.37″ W)

* * * * * * *

Q–117 PRONI, NC to SAWED, VA [Amended]

PRONI, NC	WP	(Lat. 34°33′40.63″ N, long. 077°40′27.89″ W)
CUDLE, NC	WP	(Lat. 35°08′19.48″ N, long. 077°32′36.22″ W)
KTEEE, NC	WP	(Lat. 35°54′55.66″ N, long. 076°57′30.45″ W)
SAWED, VA	WP	(Lat. 37°32′00.73″ N, long. 075°51′29.10″ W)

* * * * * * *

Q–131 WAALT, NC to KALDA, VA [Amended]

WAALT, NC	WP	(Lat. 33°47′32.68″ N, long. 077°52′08.59″ W)
PRONI, NC	WP	(Lat. 34°33′40.63″ N, long. 077°40′27.89″ W)
EARZZ, NC	WP	(Lat. 35°54′39.84″ N, long. 076°51′21.64″ W)
ODAWG, VA	WP	(Lat. 37°07′11.61″ N, long. 076°02′03.17″ W)
KALDA, VA	WP	(Lat. 37°50′31.05″ N, long. 075°37′35.34″ W)

* * * * * * *

Q–167 KALDA, VA to SSOXS, MA [Amended]

KALDA, VA	WP	(Lat. 37°50′31.06″ N, long. 075°37′35.34″ W)
ZJAAY, MD	WP	(Lat. 38°03′09.95″ N, long. 075°26′34.27″ W)
PAJET, DE	WP	(Lat. 38°28′04.13″ N, long. 075°03′00.55″ W)
CAANO, DE	WP	(Lat. 38°31′46.37″ N, long. 074°58′52.32″ W)
TBONN, OA	WP	(Lat. 38°45′02.83″ N, long. 074°45′03.77″ W)
ZIZZI, NJ	WP	(Lat. 38°56′26.46″ N, long. 074°31′44.27″ W)
RIFLE, NY	WP	(Lat. 40°41′24.18″ N, long. 072°34′54.89″ W)
HOFFI, NY	WP	(Lat. 40°48′03.46″ N, long. 072°27′41.97″ W)
ORCHA, NY	WP	(Lat. 40°54′55.46″ N, long. 072°18′43.64″ W)
ALBOW, NY	WP	(Lat. 41°02′04.04″ N, long. 071°58′30.69″ W)
BUZRD, MA	WP	(Lat. 41°32′45.88″ N, long. 070°57′50.69″ W)
SSOXS, MA	FIX	(Lat. 41°50′12.62″ N, long. 070°44′46.26″ W)

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Q–409 ENEME, GA to WHITE, NJ [Amended]

ENEME, GA	WP	(Lat. 30°42′12.09″ N, long. 082°26′09.31″ W)
PUPYY, GA	WP	(Lat. 31°24′35.58″ N, long. 081°49′06.19″ W)
ISUZO, GA	WP	(Lat. 31°57′47.85″ N, long. 081°14′14.79″ W)
KONEY, SC	WP	(Lat. 32°17′01.62″ N, long. 081°01′23.79″ W)
SESUE, SC	WP	(Lat. 33°52′02.58″ N, long. 079°33′51.88″ W)
OKNEE, SC	WP	(Lat. 34°15′39.92″ N, long. 079°10′40.68″ W)
MRPIT, NC	WP	(Lat. 34°26′05.09″ N, long. 079°01′45.10″ W)
GUILD, NC	WP	(Lat. 36°18′49.56″ N, long. 077°14′59.96″ W)
CRPLR, VA	WP	(Lat. 37°36′24.01″ N, long. 076°09′57.67″ W)
TRPOD, MD	WP	(Lat. 38°20′20.33″ N, long. 075°32′01.85″ W)
OYVAY, DE	WP	(Lat. 39°02′18.85″ N, long. 075°26′18.04″ W)
VILLS, NJ	WP	(Lat. 39°18′03.87″ N, long. 075°06′37.89″ W)
Coyle, NJ (CYN)	VORTAC	(Lat. 39°49′02.42″ N, long. 074°25′53.85″ W)
WHITE, NJ	FIX	(Lat. 40°00′24.32″ N, long. 074°15′04.61″ W)

* * * * * * *

Q–439 HOWYU, DE to Presque Isle, ME (PQI) [Amended]

HOWYU, DE	WP	(Lat. 38°28′39.48″ N, long. 075°14′01.16″ W)
RADDS, DE	FIX	(Lat. 38°38′54.80″ N, long. 075°05′18.48″ W)
WNSTN, NJ	WP	(Lat. 39°05′43.81″ N, long. 074°48′01.20″ W)
MANTA, NJ	FIX	(Lat. 39°54′07.01″ N, long. 073°32′31.63″ W)
SARDI, NY	FIX	(Lat. 40°31′26.61″ N, long. 072°47′55.87″ W)
RIFLE, NY	WP	(Lat. 40°41′24.18″ N, long. 072°34′54.89″ W)
FOXWD, CT	WP	(Lat. 41°48′21.66″ N, long. 071°48′07.03″ W)
BOGRT, MA	WP	(Lat. 42°13′56.08″ N, long. 071°31′07.37″ W)
BLENO, NH	WP	(Lat. 42°54′55.00″ N, long. 071°04′43.37″ W)
BEEKN, ME	WP	(Lat. 43°20′51.95″ N, long. 070°44′50.28″ W)
Presque Isle, ME (PQI)	VOR/DME	(Lat. 46°46′27.07″ N, long. 068°05′40.37″ W)

* * * * *

Issued in Washington, DC, on May 30, 2023.

Brian Konie,

Acting Manager, Airspace Rules and Regulations.

[FR Doc. 2023–11908 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2023–0735; Airspace Docket No. 23–ASW–11]

RIN 2120–AA66

Amendment of Class E Airspace; Ruston, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace at Ruston, LA. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Ruston non directional beacon (NDB). The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before July 21, 2023.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2023–0735 and Airspace Docket No. 23–ASW–11 using any of the following methods:

* *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instruction for sending your comments electronically.

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Docket: Background documents or comments received may be read at *www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Ruston Regional Airport, Ruston, LA, to support instrument flight rule operations at this airport.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or dely. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5USC 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT post these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov* as described in the system of records notice (DOT/ALL–14FDMS), which can be reviewed at *www.dot.gov/privacy*.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Incorporation by Reference

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

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by modifying the

Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile radius of Ruston Regional Airport, Ruston, LA; and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review caused by the decommissioning of the Ruston NDB which provided navigation information for the instrument procedures at this airport.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASW LA E5 Ruston, LA [Amended]

Ruston Regional Airport, LA
(Lat. 32°30′48″ N, long. 92°35′18″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Ruston Regional Airport.

* * * * *

Issued in Fort Worth, Texas, on May 31, 2023.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2023–11957 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 402

[Docket No. SSA–2021–0049]

RIN 0960–AI07

Availability of Information and Records to the Public

AGENCY: Social Security Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Social Security Administration (SSA) is proposing revisions to our existing Freedom of Information Act (FOIA) regulations to conform with the requirements of the FOIA Improvement Act of 2016. The FOIA Improvement Act of 2016 requires Federal agencies to issue regulations on procedures for disclosure of records consistent with the amendments to the FOIA by such Act. We are also proposing the reorganization of our FOIA regulation to make our FOIA procedures easier for the public to understand and use.

DATES: To ensure that your comments are considered, we must receive them no later than August 7, 2023.

ADDRESSES: You may submit comments by any one of three methods—internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2021–0049 so that we may associate your comments with the correct regulation.

Caution: You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. *Internet:* We strongly recommend that you submit your comments via the internet. Please visit the Federal eRulemaking portal at *https://www.regulations.gov*. Use the *Search* function to find docket number SSA–2021–0049. The system will issue a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each comment manually. It may take up to a week for your comment to be viewable.

2. *Fax:* Fax comments to 833–410–1631.

3. *Mail:* Address your comments to the Office of Regulations and Reports Clearance, Social Security Administration, 6401 Security Boulevard, 3rd Floor (East) Altmeyer Building, Baltimore, Maryland 21235–6401.

Comments are available for public viewing on the Federal eRulemaking portal at *https://www.regulations.gov* or in person, during regular business hours, by arranging with the contact person identified below.

FOR FURTHER INFORMATION CONTACT: Sarah Reagan, Office of Privacy and Disclosure, Social Security Administration, WHR G401, 6401 Security Boulevard, Baltimore, MD 21235, (410) 966–5855. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213, or TTY 1–800–325–0778, or visit our internet site, Social Security Online, at *https://www.ssa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The FOIA is a Federal statute that allows the public to request records from the Federal government. The FOIA provides that any person has a right, enforceable in court, to obtain access to federal agency records subject to the FOIA, except to the extent that any portions of such records are protected from public disclosure by one of nine exemptions. Additionally, under the FOIA, agencies must make records specified in 5 U.S.C. 552(a)(2) (*e.g.,* instructional manuals issued to our employees, general statements of policy, other materials used in processing claims, etc.) available for public inspection in an electronic format. The FOIA also statutorily requires Federal agencies to annually report on numerous and various metrics to the Department of Justice (DOJ).

Since the time the Social Security Administration (SSA) became an agency independent of the Department of Health and Human Services, Congress enacted two significant laws. These laws, the Openness Promotes Effectiveness in our National Government Act of 2007 (OPEN Government Act of 2007) [1] and the FOIA Improvement Act of 2016,[2] guide how agencies implement the requirements of the FOIA. Within this notice of proposed rulemaking (NPRM), we are proposing updates and revisions to our regulation at 20 CFR part 402 to conform with these laws, as well as the FOIA Improvement Act of 2016's requirement to issue regulations on procedures for disclosure of records in accordance with its amendments.

Based on our experience administering the FOIA, we propose updates to our FOIA rules and regulation to clarify our FOIA processes for the public. We propose comprehensive revisions to the entirety of 20 CFR part 402 by reorganizing the content. This reorganization starts with our FOIA policies and procedures for processing FOIA requests and concludes with information on records available for public inspection. Our revisions streamline our FOIA regulations at part 402 by creating new sections, consolidating sections based on content, and revising section headings to more clearly capture the information contained therein. We also propose updates to reflect office name changes, as well as general text changes consistent with the plain language initiative.[3]

Our proposed revisions to our FOIA regulation at 20 CFR part 402 underscore the guidelines on the FOIA that Attorney General Merrick Garland issued within his March 2022 *Memorandum for Heads of Executive Departments and Agencies.* As summarized by DOJ's Office of Information Policy, Attorney General Garland's memorandum ''direct[s] the heads of all executive branch departments and agencies to apply a presumption of openness in administering the FOIA and make clear that the Justice Department will not defend nondisclosure decisions that fail to do so.'' Attorney General Garland stated that proactive disclosures are ''fundamental to the faithful application of FOIA,'' and advised agencies of the need ''to remove barriers to access and to help requesters understand the FOIA process and the nature and scope of the records the agency maintains.''

In the sections that follow within this NPRM, we explain the requirements of the OPEN Government Act of 2007 and the FOIA Improvement Act of 2016. To visualize our proposed reorganization of part 402, we provide a table that identifies the old (existing) regulatory sections, the sections to which the content moved, and the names of the new sections. Following the table is a section-by-section summary wherein we identify changes we propose in compliance with the OPEN Government Act of 2007 and FOIA Improvement Act of 2016, as well as updates we propose for ease of understanding the agency's FOIA policies and procedures.

II. The OPEN Government Act of 2007

As described below, the OPEN Government Act of 2007 amended the FOIA by providing new procedural and reporting requirements agencies must implement in their administration of the FOIA. It also codifies existing FOIA practices, *i.e.,* (1) all FOIA requests that will take longer than 10 days to process must be assigned an individualized tracking number and (2) agencies must provide requesters with a telephone line or internet service from which requesters can receive the status of their request(s).

To improve transparency and openness in government, the OPEN Government Act of 2007 established the Office of Government Information Services (OGIS) within the National Archives and Records Administration that, among other duties, offers mediation services between FOIA requesters and administrative agencies as an alternative to litigation. It further directs agencies to designate a Chief FOIA Officer, who: (1) has responsibility for FOIA compliance; (2) monitors FOIA implementation; (3) makes recommendations to the agency head concerning improvements to FOIA implementation; (4) reports to the Attorney General, as requested, on the agency's FOIA implementation; (5) facilitates public understanding of the purposes of FOIA's statutory exemptions; and (6) designates one or more FOIA Public Liaisons. The FOIA Public Liaison serves as an official to whom a FOIA requester can raise concerns about service and is responsible for assisting in reducing delays in FOIA request processing, helping resolve disputes, and helping requesters understand the status of their requests.

The OPEN Government Act of 2007 also revised annual reporting obligations, mandating reports on agency compliance with the FOIA to include information on: (1) FOIA denials based upon particular statutes; (2) response times; and (3) compliance by the agency and by each principal component thereof. We are not codifying the statutory reporting requirements of the Chief FOIA Officer within our proposed revisions to part 402 because they do not affect our day-to-day administration of the FOIA.

Regarding FOIA request processing, the OPEN Government Act of 2007 establishes changes to time limits: (1) specifies that the 20-day period during which an agency must determine whether to comply with a FOIA request begins on the date the request is received by the appropriate component of the agency, but no later than 10 days after the request is received by any component designated to receive FOIA requests; (2) limits the circumstances under which the 20 business day statutory time period may be ''tolled'' (or, more commonly known as stopped or paused); and (3) prohibits an agency from assessing search or duplication fees under the FOIA if it fails to comply with time limits, provided that no unusual or exceptional circumstances apply.

Lastly, the OPEN Government Act of 2007 provides for the definition of ''representative of the news media'' and

[1] Public Law 110–175; *https://www.congress.gov/bill/110th-congress/senate-bill/2488/text.*

[2] Public Law 114–185; *https://www.congress.gov/bill/114th-congress/senate-bill/337/text.*

[3] The Plain Writing Act of 2010 requires Federal agencies to use clear communication that the public can understand and use. Federal agencies are required to follow plain language principles; *https://centerforplainlanguage.org/learning-training/five-steps-plain-language/.* In fiscal year 2021, the Center for Plain Language graded Federal agencies' Coronavirus Update pages and main FOIA web pages. SSA received an overall grade of B+ and received positive reviews on our FOIA main web page.

amends the definition of ''record'' to include any information maintained by an agency contractor ''for the purposes of record management.''

The changes we are proposing in our revised regulation to conform with the requirements of the OPEN Government Act of 2007 are as follows:

- Within revised § 402.60, we are updating and clarifying the following business practices: our acknowledgement of FOIA requests, when a request is considered perfected, our multi-tracking procedures, unusual circumstances, and tolling of the 20 business day statutory time period;
- Within revised §§ 402.70 through 402.80, we are revising our rules concerning fees;
- Within revised §§ 402.05 and 402.100, we are introducing and providing information on the services of the FOIA Public Liaison and OGIS; and
- Within revised § 402.10, we are defining ''representative of the news media,'' amending the definition of ''record,'' and defining new terms (such as the FOIA Public Liaison, OGIS, and Chief FOIA Officer).

III. The FOIA Improvement Act of 2016

The FOIA Improvement Act of 2016 took effect on June 30, 2016, and applies to any FOIA request made after the date of enactment. Its intent is to improve agency transparency and responsiveness in processing FOIA requests. The FOIA Improvement Act of 2016 codifies the ''foreseeable harm'' standard, establishing that agencies may only withhold information if the agency reasonably foresees that disclosure would harm an interest protected by a statutory exemption, or if disclosure is prohibited by existing law.[4] In other words, unless the record is prohibited from disclosure by law, asserting a FOIA exemption alone is not sufficient; an agency must also determine that release of the record would cause foreseeable harm to others/interests protected under the exemption.

The FOIA Improvement Act of 2016 also imposes numerous administrative and procedural requirements upon Federal agencies. It adds new elements to the annual reports that capture the number of record denials and the number of records of general interest or use to the public that are made available for public inspection. It also creates new duties for the Chief FOIA Officer, requiring the Chief FOIA Officer to (1) serve as the primary liaison between OGIS and the Office of Information Policy at DOJ and (2) offer training to staff regarding their FOIA responsibilities. Furthermore, it creates a council of Chief FOIA Officers whose purpose is to improve agencies' administration of the FOIA. Within our proposed revisions to part 402, we are not addressing the additional reporting requirements provided in the FOIA Improvement Act of 2016, as they do not affect our day-to-day administration of the FOIA.

The FOIA Improvement Act of 2016 requires agencies to offer the services of the FOIA Public Liaison and OGIS in all decision letters. It further increases the time for appeals, now allowing requesters 90 days to file an administrative appeal of an adverse determination (as opposed to 30 days). Additionally, the FOIA Improvement Act of 2016 codifies the ''rule of three,'' *i.e.,* it requires agencies to make available for public inspection in an electronic format records that are of general interest or have been requested and released three or more times.

In the realm of FOIA administration, the FOIA Improvement Act of 2016 prohibits an agency from charging search and/or duplication fees under the FOIA for providing records if the agency misses a deadline for complying with a FOIA request, unless unusual circumstances exist and the agency takes certain action to notify the requester. Additionally, it amends one of the privileges recognized under the FOIA Exemption 5, *i.e.,* the deliberative process privilege.[5] The FOIA Improvement Act of 2016 amended the deliberative process privilege of Exemption 5 by providing that this privilege cannot be applied to records that are 25 years or older at the time of the FOIA request.

Finally, the FOIA Improvement Act of 2016 requires the head of each agency to (1) review agency regulations and issue regulations on procedures for disclosure of records in accordance with the amendments made by the bill and (2) include in such regulations procedures for engaging in dispute resolution through the FOIA Public Liaison and OGIS.

The changes we are proposing in our revised regulation to conform with the requirements of the FOIA Improvement Act of 2016 are as follows:

- Within revised §§ 402.15(a) and 402.60(k), we are adding the foreseeable harm standard;
- Within revised § 402.105, we are updating the appeal timeframe to 90 days (from 30 days);
- Within revised §§ 402.05 and 402.100, discussed earlier, we are addressing the FOIA Public Liaison and OGIS;
- Within revised §§ 402.70 through 402.80, we are clarifying our fee charging rules, including when unusual circumstances apply;
- Within revised § 402.135(a), we are revising the deliberative process privilege to provide that this privilege cannot be applied to records that are 25 years or older at the time of the FOIA request; and,
- Within revised § 402.155(a), we are addressing our public posting of records requested three or more times.

IV. The FOIA Process at SSA

SSA's FOIA workload is centrally processed by the Office of Privacy and Disclosure (OPD), with a subset of requests processed by the agency's Office of Central Operations, Division of Earnings and Business Services (DEBS).[6] As described in our proposed revisions to 20 CFR part 402, SSA categorizes FOIA requests as either simple or complex, depending on the nature of the request and the estimated processing time. All complex requests are handled by OPD. This means that to process complex FOIA requests, OPD must coordinate with agency components outside of OPD to retrieve information necessary for fee notices and to receive responsive records for disclosure review under the FOIA. Outside of OPD, each deputy commissioner component has at least one FOIA Coordinator with whom OPD works with in our administration of the FOIA.[7] It is important to note that our proposed revised regulation at 20 CFR part 402 does not change our established FOIA business process for the agency's administration of the FOIA. Our proposed revisions strengthen our FOIA process by making our FOIA program administration easier for agency components outside of OPD to understand through a revised, reorganized, and streamlined FOIA regulation.

When it comes to records release, OPD conducts a thorough review to ensure proper disclosure under the FOIA. The complexity and nature of each request determines the level of required review. The agency's FOIA Officer makes the final determination on release of records in response to initial requests. The OPD Executive Director is

[4] 5 U.S.C. 552(a)(8).

[5] 5 U.S.C. 552(b)(5). For further information and discussion on FOIA exemptions, we recommend *Department of Justice Guide to the Freedom of Information Act* (*https://www.justice.gov/oip/doj-guide-freedom-information-act-0*).

[6] DEBS processes all initial request for copies of decedents' original Applications for a Social Security Card (SS–5) and Numident records.

[7] The agency's organization chart available at *https://www.ssa.gov/org/* identifies each deputy commissioner component.

the final authority on appeal determinations. As further stated in our proposed revised regulations, we make available for public inspection in an electronic format records that have been requested and released three or more times and other specified records described in revised § 402.155. SSA's FOIA Reading Room, available at *www.ssa.gov/FOIA,* is where OPD proactively posts agency records and records frequently requested under the FOIA.

V. Section-by-Section Changes

20 CFR PART 402 REORGANIZATION OF SECTIONS

Reorganization of 20 CFR part 402

Existing section	Existing → New	New section
402.5. Scope and purpose	402.5 → 402.05	402.05. Scope and purpose of this part.
402.10. Policy	402.10 → 402.15	402.10. Definitions.
402.15. Relationship between the FOIA and the Privacy Act of 1974.	402.15 → 402.20	402.15. SSA's FOIA policy.
402.20. Requests not handled under the FOIA	402.20 → 402.45	402.20. Relationship between the FOIA and the Privacy Act of 1974.
402.25. Referral of requests outside of SSA	402.25 → 402.55	402.25. Who can file a FOIA request?
402.30. Definitions	402.30 → 402.10	402.30. Requirements of a FOIA request.
402.35. Publication	402.35 → 402.160	402.35. Where to submit a FOIA request.
402.40. Publications for sale	402.40 → 402.165	402.40. Requests for deceased individual's records.
402.45. Availability of records	402.45(a) → 402.05	402.45. Requests not processed under the FOIA.
402.50. Availability of administrative staff manuals	402.50 removed	402.50. FOIA Officer's authority.
402.55. Materials available at district offices and branch offices.	402.55 → 402.155	402.55. Referrals and consultations.
402.60. Materials in field offices of the Office of Hearings and Appeals.	402.60 → 402.155	402.60. How does SSA process FOIA requests?
402.65. Health care information	402.65 removed	402.65. Expedited processing.
402.70. Reasons for withholding some records	402.70 → 402.95(b)	402.70. Fees associated with processing FOIA requests.
402.75. Exemption one for withholding records: National defense and foreign policy.	402.75 → 402.115	402.75. FOIA fee schedule.
402.80. Exemption two for withholding records: Internal personnel rules and practices.	402.80 → 402.120	402.80. Charging under section 1106(c) of the Social Security Act.
402.85. Exemption three for withholding records: Records exempted by other statutes.	402.85 → 402.125	402.85. Waiver of fees in the public interest.
402.90. Exemption four for withholding records: Trade secrets and confidential commercial or financial information.	402.90 → 402.130	402.90. Notification of fees and prepayment requirements.
402.95. Exemption five for withholding records: Internal memoranda.	402.95 → 402.135	402.95. Release of records.
402.100. Exemption six: Clearly unwarranted invasion of personal privacy.	402.100 → 402.140	402.100. FOIA Public Liaison and the Office of Government Information Services.
402.105. Exemption seven for withholding records: Law enforcement.	402.105 → 402.145	402.105. Appeals of the FOIA Officer's determination.
402.110. Exemption eight and nine for withholding records: Records on financial institutions; records on wells.	402.110 → 402.150	402.110. U.S. District Court action.
402.115. Reserved	Reserved → New section 402.115	402.115. The FOIA Exemption 1: National defense and foreign policy.
402.120. Reserved	Reserved → New section 402.120	402.120. The FOIA Exemption 2: Internal personnel rules and policies.
402.125. Who may release a record	402.125 → 402.50	402.125. The FOIA Exemption 3: Records exempted under other statutes.
402.130. How to request a record	402.130 → 402.35	402.130. The FOIA Exemption 4: Trade secrets and confidential commercial or financial information.
402.135. Where to send a request	402.130 → 402.30 and 402.35	402.135. The FOIA Exemption 5: Internal documents.
402.140. How a request for a record is processed	402.140(a)–(c) → 402.60 402.140(d) → 402.65	402.140. The FOIA Exemption 6: Clearly unwarranted invasion of personal privacy.
402.145. Responding to your request	402.145(d) → 402.15(a)(2) 402.145(a)–(c) → 402.60	402.145. The FOIA Exemption 7: Law enforcement.
402.150. Release of records	402.150 → 402.95	402.150. The FOIA Exemptions 8 and 9: Records on financial institutions; records on wells.
402.155. Fees to be charged—categories of requests.	402.155 → 402.70–402.75	402.155. Records available for public inspection.
402.160. Fees to be charged—general provisions	402.160 → 402.70–402.75	402.160. Where records are published.
402.165. Fee schedule	402.165 → 402.75	402.165. Publications for sale through the Government Publishing Office.
402.170. Fees for providing records and related services for program purposes pursuant to section 1106 of the Social Security Act.	402.170 → 402.80 402.170(b) → 402.85(d)	Transferred as Shown, and Unused in Revised part 402.

20 CFR PART 402 REORGANIZATION OF SECTIONS—Continued

Reorganization of 20 CFR part 402		
Existing section	Existing → New	New section
402.175. Fees for providing information and related services for non-program purposes.	402.175 → 402.80	Transferred as Shown, and Unused in Revised part 402.
402.180. Procedure on assessing and collecting fees for providing records.	402.180 → 402.90	Transferred as Shown, and Unused in Revised part 402.
402.185. Waiver or reduction of fees in the public interest.	402.185 → 402.85	Transferred as Shown, and Unused in Revised part 402.
402.190. Officials who may deny a request for records under FOIA.	402.190 → 402.50	Transferred as Shown, and Unused in Revised part 402.
402.195. How a request is denied	402.195 → 402.60	Transferred as Shown, and Unused in Revised part 402.
402.200. How to appeal a decision denying all or part of a request.	402.200 → 402.105	Transferred as Shown, and Unused in Revised part 402.
402.205. U.S. District Court Action	402.205 → 402.110	Transferred as Shown, and Unused in Revised part 402.

20 CFR 402.05

SSA is revising this section by changing the heading from ''§ 402.5. Scope and purpose'' to ''§ 402.05. Scope and purpose of this part.'' We are maintaining much of the same language located in our current regulation at § 402.5, *Scope and purpose;* however, we are revising the formatting by creating three paragraphs (a) through (c), under which we enhance the information in this section. Under revised paragraph (a) we are maintaining the first sentence of our current regulation at § 402.5, but we are further expanding on the FOIA by including the FOIA's mandate to provide records unless exemptions apply (located in our current regulation at § 402.45(a), *Availability of records*) and the requirement to make certain records available for public inspection. In revised paragraph (b), we are revising the formatting and content so the rules that this part of our regulations will describe are provided in list form. The revised list introduces the services of the FOIA Public Liaison and OGIS. Revised paragraph (c) modifies the last sentence of our current regulation at § 402.5 by stating that nothing in part 402 supersedes the information located in parts 401 and 403 of our regulations.

20 CFR 402.10

SSA is revising this section in its entirety, in both heading and content. We are changing the heading of this section from ''Policy'' to ''Definitions.'' In addition to the definitions captured in our current regulation at § 402.30, *Definitions,* we are adding three new definitions to explain two new positions and one new entity created by the OPEN Government Act of 2007: Chief FOIA Officer, FOIA Public Liaison, and OGIS. The OPEN Government Act of 2007 also amends the definition of ''records'' and provides for the definition of ''representative of the news media''; therefore, both items are addressed within this revised section. To promote openness in government, we are updating existing definitions and adding definitions of terms we use regularly in our administration of the FOIA. The new terms we are including in this section are: commercial interest; component; expedited processing; exemption; fee category; fee waiver; FOIA request; Numident; Office of the General Counsel (OGC); Office of Privacy and Disclosure (OPD); online FOIA portal; other requester; production; reading room; redact; special services; SSA; SS–5; Submitter; tolling; trade secrets and commercial or financial information. Finally, we are deleting the definition of ''frequently requested records''; it is no longer needed given the requirement to publicly post records requested three or more times (as stated in revised § 402.15, *SSA's FOIA policy*).

20 CFR 402.15

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Relationship between the FOIA and the Privacy Act of 1974'' to ''SSA's FOIA policy.'' We are deleting the language from paragraph (a)(1) as the general policy statement is extraneous. Otherwise, we are maintaining the information captured in our current regulation at § 402.10, *Policy,* with modifications. This revised section is comprised of paragraphs (a) through (d): paragraph (a) provides new information that acknowledges our presumption of openness, meaning that we will withhold information only if disclosure would cause foreseeable harm, as codified in the FOIA Improvement Act of 2016, or if the disclosure is prohibited by law; paragraphs (b) and (c) provide new language that advises where in our revised regulation the public may find information about the FOIA Officer's authority to release and withhold records and records that are available for public inspection; and paragraph (d) captures language located in our existing regulation at § 402.145(d), *Responding to your request,* wherein we state that the FOIA does not require us to perform research or answer questions.

20 CFR 402.20

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Requests not handled under the FOIA'' to ''Relationship between the FOIA and the Privacy Act of 1974.'' We are maintaining much of the existing information regarding the overall relationship between both laws, as captured in our existing regulation at paragraphs (a) and (b) of § 402.15, *Relationship between the FOIA and the Privacy Act of 1974;* however, we are removing paragraph (c) concerning how we process requests with consent. Within revised paragraph (b), we are clarifying when we will handle an individual's access request under the Privacy Act and when it will be handled under the FOIA.

20 CFR 402.25

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Referral of requests outside of SSA'' to ''Who can file a FOIA request?'' For transparency, we are creating this new section to clearly address who can file a FOIA request.

20 CFR 402.30

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Definitions'' to ''Requirements of a FOIA request.'' To promote transparency in our procedural requirements, we are creating this new section wherein we are providing a numbered list of criteria that must be met in order for a request to be considered a FOIA request subject to the rules discussed in this part.

20 CFR 402.35

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Publication'' to ''Where to submit a FOIA request.'' We are updating the information in our existing regulation at § 402.135, *Where to send a request,* to reflect the correct name of the Office of Privacy and Disclosure from the Office of Public Disclosure. Furthermore, we are adding the options to submit requests online, via email, and by fax. Finally, given the high number of requests we receive for copies of deceased individual's original Applications for a Social Security Card (SS–5) and Numident records, we are providing new information on where to submit requests of this nature.

20 CFR 402.40

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Publications for sale'' to ''Requests for deceased individual's records.'' To promote openness in government and transparency in our FOIA administration, we are creating this new section so requesters are aware of our rules regarding the disclosure of decedents' records. We list acceptable proofs of death that requesters may provide with their requests and further describe how we process requests when acceptable proofs of death are not provided or we have questions about the authenticity of the proof provided.

20 CFR 402.45

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Availability of records'' to ''Requests not processed under the FOIA.'' We are maintaining the information captured in our existing regulation at paragraphs (a) and (b) at § 402.20, *Requests not handled under the FOIA,* with slight modifications to paragraph (a) by removing the last phrase of the first sentence and the full second sentence. We are also adding paragraphs (c) and (d). Under newly added paragraph (c), we state that we will not handle your request under the FOIA and the rules in this part if you are seeking earnings records covered by our regulations at 20 CFR 422.125. Under newly added paragraph (d), we explain that we will not process a request under the FOIA that does not meet the requirements of a FOIA request as defined in revised § 402.30.

20 CFR 402.50

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Availability of administrative staff manuals'' to ''FOIA Officer's authority.'' We are revising the language from our existing regulation at § 402.125, *Who may release a record,* by updating the name of the Office of Public Disclosure to the Office of Privacy and Disclosure. Within newly formed paragraphs (a) and (b), we are also revising and adding language that describes what determinations the FOIA Officer is authorized to make (paragraph (a)) and in paragraph (b), clarifying that the FOIA Officer's determination is provided in writing and, if the requester disagrees with the FOIA Officer's determination, the requester may appeal as described in revised § 402.105.

20 CFR 402.55

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Materials available at district offices and branch offices'' to ''Referrals and consultations.'' Within newly created paragraphs (a) through (c), we are revising the information located in our existing regulation at § 402.25, *Referral of requests outside of SSA,* by clarifying under paragraph (a)(1) that when making a referral to another Federal agency, we will ask the other agency to process the request or portion of the request for records that originated with that agency. We are also providing new information in paragraphs (a)(2), (b), and (c) to explain how we handle records that originated with another agency when that other agency is not subject to the FOIA (paragraph (a)(2)); when we will advise a requester to submit their request to another agency (paragraph (b)); and our consultations with another entity (paragraph (c)).

20 CFR 402.60

We are revising this section in its entirety, in both heading and content. We are changing its heading from ''Materials in field offices of the Office of Hearings and Appeals'' to ''How does SSA process FOIA requests?'' This section modifies the information currently captured in several sections of our existing regulation, identified below, with the primary revision being to § 402.145, *Responding to your request,* of our existing regulation. This new section is comprised of paragraphs (a) through (l) that capture the following: our acknowledgment of FOIA requests (new content); when a request is considered ''perfected'' (new content); where to find information in our regulation concerning expedited processing; our multi-tracking procedures, *i.e.,* labeling requests as either simple or complex, which updates the tracking located in our existing regulation at § 402.140(c), *How a request for a record is processed;* what constitutes unusual circumstances, located in our existing regulation at § 402.140(a) and (b); our ability to aggregate requests, located in our existing regulation at § 402.180(c), *Procedure on assessing and collecting fees for providing records;* fee information that is discussed in separate identified sections of the revised regulation (fee information is located in our existing regulation from §§ 402.155 through 402.185); our ability to stop or ''toll'' the 20 business day statutory period (new content); records retrieval information, located in our existing regulation at § 402.145(a), *Responding to your request;* unproductive searches, located in our existing regulation at § 402.195(c), *How a request is denied;* and furnishing records, located in our existing regulation at § 402.145(b), *Responding to your request.* We are removing information regarding our deletion of records exempt from disclosure located in our existing regulation at § 402.145(c). We do not delete exempt records; if information within a responsive record(s) is exempt from disclosure, it is redacted and the applicable FOIA exemption(s) are noted within the redacted cell (as explained in this revised section at paragraph (k)); and burdensome requests, wherein we explain that we will not process a request when doing so would be unduly burdensome on the agency to process.

20 CFR 402.65

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Health care information'' to ''Expedited processing.'' We are removing the health care information from our regulation because there is no need for it. Health care information, if maintained by SSA, is considered an SSA record. Within the newly added § 402.65, we are incorporating language from § 402.140(d), *How a request for a record is processed,* with updates that

revise the formatting into two paragraphs wherein, under paragraph (a), we list and update what constitutes a ''compelling need'' and, under paragraph (b), we add language advising requesters of their right to appeal the FOIA Officer's expedited processing determination.

20 CFR 402.70

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Reasons for withholding some records'' to ''Fees associated with processing FOIA requests.'' This new section is comprised of paragraphs (a) and (b). These authorities include the FOIA fee categories (currently addressed in our existing regulation at § 402.155, *Fees to be charged—categories of requests*) and the fees we may charge under our authority of section 1106(c) of the Social Security Act (currently addressed in our existing regulation at § 402.175(a), *Fees for providing information and related services for non-program purposes*). We are also adding the language located in our existing regulation at § 402.160(a), *Fees to be charged—general provisions,* to the last sentence in paragraph (b) of this revised section. Under revised paragraph (b), we explain the hourly rate at which we charge requesters for performing search and review associated with processing FOIA requests (currently addressed in our existing regulation at § 402.165(a), *Fee schedule*). Within the hourly rate information, we are adding information concerning our charge when the search and/or review for records is performed by contractors. We also clarify that the hourly rate is charged in 15 minute increments, which is consistent with how agency employees accrue time and leave. In subsequent sections of the revised regulation, we expand on the FOIA fee schedule and the agency's charging under section 1106(c) of the Social Security Act.

20 CFR 402.75

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Exemption one for withholding records: National defense and foreign policy'' to ''FOIA fee schedule.'' We are maintaining much of the information from our existing regulation at § 402.155, *Fees to be charged—categories of requests,* and § 402.165, *Fee schedule.* This new section is comprised of paragraphs (a) through (e). In paragraph (a) of the revised section, we are updating the language located in our existing regulation at § 402.155 for plain language writing principles. In paragraph (b) of the revised section, we are revising our certification information that is currently located in our existing regulation at § 402.165(e). Paragraph (c) lists information concerning records production and duplication. In paragraph (c)(1), we are providing new information describing our production and duplication of electronic records and databases. In paragraphs (c)(2) and (3), we are maintaining much of the same language regarding photocopying standard and odd-sized documents that is located in our existing regulation at § 402.165(c) and (d). In paragraph (d) of the revised section, we are maintaining the information located in our existing regulation at § 402.165(h). In paragraph (e) of the revised section, we advise where in our regulation requesters may find information regarding fee waivers (*i.e.,* revised § 402.85 regarding fee waivers). The information located in our existing regulation at § 402.160(b) and (c), *Fees to be charged—general provisions,* is no longer necessary given our revisions to this revised section.

20 CFR 402.80

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Exemption two for withholding records: Internal personnel rules and practices'' to ''Charging under section 1106(c) of the Social Security Act.'' To draft this new section, we are combining the information from the existing regulation at § 402.170, *Fees for providing records and related services for program purposes pursuant to section 1106 of the Social Security Act,* and 402.175, *Fees for providing information and related services for non-program purposes,* into this one new section. This new section is comprised of one introductory paragraph followed by paragraphs (a) through (e) that explain our charging under section 1106(c) of the Social Security Act. In paragraph (a) of this new section, we expand on the language located in our existing regulation at § 402.175(c) describing in a non-inclusive list what constitutes ''full cost'': search; review; production and duplication of record(s); certification; employee's time; forwarding/delivering materials; and performing other special services. In paragraph (b) of this new section, we are adding new language explaining when the agency will not charge, *i.e.,* when the cost of the service is less than the cost of sending the bill. In paragraph (c) of this new section, we are adding new language explaining that the information in this part does not revoke, modify, or supersede the schedule of standard administrative fees that the agency charges for specified non-program information requests. In paragraph (d)(1) of this new section, we are clarifying the criteria we use to determine if a request is program-related (located in our existing regulation at § 402.170(a)) to explain what types of programs are referenced. Under paragraph (d)(2), we are clarifying our case-by-case review process that is located in our existing regulation at § 402.170(a)(2)(D)(ii). In paragraph (e) of this new section, we provide new information describing how requesters may appeal the FOIA Officer's non-program determination.

20 CFR 402.85

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Exemption three for withholding records: Records exempted by other statutes'' to ''Waiver of fees in the public interest.'' The content of this section maintains much of the language found in our existing regulation at § 402.185, *Waiver or reduction of fees in the public interest;* however, we are clarifying the information in revised paragraphs (a) through (d). Before paragraph (a), we are providing an introductory paragraph that maintains the information captured in our existing regulation at § 402.185(a)(1) and (2); however, we are also adding new language to explain that we will consider waiver under this regulation whether the agency charges under the FOIA's fee schedule or section 1106(c) of the Social Security Act. Under revised paragraph (a), we are providing the procedure for requesting a fee waiver or reduction that is located in our existing regulation at § 402.185(e). Within revised paragraph (b), we revised the public interest criteria that is in our existing regulation at § 402.185(b)(1) through (4). Within revised paragraph (b), we removed existing paragraph (b)(3), and now list three criteria for public interest instead of four. Under revised paragraph (c), we explain what it means to be ''not primarily in the requester's commercial interest'' and provide the two factors we consider. This information is taken from our existing regulation at § 402.185(c). Under revised § 402.85(d), we are adding new language providing notice that the agency reserves the right to charge a fee if special services are needed to provide the requested records, which we transferred from our existing regulation at § 402.170(b), *Fees for providing records and related services for program purposes pursuant to section 1106 of the Social Security*

Act. Finally, revised paragraph (e) maintains the information located in our existing regulation at § 402.185(d).

20 CFR 402.90

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Exemption four for withholding records: Trade secrets and confidential commercial or financial information'' to ''Notification of fees and prepayment requirements.'' Within paragraphs (a) through (e) of this new section, we are updating the procedure on assessing and collecting fees for providing records, as currently captured in our existing regulation in § 402.180, *Procedure on assessing and collecting fees for providing records.* Before paragraph (a), we have an introductory statement that advises the rules in this part apply whether we are processing your request under the FOIA fee schedule or section 1106(c) of the Social Security Act. The information in this new section explains: OPD's issuance of fee notices (paragraph (a)); our requirement that requesters agree to pay the estimated fee and provide payment information in advance of the search (paragraph (b)); when OPD will issue revised fee notices(in paragraphs (c)(1) and (2)); when the requester will be notified of the revised fee notice and that the requester can appeal the revised fee notice (in paragraphs (c)(3) and (4)); our process of administratively closing requests if payment information is not received within 30 calendar days from the date of the fee notice (paragraph (d)); and the method of payments we accept (paragraph (e)). Regarding paragraph (e), we are updating the information located in our existing regulation at § 402.108(d) by adding credit cards as a method of payment.

20 CFR 402.95

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Exemption five for withholding records: Internal memoranda'' to ''Release of records.'' This revised section modifies, in part, and combines information from various sections of our existing regulation. This revised section is comprised of paragraphs (a) through (d): in paragraph (a) we are clarifying our rules concerning records previously released, located in paragraph (a), *Records previously released,* in our existing regulation at § 402.150(a), *Release of records;* paragraph (b) maintains the information located in our existing regulation at § 402.70, *Reasons for withholding some records;* paragraph (c) clarifies the language about our FOIA electronic reading room that is located in our existing regulation at § 402.45(d), *Availability of records;* and paragraph (d) maintains the language located in our existing regulation at § 402.150(b) concerning poor copies.

20 CFR 402.100

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Exemption six: Clearly unwarranted invasion of personal privacy'' to ''FOIA Public Liaison and Office of Government Information Services.'' Under this new section, we are providing requesters with information on how to seek the services of the FOIA Public Liaison and OGIS.

20 CFR 402.105

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Exemption seven for withholding records: Law enforcement'' to ''Appeals of the FOIA Officer's determination.'' Our revisions update the information located in our existing regulation at § 402.200, *How to appeal a decision denying all or part of a request,* in newly created paragraphs (a) through (e). Paragraph (a) updates the existing paragraph (a) at § 402.200 by changing the appeal period from 30 days to 90 days and clarifying that the Executive Director for the Office of Privacy and Disclosure (OPD) responds to appeals of the FOIA Officer's determinations. Under paragraph (b), we are adding language concerning our acknowledgement of appeals and paragraph (c) provides clarifying information located in our existing regulation at 402.200(b), concerning how long we generally take to process appeals. Under paragraph (d), we are modifying the language in our existing regulation at § 402.200(c) by adding information explaining that the Chief FOIA Officer delegated the authority to make appeal determinations to the Executive Director for OPD. Finally, paragraph (e) simplifies the language in our existing regulation at § 402.200(b) by advising requesters of their right to seek review in a U.S. District Court if they disagree with the appeal determination.

20 CFR 402.110

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Exemptions eight and nine for withholding records: Records on financial institutions; records on wells'' to ''U.S. District Court action.'' We are updating the information located in our existing regulation at § 402.205, *U.S. District Court action,* by changing the language to clarify that the Executive Director for the Office of Privacy and Disclosure makes the final decision in response to appeals. If requesters disagree with the Executive Director's final decision, they may ask the District Court to review the decision.

20 CFR 402.115

This section of our existing regulation is currently reserved. We are now utilizing this section. The new heading is ''The FOIA Exemption 1: National defense and foreign policy.'' We are modifying the language located in our existing regulation at § 402.75, *Exemption one for withholding records: National defense and foreign policy,* by making minor edits to the first sentence and removing the last two sentences, in full. Our edits simplify the explanation of this exemption.

20 CFR 402.120

This section of our existing regulation is currently reserved. We are now utilizing this section; the new heading is ''The FOIA Exemption 2: Internal personnel rules and practices.'' We are updating the information about Exemption 2 located in our existing regulation at § 402.80, *Exemption two for withholding records: Internal personnel rules and practices,* by changing the examples of records generally withheld under this exemption.

20 CFR 402.125

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Who may release a record'' to ''The FOIA Exemption 3: Records exempted by other statutes.'' We are updating the Exemption 3 language located in our existing regulation at § 402.85, *Exemption three for withholding records: Records exempted by other statutes,* by changing the formatting from one paragraph to two: paragraph (a) explains the exemption (using the language located in our existing regulation at § 402.85) and paragraph (b) provides two examples of the statutes that prohibit disclosure of information, one of which is a new example about disclosure of decedents' information.

20 CFR 402.130

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''How to request a record'' to ''The FOIA Exemption 4: Trade secrets and confidential commercial or financial information.'' We are substantially

updating our Exemption 4 language located in our existing regulation at § 402.90, *Exemption four for withholding records: Trade secrets and confidential commercial or financial information.* This revised section is comprised of paragraphs (a) through (c): (a) *Steps of submitters notice;* (a)(1) *The submitter's notice;* (a)(2) *Submitter's opportunity to object to disclosure;* (a)(3) *Notice of intent to disclose;* (b) *Notice of FOIA lawsuit;* and (c) *Requester notification.* Paragraphs (a) through (c) of our existing regulation at § 402.90 contain definitions of terms that we relocated to the revised regulation § 402.10, *Definitions.* Our revised Exemption 4 information updates the information located in our existing regulation at § 402.90(d) through (f), making the information easier for the public to follow.

20 CFR 402.135

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Where to send a request'' to ''The FOIA Exemption 5: Internal documents.'' We are revising the Exemption 5 language located in our existing regulation at § 402.95, *Exemption five for withholding records: Internal memoranda,* to reflect case law that defines the exemption more broadly to include records beyond internal government communications and notes. We are maintaining the same formatting as our existing regulation at § 402.95 wherein we describe the following privileges in paragraphs (a) through (c): paragraph (a) *Deliberative process privilege;* paragraph (b) *Attorney work product privilege;* and paragraph (c) *Attorney-client communications privilege.* In paragraph (a), we are editing the language for clarity and also adding information regarding the 25-year sunset on records exempt under the deliberative process privilege. In paragraphs (b) and (c), we are clarifying the attorney work product and attorney-client communications privileges by simplifying the language and descriptions of each.

20 CFR 402.140

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''How a request for a record is processed'' to ''The FOIA Exemption 6: Clearly unwarranted invasion of personal privacy.'' In this revised section, we are slightly modifying the formatting from our existing regulation at § 402.100, *Exemption six: Clearly unwarranted invasion of personal privacy,* by adding an introductory sentence and updating the language in paragraphs (a) through (c). The introductory sentence maintains the information from paragraph (a) of the existing regulation located at § 402.100(a). Revised paragraph (a) slightly modifies the balancing test information that is located in our existing regulation at § 402.100(b), *i.e.,* we are removing the last sentence as it is extraneous. Revised paragraph (b) updates the information located in our existing regulation at § 402.45(e), *Availability of records,* concerning the disclosure of agency employees' information. Specifically, we changed ''telephone numbers'' to ''contact information,'' when explaining what information about SSA employees is typically withheld under the FOIA Exemption 6. Under revised paragraph (c), we are updating the examples of records frequently withheld under Exemption 6.

20 CFR 402.145

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Responding to your request'' to ''The FOIA Exemption 7: Law enforcement.'' We are maintaining much of the language located in our existing regulation at § 402.105, *Exemption seven for withholding records: Law enforcement.* Our revisions simply clarify the parts of Exemption 7 that correlate to paragraphs (a) through (f): paragraph (a) explains the FOIA Exemption 7(A); paragraph (b) explains the FOIA Exemption 7(B); paragraph (c) explains the FOIA Exemption 7(C); paragraph (d) explains the FOIA Exemption 7(D); paragraph (e) explains the FOIA Exemption 7(E); and, paragraph (f) explain the FOIA Exemption 7(F).

20 CFR 402.150

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Release of records'' to ''The FOIA Exemptions 8 and 9: Records on financial institutions; records on wells.'' The only change to this section is its relocation. We are maintaining the same information on both of these exemptions that is currently located in our existing regulation at § 402.110, *Exemptions eight and nine for withholding records: Records on financial situations; records on wells.*

20 CFR 402.155

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Fees to be charged—categories of requests'' to ''Records available for public inspection.'' Within this new section, we are combining the information located in our existing regulation in § 402.45(b) and (c), *Availability of records,* § 402.55, *Materials available at district offices and branch offices,* and § 402.60, *Materials in field office of the Office of Hearings and Appeals,* within newly created paragraphs (a) through (c). Paragraphs (a) and (b) update the information located in our existing regulation at § 402.45(b) and (c). Under paragraph (a), we are listing the records SSA is required to make available for public inspection in electronic format. Under paragraph (b), we are clarifying the ''record citation as precedent'' language in our existing regulation at § 402.45(c). The newly created paragraph (c) updates information located in our existing regulation at §§ 402.55 and 402.60. We are updating the list of records that are available for public inspection and further advising that said records are available electronically rather than available for viewing at our field offices and hearings offices. Given these edits, the information located in our existing regulation at § 402.50, *Availability of administrative staff manuals,* is no longer relevant.

20 CFR 402.160

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Fees to be charged—general provisions'' to ''Where records are published.'' Within this section, we are maintaining the information located in our existing regulation at § 402.35, *Publication,* paragraphs (a) and (b); however, we are removing paragraphs (c) and (d) from § 402.35, as this information is accounted for within revised § 402.155, *Records available for public inspection.*

20 CFR 402.165

We are revising this section in its entirety, in both heading and content. We are changing the heading from ''Fee schedule'' to ''Publications for sale through the Government Publishing Office.'' We are revising the information located in our existing regulation at § 402.40, *Publications for sale,* by updating the name from Government Printing Office to the Government Publishing Office (GPO) and adding language to account for GPO's electronic bookstore from which the public may order various publications that we are capturing in an updated list of documents available for sale.

Rulemaking Analyses and Notices

We will consider all comments we receive on or before the close of

business on the comment closing date indicated above. The comments will be available for examination in the rulemaking docket for these rules at the above address. We will file comments received after the comment closing date in the docket and will consider those comments to the extent practicable. However, we will not respond specifically to untimely comments. We may publish a final rule at any time after close of the comment period.

Clarity of These Proposed Rules

Executive Order 12866, as supplemented by Executive Order 13563, requires each agency to write all rules in plain language. In addition to your substantive comments on these proposed rules, we invite your comments on how to make them easier to understand.

For example:

- Would more, but shorter, sections be better?
- Are the requirements in the rules clearly stated?
- Have we organized the material to suit your needs?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rules easier to understand?
- Do the rules contain technical language or jargon that is not clear?
- Would a different format make the rules easier to understand, *e.g.,* grouping and order of sections, use of headings, paragraphing?

When will we start to use this proposed rule?

We will not use this proposed rule until we evaluate public comments and publish a final rule in the **Federal Register**. All final rules include an effective date. We will continue to use our current rules until that date. If we publish a final rule, we will include a summary of those relevant comments we received along with responses and an explanation of how we will apply the new rule.

Regulatory Procedures

Executive Order 12866, as Supplemented by Executive Order 13563

We consulted with the Office of Management and Budget (OMB) and determined that this rule meets the criteria for a significant regulatory action under Executive Order 12866, as supplemented by Executive Oder 13563. Therefore, OMB reviewed it.

Anticipated Costs to Our Program

The Office of the Chief Actuary estimates that there are no direct effects on scheduled Old-Age, Survivors, and Disability Insurance (OASDI) benefit payments and Federal Supplemental Security Income (SSI) payments.

Anticipated Administrative Benefits to the Social Security Administration

The Office of Budget, Finance, and Management estimates an administrative effect of less than 15 workyears and $2 million annually.

Anticipated Qualitative Benefits

We anticipate qualitative benefits from the proposed revisions to the FOIA regulation from streamlined and clarified FOIA policies and procedures. We expect the clarified regulations would benefit both SSA and the public because the administration of the FOIA for SSA and our public customers would be better organized and easier to follow. The purpose of the FOIA is to provide the public with access to government records, and administrative transparency is paramount to a successful FOIA program. Since the FOIA is processed centrally at SSA, our regulation must be easy for agency employees to understand so components outside of OPD understand the importance of the FOIA and their roles in the agency's administration of the FOIA. When our policies are clear for agency employees, we are able to process FOIA requests in a more efficient manner, which benefits both the agency and the public.

Our revised regulation at part 402 provides information in a cascading fashion that is easier to follow than our existing regulation, and accurately reflects amendments implemented by the FOIA Improvement Act of 2016. Our proposed revisions account for the roles of the FOIA Public Liaison and OGIS, which is useful for correct points of contact internally and for the public, increasing efficiency and lowering confusion. The proposed revisions also update inaccurate information, such as the timeframe for the public to appeal adverse decisions, which presently state 30 days, but is 90 days under the FOIA Improvement Act of 2016.

The FOIA is designed to build trust between the public and Federal agencies. SSA's revised regulation at 20 CFR part 402 strengthens this trust with transparency by explaining in plain language how SSA processes FOIA requests and appeals, and further describes our proactive posting of agency records. Clear communication with the public is paramount to our administration of the FOIA. Updating and revising our FOIA regulation serves to enhance our communication with the public, making it easier for the public to know how to submit FOIA requests and where to review proactively posted records.

Executive Order 13132 (Federalism)

We analyzed this proposed rule in accordance with the principles and criteria established by Executive Order 13132, and determined that the proposed rule will not have sufficient federalism implications to warrant the preparation of a federalism assessment. We also determined that this proposed rule will not preempt any State law or State regulation or affect the States' abilities to discharge traditional State governmental functions.

Regulatory Flexibility Act

We certify that these proposed rules will not have a significant economic impact on a substantial number of small entities because they affect individuals only. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended.

Paperwork Reduction Act

While these proposed rules mention the public reporting requirements for the public to submit FOIA requests to the agency, we already obtained OMB approval for these public reporting requirements under the current OMB approved information collections for 0960–0566 (SSA 3288) and 0960–0665 (SSA–711 and Online FOIA Request). As we already cover these requirements under OMB-approved information collections, and these revised rules merely move those requirements to new CFR citations but do not change them, these revised rules will not require Office of Management and Budget approval under the Paperwork Reduction Act. Rather, upon publication of the final rule, we will submit Change Requests to update the CFR citations for OMB No. 0960–0566 and 0960–0665.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; and 96.006, Supplemental Security Income).

List of Subjects in 20 CFR Part 402

Administrative practice and procedure, Freedom of information.

The Acting Commissioner of Social Security, Kilolo Kijakazi, Ph.D., M.S.W., having reviewed and approved this document, is delegating the authority to electronically sign this document to Faye I. Lipsky, who is the primary Federal Register Liaison for SSA, for

purposes of publication in the **Federal Register**.

Faye I. Lipsky,

Federal Register Liaison, Office of Legislation and Congressional Affairs, Social Security Administration.

■ For the reasons set forth in the preamble, the Social Security Administration proposes to revise 20 CFR part 402 to read as follows:

PART 402—AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC

Sec.

402.05 Scope and purpose of this part.
402.10 Definitions.
402.15 SSA's FOIA policy.
402.20 Relationship between the FOIA and the Privacy Act of 1974.
402.25 Who can file a FOIA request?
402.30 Requirements of a FOIA request.
402.35 Where to submit a FOIA request.
402.40 Requests for deceased individual's records.
402.45 Requests not processed under the FOIA.
402.50 FOIA Officer's authority.
402.55 Referrals and consultations.
402.60 How does SSA process FOIA requests?
402.65 Expedited processing.
402.70 Fees associated with processing FOIA requests.
402.75 FOIA fee schedule.
402.80 Charging under section 1106(c) of the Social Security Act.
402.85 Waiver of fees in the public interest.
402.90 Notification of fees and prepayment requirements.
402.95 Release of records.
402.100 FOIA Public Liaison and the Office of Government Information Services.
402.105 Appeals of the FOIA Officer's determination.
402.110 U.S. District Court action.
402.115 The FOIA Exemption 1: National defense and foreign policy.
402.120 The FOIA Exemption 2: Internal personnel rules and practices.
402.130 The FOIA Exemption 4: Trade secrets and confidential commercial or financial information.
402.135 The FOIA Exemption 5: Internal documents.
402.140 The FOIA Exemption 6: Clearly unwarranted invasion of personal privacy.
402.145 The FOIA Exemption 7: Law enforcement.
402.150 The FOIA Exemptions 8 and 9: Records on financial institutions; records on wells.
402.155 Records available for public inspection.
402.160 Where records are published.
402.165 Publications for sale through the Government Publishing Office.

Authority: 42 U.S.C. 405, 902(a)(5), and 1306); 5 U.S.C. 552 and 552a; 18 U.S.C. 1905; 26 U.S.C. 6103; 31 U.S.C. 9701; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

§ 402.05 Scope and purpose of this part.

(a) The purpose of this part is to describe the Social Security Administration's (SSA) policies and procedures for implementing the requirements of the Freedom of Information Act (FOIA) 5 U.S.C. 552. The FOIA mandates disclosure to the public of Federal agency records unless specific exemptions apply. The FOIA also requires an agency to proactively disclose records and make certain records available for public inspection.

(b) The rules in this part describe how SSA makes records available to the public, including:

(1) What constitutes a proper request for records;

(2) How to make a FOIA request;

(3) Who has the authority to release and withhold records;

(4) What fees may be charged to process a request for records;

(5) The timing of determinations regarding release;

(6) The exemptions that permit the withholding of records;

(7) Requesters' right to seek assistance from the FOIA Public Liaison;

(8) Requesters' right to appeal the agency's FOIA determination;

(9) Requesters' right to seek assistance from the Office of Government Information Services and then go to court if they still disagree with our release determination; and

(10) The records available for public inspection.

(c) The rules in this part do not revoke, modify, or supersede SSA's regulations relating to disclosure of information in part 401 or 403 of this chapter.

§ 402.10 Definitions.

As used in this part:

Agency means the Social Security Administration (SSA). Agency may also refer to any executive department, military department, government corporation, government-controlled corporation, or other establishment in the executive branch of the Federal Government, or any independent regulatory agency. A private organization is not an agency even if it is performing work under contract with the Government or is receiving Federal financial assistance.

Chief FOIA Officer means a senior official of SSA who has an agency-wide responsibility for ensuring efficient and appropriate compliance with the FOIA, monitoring implementation of the FOIA throughout the agency, and making recommendations to the head of the agency to improve the agency's implementation of the FOIA. The Commissioner of SSA designated the General Counsel as the Chief FOIA Officer for SSA. The Chief FOIA Officer or the Chief FOIA Officer's designee is authorized to make final decisions in response to appeals of the FOIA Officer's determinations.

Commercial interest includes interests relating to business, trade, and profit, as well as non-profit corporations, individuals, unions, and other associations. The interest of a representative of the news media in using the information for news dissemination purposes will not be considered a commercial interest.

Component means each separate office, division, commission, service, center, or administration within SSA that may maintain agency records subject to a request under the FOIA.

Duplication means the process of reproducing a copy of a record, or of the information contained in it, to the extent necessary to respond to a request. Copies include paper, electronic records, audiovisual materials, and other formats of agency records.

Educational institution means a preschool, elementary or secondary school, institution of undergraduate or graduate higher education, or institution of professional or vocational education, which operates a program of scholarly research. To qualify for this category, a requester must show that FOIA request is authorized by, and is made under the auspices of, a qualifying institution and that the records are sought to further a scholarly research goal of the institution, and not for a commercial use or purpose, or for individual use or benefit.

Exemption means one of the nine exemptions to the mandatory disclosure of records permitted under section 552(b) of the FOIA.

Expedited processing means the process set forth in the FOIA that allows requesters to request faster processing of their FOIA request, if they meet specific criteria noted in § 402.65.

Fee category means one of the three categories established by the FOIA to determine whether a requester will be charged fees under FOIA for search, review, and duplication. The categories are: commercial use requests; non-commercial scientific or educational institutions and news media requests; and all other requests.

Fee waiver means the waiver or reduction of fees if a requester is able to demonstrate the requirements set forth in § 402.85.

FOIA Officer means an SSA official whom the Commissioner of Social Security delegated the authority to release or withhold records; to assess, waive, or reduce fees in response to

FOIA requests; and to make all other determinations regarding the processing of a FOIA request. In this capacity, the FOIA Officer is authorized to request and receive responsive records that may be maintained by other agency components. Except for records subject to proactive disclosure pursuant to subsection (a)(2) of the FOIA, only the FOIA Officer has the authority to release or withhold records or to waive fees in response to a FOIA request.

FOIA Public Liaison means an agency official who reports to the agency Chief FOIA Officer and serves as a supervisory official to whom a requester can raise concerns about the service the requester received concerning the processing of the FOIA request. This individual is responsible for increasing transparency in the agency's FOIA business process, helping requesters understand the status of requests, and assisting in the resolution of disputes. The FOIA Public Liaison may be contacted via email to *FOIA.Public.Liaison@ssa.gov.*

FOIA request means a written request that meets the criteria in § 402.30.

Freedom of Information Act or *FOIA* means the law codified at 5 U.S.C. 552 that provides the public with the right to request agency records from the Federal executive branch agencies.

Non-commercial scientific institution means an institution that does not further the commercial, trade, or profit interests of any person or entity and is operated for the purpose of conducting scientific research whose results are not intended to promote any particular product or industry.

Numident refers to the ''Numerical Identification System,'' the SSA system that contains information available on an Application for a Social Security Card (Form SS–5). The Numident record contains the name of the applicant, place of birth, and other information.

OGC means the Office of the General Counsel.

Online FOIA portal means the electronic application that SSA uses to process FOIA requests. The public may also submit requests directly to SSA via the online FOIA portal.

Other requester means any individual or organization whose FOIA request does not qualify as a commercial-use request, representative of the news media request (including a request made by a freelance journalist), or an educational or non-commercial scientific institution request.

OPD means the Office of Privacy and Disclosure.

Production means the process of preparing the records for duplication, including the time spent in preparing the records for duplication (*i.e.,* materials used, records/database retrieval, employee and contractor time, as well as systems processing time).

Reading room means an electronic location(s) that SSA uses to post records that are made available to the public without a specific request. SSA makes reading room records electronically available to the public through our website, *ssa.gov*, including at *ssa.gov/foia.*

Record(s) means any information maintained by an agency, regardless of format, that is made or received in connection with official agency business that is under the agency's control at the time of the FOIA request. Record(s) includes any information maintained for an agency by a third party.

(1) Record(s) does not include personal records of an employee, or other information in formally organized and officially designated SSA libraries and reading rooms, where such materials are available under the rules of the particular library.

(2) Record(s) includes information maintained by the State Disability Determination Services related to performing the disability determination function and medical source information pertaining to consultative examinations performed for the Social Security program when obtained by, created on behalf of, or otherwise, in the control of SSA.

Redact means delete or mark over.

Representative of the news media means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience. The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations that broadcast news to the public at large and publishers of periodicals, including print and online publications that disseminate news and make their products available through a variety of means to the general public. We do not consider FOIA requests for records that support the news-dissemination function of the requester to be a commercial use. We consider ''freelance'' journalists who demonstrate a solid basis for expecting publication through a news media entity as working for that entity. A publishing contract provides the clearest evidence that a journalist expects publication; however, we also consider a requester's past publication record. We decide whether to grant a requester media status on a case-by-case basis, based on the requester's intended use of the requested records.

Request means asking for records, whether or not the requester refers specifically to the FOIA. Requests from Federal agencies, subpoenas, and court orders for documents are not included within this definition.

Review, unless otherwise specifically defined in this part, means examining records responsive to a request to determine whether any portions are exempt from disclosure. Review time includes processing a record for disclosure (*i.e.,* doing all that is necessary to prepare the record for disclosure), including redacting the record and marking the appropriate FOIA exemptions. It does not include the process of resolving general legal or policy issues regarding exemptions.

Search means the process of identifying, locating, and retrieving records responsive to a request, whether in hard copy or in electronic form or format, or by manual or automated/electronic means.

Special services means performing additional services outside of that required under the FOIA to respond to a request. Examples include using an overnight mail service to send the agency's response to a FOIA request.

SSA means the Social Security Administration.

SS–5 means an Application for a Social Security Card. It is used to request an original, different, or replacement Social Security Card.

Submitter means any person or entity that provides trade secrets or commercial or financial information to the agency, and includes individuals, corporations, other organizational entities, and state and foreign government.

Tolling means temporarily stopping the running of a time limit. We may toll a FOIA request to seek clarification from the requester or to address fee issues, as further described in § 402.60(h).

Trade secrets and commercial or financial information means trade secrets and commercial or financial information that is confidential, and is obtained by the agency from a submitter, such that it may be protected from disclosure under Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4).

§ 402.15 SSA's FOIA policy.

(a) *Presumption of openness.* We will withhold information only if we reasonably foresee that disclosure would harm an interest protected by a FOIA exemption or if disclosure is prohibited by law.

(b) *Authority to release and withhold records.* As described in § 402.50, the

agency's FOIA Officer, or the FOIA Officer's designee, has the authority to:

(1) Release or withhold records in response to initial requests;

(2) Grant or deny expedited processing; and

(3) Reduce or waive fees.

(c) *Records publicly available.* We make available for public inspection in an electronic format records that are final and have been requested and released three or more times and other specified records described in § 402.155. We do not make available for public inspection records that are not static, such as the Open Access Death Master File.

(d) *Required record production.* The FOIA does not require an agency to give opinions, conduct research, answer questions, or create records.

§ 402.20 Relationship between the FOIA and the Privacy Act of 1974.

(a) *Coverage.* The FOIA and the rules in this part apply to all SSA records. The Privacy Act, 5 U.S.C. 552a, applies to records that are about individuals, but only if the records are in a system of records.

(b) *Requesting your own records.* If you have filed a FOIA request and are an individual requesting your own records that are maintained in a system of records, or if you are a parent or legal guardian authorized to act under § 401.75 of this chapter who is seeking the records about a minor or individual who has been declared incompetent, we will handle your request under the Privacy Act. See § 401.40 of this chapter. If we handle your request under the Privacy Act, we will provide you with written notification with further processing instructions. If the Privacy Act prohibits disclosure, we will process your request under the FOIA. You must verify your identity in accordance with our regulations. See § 401.45 of this chapter.

§ 402.25 Who can file a FOIA request?

Any member of the public may submit a FOIA request to SSA. Under the FOIA, ''member of the public'' includes requests from individuals, corporations, State and local agencies, as well as foreign entities. Requests from Federal agencies and Federal or State courts are not covered by the FOIA.

§ 402.30 Requirements of a FOIA request.

(a) To be considered a FOIA request under this part, the following must occur:

(1) The request must be written (either by hand or electronically);

(2) The request must be submitted in accordance with § 402.35;

(3) The requester must provide the following required contact information: requester's name, U.S. or foreign postal address, description of records sought, and fee willing to pay. While not required, we encourage requesters to provide us with their email address and phone number; and

(4) The request must clearly state and reasonably describe what SSA records are being requested. Broad, sweeping requests and vague requests are not reasonably described. The requester must describe the records sought in sufficient detail to enable OPD to locate the records with a reasonable amount of effort. When known, requests should identify the records sought by providing the name/title of the record, applicable date range, subject matter, offices or employees involved, and record type. If the request is for electronic communications, such as email records, the request should identify the names, position titles, or other identifying information about the agency employees involved, as well as the applicable timeframe. Absent sufficient details, the agency may be unable to search for or locate the records sought. The greater the date range, the longer it may take to process the request and the greater amount of fees that may be charged.

(b) Requests that do not meet the required criteria above are not considered proper FOIA requests.

§ 402.35 Where to submit a FOIA request.

(a) *Submission of requests.* Except as specified in paragraph (b) of this section, requesters must submit FOIA requests in writing to OPD through the following options:

(1) *Online FOIA portal:* link available from the agency's *www.ssa.gov/foia* website.

(2) *Email: FOIA.Public.Liaison@ssa.gov.*

(3) *Mail:* SSA Office of Privacy and Disclosure, ATTN: Freedom of Information Officer, 6401 Security Boulevard, Baltimore, MD 21235.

(4) *Fax:* 410–966–0869.

(b) *Requests for copies of Deceased Individual's Application for a Social Security Card (SS–5) or Numident record.* Requesters may use the Form SSA–711, *Request for a Deceased Individual's Social Security Record,* to request a copy of a deceased individual's original SS–5 or Numident record. When the Form SSA–711 is used, it may be submitted to the office listed on the form or as directed in paragraph (a) of this section.

§ 402.40 Requests for deceased individual's records.

(a) The agency will disclose the records concerning a deceased individual when we have acceptable proof of death unless Federal law or regulations prohibits the disclosure.

(b) Proof of death includes:

(1) A copy of a public record of death of the number holder;

(2) A statement of death by the funeral home director;

(3) A statement of death by the attending physician or the superintendent, physician, or intern of the institution where the person died;

(4) A copy of the coroner's report of death or the verdict of the coroner's jury;

(5) An obituary that we determine has sufficient identifying information; or

(6) Other certified record of death that we determine within our discretion is acceptable.

(c) If upon review of the provided proof of death, we cannot determine that the individual is deceased or we have questions about the authenticity of the proof, then the proof is not acceptable. When we do not have acceptable proof of death, we will treat the request in accordance with § 402.20(b), requests for information about a living person.

§ 402.45 Requests not processed under the FOIA.

(a) We will not process a request under the FOIA and the regulations in this part to the extent it asks for records that are currently publicly available, either from SSA or from another part of the Federal Government. See § 402.155.

(b) We will not process a request under the FOIA and the regulations in this part if the records sought are distributed by SSA as part of its regular program activity, for example, public information leaflets distributed by SSA. See §§ 402.155 through 402.165.

(c) We will not handle a process under the FOIA and the regulations in this part if the records sought are earnings records covered by § 422.125 of this chapter.

(d) We will not process a request under the FOIA that does not meet the requirements of a FOIA request as defined in § 402.30. We will send written correspondence to the requester:

(1) Providing instructions for how to submit a proper FOIA request; or

(2) Asking for additional information to make the request a proper FOIA request.

§ 402.50 FOIA Officer's authority.

(a) *Release determination.* Only the Deputy Executive Director for OPD or their designee is authorized to make determinations about:

(1) Release or withholding of records;

(2) Expedited processing;

(3) Charging or waiver of fees; and

(4) Other matters relating to processing a request for records under this part.

(b) *Determination provided in writing.* The FOIA Officer's determination is provided in writing to the requester via emailed communication or, in the absence of the requester's email address, via U.S. postal mail. If the requester disagrees with the FOIA Officer's determination in response to items identified in paragraph (a) of this section, the requester may appeal the determination to the Executive Director for OPD, as described in § 402.105.

§ 402.55 Referrals and consultations.

(a) *Referral of FOIA request to an outside agency.* (1) If a request is for records that were created by, or provided to us by, another Federal agency that is subject to the FOIA, and if that agency asserts control over the records, we may refer the records and the request to that agency. We may likewise refer requests for classified records to the agency that classified them. In these cases, we will ask the other agency to process and respond to the request to the extent it concerns records under that agency's regulation. We will notify the requester in writing when we refer their request to another agency.

(2) If a request is for records that were created by, or provided to us by, another agency that is not subject to the FOIA, we may consult with that agency, as described in paragraph (c) of this section.

(b) *Referral of requester to another agency.* If a request is for records that are not SSA records for purposes of the FOIA, and we believe the records may be maintained by another agency, we will advise the requester to submit their request to that other agency. We will provide the requester with the other agency's name in our response letter. Our recommendation that the requester submit their request to the other agency is not a guarantee the other agency will have or disclose the records requested.

(c) *Consultation with another agency or entity.* If a request is for records that contain information of interest to another agency or entity, we may consult with the other agency or entity prior to issuing our release determination to the requester.

§ 402.60 How does SSA process FOIA requests?

(a) *Acknowledgement.* (1) We make good faith efforts to acknowledge all FOIA requests in writing within 10 business days after OPD's receipt of the request. The acknowledgement email or letter restates the FOIA request and provides the requester with the request's tracking number.

(2) If we require clarification to process the FOIA request, we will contact the requester either via email, U.S. postal mail, or phone call. We attempt to contact requesters twice. If we do not receive a response to our clarification attempts within 30 calendar days from the date of our first contact to the requester, we will close the FOIA request due to insufficient information.

(b) *Perfected requests.* FOIA requests are considered ''perfected,'' *i.e.,* the 20-business day statutory time begins, when the request meets the requirements of the proper FOIA request listed in § 402.30. There may be times that we require more information from the requester after perfecting a request. The 20 business day period may be extended in unusual circumstances by written notice to the requester. See paragraph (e) of this section.

(c) *Expedited processing.* Unless granted expedited processing, we process FOIA requests according to a first-in, first-out basis. See § 402.65 for information on expedited processing.

(d) *Multi-tracking procedures.* FOIA requests are categorized as either simple or complex, depending on the nature of the request and the estimated processing time:

(1) *Simple.* For most non-expedited requests, we make a determination about release of the record(s) requested within 20 business days.

(2) *Complex.* We will place into a complex processing queue any request that cannot be completed within 20 business days due to unusual circumstances. We make good faith efforts to notify requesters in writing if it is necessary for us to take additional time to process a request and of the requester's right to seek dispute resolution services with the Office of Government Information Services. See § 402.100.

(e) *Unusual circumstances.* (1) Unusual circumstances exist when there is a need to:

(i) Search for and collect records from SSA components or field locations that are separate from OPD;

(ii) Search for, collect, and review a voluminous number of records that are part of a single request; and/or

(iii) Consult with two or more SSA components or another agency having substantial interest in the request before releasing the records.

(2) Within the unusual circumstances letter to the requester, we will provide an estimated date that we will contact the requester with the applicable fee notice and/or further correspondence. We will also advise the requester that they may modify or narrow the scope of their request.

(f) *Aggregating requests.* We may aggregate requests in cases where it reasonably appears that multiple requests, submitted either by a requester or by a group of requesters acting in concert, constitute a single request, involving clearly related matters, which would otherwise involve unusual circumstances. In the event requests are aggregated, they will be treated as one request for estimating response time and calculating fees.

(g) *Fee notice.* FOIA requesters are issued a fee notice that informs them of the estimated search and review time associated with processing their FOIA request. For more information on fees, see §§ 402.70 through 402.80.

(h) *Tolling.* (1) We may stop or toll the 20 business days in two circumstances:

(i) We may stop the clock once if we require additional information regarding the specifics of the request; and

(ii) We may stop the clock as many times as needed regarding fee assessments.

(2) The processing time will resume upon our receipt of the requester's response. There may be instances when we require multiple clarifications on a FOIA request. After the first request for clarification, any additional clarifications are performed without tolling the clock. Should the requester not respond to any correspondence wherein we request clarification, or should the correspondence be returned as undeliverable, we reserve the right to administratively close the FOIA request if we do not receive a response within 10 business days of the date of our correspondence requesting clarification.

(i) *Retrieving records.* We are required to furnish copies of records only when they are in our possession or we can retrieve them from storage. We will make reasonable efforts to search for records except when such efforts would significantly interfere with the operation of our automated information system(s). The Federal Government follows National Archives and Records Administration rules on record retention. Records are retained or destroyed under the guidelines of the Federal Records Act.

(j) *Unproductive searches.* We will search for records to satisfy a request using methods that can be reasonably expected to produce the requested records. Nevertheless, we may not be able to always find the records requested using the information provided by the requester, or they may not exist. If we advise that we have been

unable to find the records despite a diligent search, the requester may appeal the no records determination to the Executive Director for OPD, as described in § 402.105.

(k) *Furnishing records.* We will furnish copies only of records in whole or in-part, unless we reasonably foresee that disclosure would harm an interest protected by a FOIA exemption or if disclosure is prohibited by law. When information within a responsive record(s) is exempt from disclosure, the information is redacted and the applicable FOIA exemption(s) are noted within the redacted cell. We will make reasonable efforts to provide the records in the form or format requested if the record is readily reproducible in that form or format. We may provide individual records as we process them on a rolling basis, or we may release all responsive records once the request is completed. See § 402.95 for more information on SSA's release of records.

(l) *Burdensome requests.* The FOIA requires an agency to provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format. We will not search or produce records in response to a FOIA request that we determine would be unduly burdensome to process. FOIA requests are determined to be unreasonably burdensome when processing the FOIA request would significantly interfere with the ongoing operation of the agency's programs.

§ 402.65 Expedited processing.

(a) Expedited processing must be requested at the same time as the FOIA request. We provide expedited processing when the requester can demonstrate a ''compelling need'' for the requested information, such as:

(1) When there is an imminent threat to the life or safety of a person;

(2) When the request is from the media, or others primarily engaged in disseminating information, and shows an immediate urgency to inform the public about actual or alleged government activities; or

(3) When the requester can show, in detail and to our satisfaction, that a prompt response is needed because the requester may be denied a legal right, benefit, or remedy without the requested information, and that it cannot be obtained elsewhere in a reasonable amount of time.

(b) Only the FOIA Officer may make the decision to grant or deny expedited processing. Requests that do not meet the ''compelling need'' criteria, will be processed normally. If we do not grant the request for expedited processing, the requester may appeal the denial to the Executive Director for OPD. In the appeal letter, the requester should explain why they believe their request demonstrates a ''compelling need,'' such as describing how the request meets the criteria in paragraphs (a)(1) through (3) of this section. The process described in § 402.105 will also apply to these appeals.

§ 402.70 Fees associated with processing FOIA requests.

(a) *Charging authorities*—(1) *Section 1106(c).* Section 1106(c) of the Social Security Act (42 U.S.C. 1306(c)) allows the agency to charge for FOIA requests that are not directly related to SSA's administration of the Social Security Act. See § 402.80 for information on the agency's authorization under section 1106(c) to charge requesters. Requesters may request a fee waiver, as described in § 402.85.

(2) *FOIA fee categories.* The FOIA establishes three fee categories of requesters, *i.e.,* commercial use, non-commercial scientific or educational institutions and representatives of the news media; and other requesters. The category of the requester determines the fees that may be charged; see § 402.75 for the FOIA fee schedule. Requesters may request a fee waiver, as described in § 402.85.

(b) *Hourly rate when charging under section 1106(c) and the FOIA fee categories.* (1) When we search for and review records, we charge an hourly rate, based in 15-minute increments, depending on the grade(s) of the employee(s) and/or contractors performing the search and review. The hourly rate is the same when charging under the FOIA fee provisions or section 1106(c) of the Social Security Act. SSA uses the current General Schedule (GS) salary table for the locality pay area of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA. We use the following criteria to compute our hourly rates for search or review:

(i) When performed by employees at grade GS–1 through GS–8, SSA will charge an hourly rate based on the salary of a GS–5, step 7, employee;

(ii) When performed by a GS–9 through GS–14, SSA will charge an hourly rate based on the salary of a GS–12, step 4, employee; and

(iii) When performed by a GS–15 or above, SSA will charge an hourly rate based on the salary of a GS–15, step 7, employee.

(2) When work is performed by a contractor, we will charge an hourly rate based on the GS equivalent of the contractor's hourly pay rate. We compute the hourly rate by taking the current hourly rate for the specified grade and adding 16 percent of that rate to cover benefits and rounding to the nearest whole dollar. These rates are adjusted as Federal salaries change. Federal salary rates are available from the Office of Personnel Management. When a search and review involves employees at more than one of these GS levels, we will charge the rate appropriate for each. We may charge a fee for search time even if we are unable to locate any responsive records or the records are exempt from disclosure.

§ 402.75 FOIA fee schedule.

(a) *Fee schedule category.* Requesters whom SSA charges under the FOIA fee schedule are subject to the following fees dependent upon their fee category:

(1) *Commercial.* Commercial use requesters are charged for search, review, and duplication.

(2) *Non-commercial educational or scientific institutions and representative of the news media.* Requesters that fit this category are charged for the duplication of documents. We will not charge requesters the copying costs for the first 100 pages of duplication.

(3) *Other.* If the FOIA request does not fall within a category described in paragraph (a)(1) or (2) of this section, we will charge for search and duplication; however, we will not charge for the first two hours of search time or for the duplication costs of the first 100 pages.

(b) *Certification.* If a requester asks for certification of the record(s) responsive to their FOIA request and OPD agrees to provide it, we will notify the requester of the appropriate certification fee via written correspondence.

(c) *Record(s) production and duplication*—(1) *Electronic records.* We will charge the actual costs for producing and duplicating the record and the time spent by the employees or contractors in production, duplication, or otherwise processing the FOIA request, at the rates given in § 402.70(c).

(2) *Photocopying standard size pages.* For noncommercial requesters, we will charge $0.10 per page after the first 100 pages, which are free. The FOIA Officer may charge lower fees for particular documents where:

(i) The document has already been printed in large numbers;

(ii) The program office determines that using existing stock to answer this request, and any other anticipated FOIA requests, will not interfere with program requirements; and

(iii) The FOIA Officer determines that the lower fee is adequate to recover the prorated share of the original printing costs.

(3) *Photocopying odd-size documents.* For photocopying documents, such as punch cards or blueprints, or duplicating other records, such as tapes, we will charge the actual costs of operating the machine, plus the actual cost of the materials used, plus charges for the time spent by the operator, at the rates given in § 402.70(c).

(d) *Cost of service less than cost of issuing a bill.* We will not charge a fee when the cost of the service is less than the cost of sending the requester a bill. However, where an individual, organization, or governmental unit makes multiple separate requests, we will total the costs incurred and bill the requester for the services rendered.

(e) *Fee waiver.* We may waive or reduce the fee if we find that waiver is in the public interest. See § 402.85 for fee waiver information.

§ 402.80 Charging under section 1106(c) of the Social Security Act.

Section 1106(c) of the Social Security Act permits the agency to charge the full cost to process requests for information for purposes not directly related to the administration of program(s) under the Social Security Act. This may be done notwithstanding the fee provisions in FOIA, the Privacy Act, or any other provision of law. In responding to FOIA requests for non-program purposes, we will charge the full cost (both direct and indirect costs) of our services, regardless of the requester's fee categorization, unless the cost of the service is less than the cost of issuing a bill as stated in paragraph (b) of this section.

(a) *Full costs.* The agency may charge full costs for processing records or information requests, including but not limited to:

(1) *Search.* We may charge for search time even if we are unable to locate any responsive records or the records are exempt from disclosure. We will notify the requester in writing if the records estimated as responsive are determined unreasonably burdensome for the agency to process and/or the search would cause significant interference with the operation of SSA's automated information systems.

(2) *Review.* Review includes the reviews performed at any level (staff through executive), including but not limited to review by multiple people and offices.

(3) *Production and duplication of record(s).* We may charge the full cost of the systems' processing (*e.g.,* computer search time, computer processing database retrieval), materials used to produce and duplicate the requested record(s), and time spent by agency employee(s) and/or contractor(s) in production, duplication, or otherwise processing the FOIA request.

(4) *Certification.* We will charge the full costs for certification.

(5) *Employee's time.* The full cost of an employee's time includes fringe benefits and overhead costs, such as rent and utilities.

(6) *Forwarding/delivering materials.* If special arrangements for forwarding material are requested, we will charge the requester the full cost of this service (*e.g.,* if express mail or a commercial delivery service is requested). If no special forwarding arrangements are requested, we will charge the requester the full cost of the service, including the U.S. Postal Service cost.

(7) *Performing other special services.* If we agree to provide any special services requested, we will charge the full cost of the time of the employee(s) or contractor(s) who perform the service, plus the full cost of any systems processing time and materials that the employee or contractor uses.

(b) *Cost of service less than cost of issuing a bill.* We will not charge a fee when the cost of the service is less than the cost of sending the requester a bill. However, where an individual, organization, or governmental unit makes multiple separate requests, we will total the costs incurred and bill the requester for the services rendered.

(c) *Standard administrative fees for non-program information.* The information in this part does not revoke, modify, or supersede the schedule of standard administrative fees the agency charges for specified non-program information requests.

(d) *Non-program purpose.* Non-program purposes constitute any purpose that is not program related.

(1) We consider a request to be program related if:

(i) The information must be disclosed under the Social Security Act (Act); or

(ii) The Information will be used for a purpose which is directly related to the administration of a program under the Act for which SSA has responsibility. In deciding whether this paragraph (d)(1)(ii) applies, the major criteria SSA considers is whether the information is:

(A) Needed to pursue a benefit under a program that SSA administers under the Act.

(B) Needed solely to verify the accuracy of information obtained in connection with a program that SSA administers under the Act.

(C) Needed in connection with an activity under SSA's purview which is authorized under the Act.

(D) Needed by an employer to carry out taxpaying responsibilities under the Federal Insurance Contributions Act or section 218 of the Act.

(2) We will consider each request on a case-by-case basis when the criteria in this paragraph (d) are not met but the requester claims a request is for a program-related purpose for another reason. We will not conclude a request is program-related solely because the records sought are about programs administered by SSA or are claimed to be of public interest.

(e) *Disagreement with program or non-program determination.* Only the FOIA Officer has the authority to make the program/non-program decision. If a requester disagrees with the FOIA Officer's non-program determination, they may appeal the decision to the Executive Director for OPD. In the appeal letter, the requester should explain why they believe the request meets the requirements in paragraph (c) of this section. The process described in § 402.105 will also apply to these appeals.

§ 402.85 Waiver of fees in the public interest.

A requester may request waiver or reduction of fees, whether charged under § 402.75 or § 402.80, if the release of the requested records is in the public interest. We will waive or reduce the fees we would otherwise charge if disclosure of the requested information:

(a) Is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government; and

(b) Is not primarily in the commercial interest of the requester.

(1) *Procedure for requesting a waiver or reduction.* A requester must make the request for a fee waiver or reduction at the same time they make their request for records. The requester should explain with reasonable specificity why they believe a waiver or reduction is proper under the analysis in paragraphs (b)(2) and (3) of this section. Only the FOIA Officer may make the decision whether to waive, or reduce, the fees. If we do not completely grant the request for a waiver or reduction, the requester may appeal the denial to the Executive Director for OPD. In the appeal letter, the requester should explain why they believe the request meets the requirements in paragraphs (b)(2) and (3) of this section. The process prescribed in § 402.105 will also apply to these appeals.

(2) *Public interest.* We consider the factors below when analyzing whether disclosure is in the public interest:

(i) How the records pertain to the Federal Government's operations or activities;

(ii) Whether disclosure would reveal any meaningful information about Government operations or activities not already known to the public; and

(iii) Whether the contribution to public understanding would be significant.

(3) *Not primarily in requester's commercial interest.* If the disclosure is determined to be in the public interest as described in paragraph (b)(2) of this section, we will then determine whether it also furthers the requester's commercial interest and, if so, whether this effect outweighs the advancement of that public interest. We consider the following factors when analyzing whether disclosure is not primarily in the requester's commercial interest:

(i) Would the disclosure further a commercial interest of the requester, or of someone on whose behalf the requester is acting?

(ii) If disclosure would further a commercial interest of the requester, would that effect outweigh the advancement of the public interest defined in paragraph (b)(2) of this section? Which effect is primary?

(4) *Burden on SSA to produce the record(s).* If the disclosure meets the requirements in paragraphs (b)(2) and (3) of this section, we reserve the right to charge a fee if special services are needed to provide the records.

(5) *Deciding between waiver and reduction.* If the disclosure meets the requirements in paragraphs (b)(2) and (3) of this section, we will normally waive fees. However, in some cases we may decide only to reduce the fees. For example, we may do this when disclosure of some but not all of the requested records meet the fee waiver criteria.

§ 402.90 Notification of fees and prepayment requirements.

Requesters must agree to pay the fee, whether charged under § 402.75 or § 402.80, before we will begin the search for record(s).

(a) *Cost estimate.* OPD will issue a fee notice to the requester for the processing of their request for records that includes an estimated fee based on the time we estimate it will take to process the record(s) requested. We issue fee notices via email or, when the requester does not provide an email address, via U.S. postal mail.

(b) *Advanced payment information required.* The requester must agree to pay the estimated fee provided within the fee notice and provide the agency with payment information within 30 calendar days from the date of our fee notice. Payment information is required before OPD will begin the search for the requested record(s). Unless otherwise specified in the schedule of standard administrative fees the agency charges for specified non-program information requests, OPD will process payment when the request is closed, *i.e.,* when the FOIA Officer issues a decision on records release. If the payment information provided by the requester expires during the course of OPD's processing of the FOIA request, the requester must provide updated payment information. If updated payment information is not provided within 30 calendar days of our written request for the payment information, we reserve the right to administratively close the request.

(c) *Changes in estimated fee.* (1) If the time spent to search for records is more or less than the time estimated in the fee notice, OPD will issue the requester a revised fee notice after the responsive component(s) performs the records search and retrieval.

(2) If the record(s) provided to OPD for review are more or less than those from which OPD estimated search and review time, OPD will issue the requester a revised fee notice after the responsive component(s) perform the records search and retrieval.

(3) OPD will return the payment information to the requester when OPD issues the revised fee notice.

(4) The requester must agree to pay the revised fee before we will continue processing the request. If the requester disagrees with the revised fee, the requester may appeal to the Executive Director for OPD. Appeals will be processed as described in § 402.105.

(d) *Prompt payment.* We will administratively close the FOIA request if we do not receive a response or appeal within 30 calendar days from the date of the fee notice. ''Response'' includes:

(1) Requesting to narrow the scope of the request; or

(2) Providing payment in response to the fee notice. Appeals will be processed as described in § 402.105.

(e) *Methods of payment.* We accept payment by check or money order made payable to the Social Security Administration (SSA), as well as by credit card (MasterCard, Visa, Discover, American Express, or Diner's Club).

§ 402.95 Release of records.

(a) *Records previously released.* If we have released a record, or a part of a record, to others in the past, we will ordinarily release it to the requester, as well. However, we will not release it to a requester if a statute forbids this disclosure; an exemption applies that was not previously applicable; or if the previous release was unauthorized.

(b) *Withholding records.* Section 552(b) of the FOIA explains the nine exemptions under which we may withhold records requested under the FOIA. Within §§ 402.115 through 402.150, we describe the FOIA exemptions and explain how we apply them to disclosure determinations. In some cases, more than one exemption may apply to the same document. Section 552(b) of the FOIA, while providing nine exemptions from mandatory disclosure, does not itself provide any assurance of confidentiality by the agency.

(c) *Reading room.* If the record(s) requested are already publicly available, either in our electronic reading room or elsewhere online, such as at *www.ssa.gov,* we will direct the requester to the publicly available record(s).

(d) *Poor copy.* If we cannot make a legible copy of a record to be released, we do not attempt to reconstruct it. Instead, we furnish the best copy possible and note its poor quality in our reply.

§ 402.100 FOIA Public Liaison and the Office of Government Information Services.

We notify requesters of their right to seek dispute resolution from the FOIA Public Liaison or the Office of Government Information Services (OGIS) within our fee notices, responses to determinations identified in § 402.50(a), and responses to appeals.

(a) *FOIA Public Liaison.* If requesters have questions about the response to their request or wish to seek dispute resolutions services within SSA, the requester may contact the FOIA Public Liaison via email to *FOIA.Public.Liaison@ssa.gov.*

(b) *OGIS.* OGIS is an entity outside of SSA that offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. OGIS' contact information will be provided in any decision letter issued by the FOIA Officer and Executive Director for OPD.

§ 402.105 Appeals of the FOIA Officer's determination.

(a) *Appeal requirements.* If a requester disagrees with the FOIA Officer's determination in response to items specified in § 402.50(a), the requester may appeal the decision. The appeal must meet the following requirements:

(1) Be submitted in writing via the avenues identified in § 402.35(a);

(2) Be received within 90 days from the date of the determination the requester is appealing; and

(3) Explain what the requester is appealing and include additional information to support the appeal.

(b) *Acknowledgement.* We make a good faith effort to acknowledge all appeals in writing within 10 business days after OPD's receipt of the appeal. The acknowledgement is provided via email or, when the requester does not provide an email address, via U.S. postal mail. The acknowledgement email or letter restates the FOIA appeal and provides the requester with the appeal's tracking number.

(c) *Processing timeframe.* FOIA appeals are categorized as either simple or complex, based on the designation of the initial request.

(1) *Simple.* Generally, we make a determination about release of the requested record(s) within 20 business days.

(2) *Complex.* Appeals of complex requests cannot be completed within 20 business days due to unusual circumstances. During OPD's processing of the appeal, OPD will need to consult with appropriate SSA component(s), including legal counsel; therefore, we generally require more than 20 business days to issue a final decision on the appeal.

(d) *Final decision.* The Chief FOIA Officer delegated to the Executive Director for OPD the authority to make decisions on appeals of the FOIA Officer's determinations.

(1) The final decision is provided in writing to the requester via email or, in the absence of the requester's email address, via U.S. postal mail.

(2) The final decision letter will explain the basis of the decision (for example, the reasons why an exemption applies).

(e) *Disagreement with final decision.* If a requester disagrees with the final decision issued by the Executive Director for OPD, they may seek assistance from OGIS, as described in § 402.100. Requesters may also ask a U.S. District Court to review our final decision. See 5 U.S.C. 552(a)(4)(B).

§ 402.110 U.S. District Court action.

If the Executive Director for OPD or the Executive Director for OPD's designee, upon review, affirms the denial of the FOIA Officer's determination of items specified in § 402.50(a), requesters may ask a U.S. District Court to review that denial. See 5 U.S.C. 552(a)(4)(B).

§ 402.115 The FOIA Exemption 1: National defense and foreign policy.

We are not required to release records that are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order.

§ 402.120 The FOIA Exemption 2: Internal personnel rules and practices.

We are not required to release records that are related solely to the internal personnel rules and practices of an agency. For example, we may withhold personnel rules and practices dealing with employee relations or human resources.

§ 402.125 The FOIA Exemption 3: Records exempted by other statutes.

(a) *Required record release.* We are not required to release records if another statute specifically allows or requires us to withhold them. We may use another statute to justify withholding only if it prohibits disclosure or if it sets forth criteria to guide our decision on releasing or identifies particular types of material to be withheld.

(b) *Examples.* (1) We often use this exemption to withhold information regarding a worker's earnings which is tax return information under section 6103 of the Internal Revenue Code.

(2) We also use this exemption to withhold death information about decedents:

(i) When the date of death is within three calendar years from the current date, the requested information about the decedent is protected under section 203 of the Bipartisan Budget Act of 2013 (Pub. L. 113–67).

(ii) When the agency's source of death is the state, the requested information is protected under section 205(r) of the Social Security Act.

§ 402.130 The FOIA Exemption 4: Trade secrets and confidential commercial or financial information.

SSA will allow submitters to designate information as trade secrets and confidential commercial or financial information at the time of submission or within a reasonable time thereafter. Submitters must use good faith efforts to designate, by appropriate markings, any portion of its submission that it considers to be protected from disclosure under the FOIA exemptions. These designations expire ten years after the due date of the submission unless the submitter requests a longer designation period.

(a) *Steps of submitters notice*—(1) *The submitter's notice.* When trade secrets or confidential commercial or financial information is requested under the FOIA, SSA will provide written submitter's notice if we have substantial reason to believe that information in the records could reasonably be considered exempt under the FOIA Exemption 4. The submitter's notice will describe and include a copy of the trade secret or commercial or financial information requested. In cases involving many submitters, SSA may publish a submitter's notice to inform the submitters of the proposed disclosure instead of sending individual notifications. The submitter's notice requirements of this section do not apply if:

(i) SSA determines the information is fully exempt under the FOIA, and therefore will not be disclosed;

(ii) The information has been previously published or made generally available; or

(iii) Disclosure of the information is required by statute other than the FOIA.

(2) *Submitter's opportunity to object to disclosure.* (i) The submitter must respond to the notice within five business days of SSA issuing the submitter's notice or the information may be released in accordance with these regulations and the FOIA. A submitter who fails to respond within five business days will be considered to have no objection to the disclosure of the information. SSA is not required to consider any information received after the date of any disclosure decision. Any information provided by a submitter under this subpart may itself be subject to disclosure under the FOIA.

(ii) If a submitter objects to disclosure, the submitter should provide SSA with a detailed written statement that specifies all grounds for withholding the particular information under any exemption of the FOIA. In order to rely on Exemption 4 as basis for non-disclosure, the submitter must explain why the information constitutes a trade secret or commercial or financial information that is confidential.

(iii) SSA will consider a submitter's timely made objections and specific grounds for nondisclosure in deciding whether to disclose the requested information.

(3) *Notice of intent to disclose.* Whenever SSA decides to disclose information over the objection of a submitter, SSA provides the following to the submitter:

(i) A Release Over Objection letter explaining the reasons why each of the submitter's disclosure objections did not meet the requirements for withholding under the FOIA.

(ii) A copy of the information as SSA intends to release it.

(iii) A statement of our intent to disclose the information five business days from the date on the Release Over Objection letter unless the submitter

files an action in a U.S. District Court to prevent the release.

(b) *Notice of FOIA lawsuit.* When a submitter's notice is issued for a request that is the subject of a lawsuit, SSA notifies the submitter of the lawsuit within the notice.

(c) *Requester notification.* To the extent SSA expects substantial delays in the processing of FOIA requests due to the agency's communications with the submitter, we will notify the requester in writing via email, or when the requester's email is not provided, via U.S. postal mail.

§ 402.135 The FOIA Exemption 5: Internal documents.

This exemption covers inter-agency or intra-agency government documents that fall within an evidentiary privilege recognized in civil discovery. Such internal government communications include an agency's communications with an outside consultant or other outside person, with a court, or with Congress, when those communications are for a purpose similar to the purpose of privileged intra-agency communications. Some of the most-commonly applicable privileges are described in the following paragraphs:

(a) *Deliberative process privilege.* This privilege protects the decision-making processes of government agencies. Information is protected under this privilege if it is predecisional and deliberative. The purpose of the privilege is to prevent injury to the quality of the agency decision-making process by encouraging open and frank internal discussions, by avoiding premature disclosure of decisions not yet adopted, and by avoiding the public confusion that might result from disclosing reasons that were not in fact the ultimate grounds for an agency's decision. Purely factual material in a deliberative document is within this privilege only if it is inextricably intertwined with the deliberative portions so that it cannot reasonably be segregated, if it would reveal the nature of the deliberative portions, or if its disclosure would in some other way make possible an intrusion into the decision-making process. We will release purely factual material in a deliberative document unless that material is otherwise exempt. The privilege continues to protect predecisional documents even after a decision is made; however, we will release predecisional deliberative communications that were created 25 years or more before the date on which the records are requested.

(b) *Attorney work product privilege.* This privilege protects records prepared by or for an attorney in anticipation of or for litigation. It includes documents prepared for purposes of administrative and court proceedings. This privilege extends to information directly prepared by an attorney, as well as materials prepared by non-attorneys working for an attorney.

(c) *Attorney-client communication privilege.* This privilege protects confidential communications between an attorney and the attorney's client where legal advice is sought or provided.

§ 402.140 The FOIA Exemption 6: Clearly unwarranted invasion of personal privacy.

We may withhold records about individuals if disclosure would constitute a clearly unwarranted invasion of their personal privacy.

(a) *Balancing test.* When we decide whether to release records that contain personal or private information about someone else, we weigh the foreseeable harm of invading a person's privacy against the public interest in disclosure. When we determine whether disclosure would be in the public interest, we will consider whether disclosure of the requested information would shed light on how a Government agency performs its statutory duties.

(b) *Agency employees.* To protect the safety of agency employees, we will not disclose information when the information sought is contact information and/or duty stations of one or more Federal employees if the disclosure would place employee(s) at risk of injury or other harm.

(c) *Examples.* We generally withhold the personally identifiable information of individuals if we do not have the consent (consistent with § 401.100 of this chapter) of the number holder, including but not limited to the number holder's home address, age, Social Security number, claims file, and other personal information. If the information requested concerns agency employees, we will determine disclosure on a case-by-case basis. For example, our redaction of management officials' information may be treated differently depending on how the balancing test applies in a given circumstance.

§ 402.145 The FOIA Exemption 7: Law enforcement.

We are not required to disclose information or records that the government has compiled for law enforcement purposes. The records may apply to actual or potential violations of either criminal or civil laws or regulations. We can withhold these records only to the extent that releasing them would cause harm in at least one of the following situations:

(a) *Enforcement proceedings.* Pursuant to the FOIA Exemption 7(A) (5 U.S.C. 552(b)(7)(a)), we may withhold information whose release could reasonably be expected to interfere with prospective or ongoing law enforcement proceedings. Investigations of fraud and mismanagement, employee misconduct, and civil rights violations may fall into this category. In certain cases—such as when a fraud investigation is likely—we may refuse to confirm or deny the existence of records that relate to the violations in order not to disclose that an investigation is in progress, or may be conducted.

(b) *Fair trial or impartial adjudication.* Under the FOIA Exemption 7(B) (5 U.S.C. 552(b)(7)(b)), we may withhold records whose release would deprive a person of a fair trial or an impartial adjudication because of prejudicial publicity.

(c) *Personal privacy.* Under the FOIA Exemption 7(C) (5 U.S.C. 552(b)(7)(c)), we may withhold the personally identifiable information of individuals when the disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy. When a name surfaces in an investigation, that person is likely to be vulnerable to innuendo, rumor, harassment, and retaliation.

(d) *Confidential sources and information.* Pursuant to the FOIA Exemption 7(D) (5 U.S.C. 552(b)(7)(d)), we may withhold the identity of confidential sources, as well as the records obtained from the confidential sources in criminal investigations or by an agency conducting a lawful national security investigation. A confidential source may be an individual; a State, local, or foreign government agency; or any private organization. The exemption applies whether the source provides information under an express promise of confidentiality or under circumstances from which such an assurance could be reasonably inferred; however, inferred confidentiality is determined in a case-by-case analysis. Also protected from mandatory disclosure is any information which, if disclosed, could reasonably be expected to jeopardize the system of confidentiality that assures a flow of information from sources to investigatory agencies.

(e) *Techniques and procedures.* Under the FOIA Exemption 7(E) (5 U.S.C. 552(b)(7)(e)), we may withhold records reflecting special techniques or procedures of investigation or prosecution, not otherwise generally known to the public. In some cases, it

is not possible to describe even in general terms those techniques without disclosing the very material to be withheld. We may also withhold records whose release would disclose guidelines for law enforcement investigations or prosecutions if this disclosure could reasonably be expected to create a risk that someone could circumvent requirements of law or of regulation.

(f) *Life and physical safety.* Under the FOIA Exemption 7(F) (5 U.S.C. 552(b)(7)(f)), we may withhold records whose disclosure could reasonably be expected to endanger the life or physical safety of any individual. This protection extends to threats and harassment, as well as to physical violence.

§ 402.150 The FOIA Exemptions 8 and 9: Records on financial institutions; records on wells.

Exemption 8 permits us to withhold records about regulation or supervision of financial institutions. Exemption 9 permits the withholding of geological and geophysical information and data, including maps, concerning wells.

§ 402.155 Records available for public inspection.

(a) Under the FOIA, SSA is required to make available for public inspection in an electronic format:

(1) Final opinions made in the adjudication of cases;

(2) An agency's statements and interpretations of policy that have been adopted but are not published in the **Federal Register**;

(3) Administrative staff manuals and instructions that affect the public; and

(4) Copies of records, regardless of form or format, that an agency determines will likely become the subject of subsequent requests, as well as records that have been requested and released three or more times, unless said materials are published and copies are offered to sale.

(b) SSA will not use or cite instructional manuals issued to our employees, general statements of policy, and other materials which are used in processing claims as a precedent for an action against a person unless we have indexed the record and published it or made it available, or unless the person has timely notice of the record.

(c) Records that the FOIA requires SSA to make available for public inspection in an electronic format may be accessed through *www.ssa.gov* free of charge. Such records include:

(1) Compilation of Social Security Laws and Regulations;

(2) SSA regulations under the retirement, survivors, disability, and supplemental security income programs, *i.e.,* 20 CFR parts 401, 402, 404, 416, and 422;

(3) Social Security Handbook;

(4) Social Security Rulings and Acquiescence Rulings;

(5) SSA's Public Programs Operations Manual System;

(6) SSA's Organizational Structure;

(7) State and Local Coverage Handbook for State Social Security Administrators; and

(8) Hearings, Appeals, and Litigation Law Manual.

§ 402.160 Where records are published.

(a) *Methods of publication.* Materials we are required to publish pursuant to the provisions of 5 U.S.C. 552(a)(1) and (a)(2), we publish in one of the following ways:

(1) By publication in the **Federal Register** of Social Security Administration regulations, and by their subsequent inclusion in the Code of Federal Regulations;

(2) By publication in the **Federal Register** of appropriate general notices;

(3) By other forms of publication, when incorporated by reference in the **Federal Register** with the approval of the Director of the Federal Register; and

(4) By publication in the ''Social Security Rulings'' of indexes of precedential social security orders and opinions issued in the adjudication of claims, statements of policy and interpretations that have been adopted but have not been published in the **Federal Register**.

(b) *Publication of rulings.* Although not required pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we publish the following rulings in the **Federal Register** and by other forms of publication:

(1) We publish Social Security Rulings in the **Federal Register** under the authority of the Commissioner of Social Security. They are binding on all components of SSA. These rulings represent precedent final opinions and orders and statements of policy and interpretations that we have adopted.

(2) We publish Social Security Acquiescence Rulings in the **Federal Register** under the authority of the Commissioner of Social Security. They are binding on all components of SSA, except with respect to claims subject to the relitigation procedures established in 20 CFR 404.985(c) and 416.1485(c). For a description of Social Security Acquiescence Rulings, see 20 CFR 404.985(b) and 416.1485(b).

§ 402.165 Publications for sale through the Government Publishing Office.

The public may purchase publications containing information pertaining to the program, organization, functions, and procedures of SSA from the electronic U.S. Government Bookstore maintained by the Government Publishing Office. The publications for sale include but are not limited to:

(a) Title 20, parts 400 through 499, of the Code of Federal Regulations;

(b) **Federal Register** issues; and

(c) Compilation of the Social Security Laws.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2023–0429]

RIN 1625–AA08

Special Local Regulation; Henderson Bay, Henderson Bay, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a special local regulation for certain waters of Henderson Bay. This action is necessary to provide for the safety of life on these navigable waters near Henderson Bay, Henderson Bay, NY, during the swimming portion of a triathlon on July 8, 2023. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Port Sector Buffalo 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 July 6, 2023.

ADDRESSES: You may submit comments identified by docket number USCG–2023–0429 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 MST2 Andrew Nevenner, Waterways Management Division, MSD Massena, U.S. Coast Guard; telephone 315–769–5483, email *SMB-MSDMassena-WaterwaysManagement@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

On March 27, 2023, the Henderson Business and Community Council notified the Coast Guard that it will be conducting the Henderson Harbor Triathlon Starting at 8 a.m. on July 8, 2023. The swim portion of the triathlon will start and end at the Henderson Boat Launch and will be approximately 750-meters in length. This proposed rulemaking would prohibit persons and vessels from being in the special local regulation zone unless authorized by the Captain of the Port Buffalo or a designated representative.

The purpose of this rulemaking is to ensure the safety of life of the participants within the regulated area before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70041.

III. Discussion of Proposed Rule

The COTP is proposing to establish a special local regulation from 8 a.m. through 11 a.m. on July 8, 2023. The special local regulation would cover all navigable waters within a 750-meter marked swim course near the Henderson Boat Launch. The duration of the zone is intended to ensure the safety of swimmers before, during, and after the scheduled 8 through 11 a.m. swimming event. No vessel or person would be permitted to enter the special local regulation area 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, and time-of-day of the special local regulation. Vessel traffic would be minimal due to the closure of the Henderson Boat Launch. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the special local regulation 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 special local regulation lasting 3 hours that would prohibit

entry within the regulated area. Normally such actions are categorically excluded from further review under paragraph L61of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. 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–2023–0429 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 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. In § 100.901, amend Table 1 by adding ''Henderson Harbor Sprint Triathlon'' to read as follows:

§ 100.901 Great Lakes annual marine events.

* * * * *

TABLE 1

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Sector Buffalo, NY:

Fireworks by Grucci

Sponsor: New York Power Authority.
Date: Last weekend of July.
Location: Lake Ontario, Wright's Landing/Oswego Harbor, NY within an 800 foot radius of the fireworks launching platform located in approximate position 43°28′10″ N 076°31′04″ W.

Flagship International Kilo Speed Challenge

Sponsor: Presque Isle Powerboat Racing Association.
Date: 3rd or 4th weekend of June.
Location: That portion of Lake Erie, Presque Isle Bay, south of a line drawn from 42°08′54″ N 080°05′42″ W; to 42°07′ N 080°21′ W will be a regulated area. That portion of Lake Erie, Presque Isle Bay, north of a line drawn from 42°08′54″ N 080°05′42″ W; to 42°07′ N 080°21′ W will be a ''caution area''. All vessels transiting the caution area will be operated at bare steerageway, keeping the vessel's wake at a minimum, and will exercise a high degree of caution in the area. The bay entrance will not be effected.

Flagship International Offshore Challenge

Sponsor: Presque Isle Powerboat Racing Association.
Date: 3rd or 4th weekend of June.
Location: That portion of Lake Erie, Presque Isle Bay, Entrance Channel, and the enclosed area from Erie Harbor Pier Head Light (LLNR 3430) northeast to 42°12′48″ N 079°57′24″ W, thence south to shore just east of Shades Beach.

Friendship Festival Airshow

Sponsor: Friendship Festival.
Date: 4th of July holiday.
Location: That portion of the Niagara River and Buffalo. Harbor from:

Latitude	Longitude
42°54.4′ N	078°54.1′ W, thence to
42°54.4′ N	078°54.4′ W, thence along the International Border to
42°52.9′ N	078°54.9′ W, thence to
42°52.5′ N	078°54.3′ W, thence to
42°52.7′ N	078°53.9′ W, thence to

TABLE 1—Continued

42°52.8′ N	078°53.8′ W, thence to
42°53.1′ N	078°53.6′ W, thence to
42°53.2′ N	078°53.6′ W, thence to
42°53.3′ N	078°53.7′ W, thence along the breakwall to
42°54.4′ N	078°54.1′ W.

NFBRA Red Dog Kilo Time Trials

Sponsor: Niagara Frontier Boat Racing Association.
Date: 4th or 5th weekend of September.
Location: That portion of the Niagara River, Tonawanda Channel, between Tonawanda Channel Buoy 31 to approximately ½ mile southwest of Twomile Creek along a line drawn from 43°00′45″ N 078°55′06″ W to 43°00′28″ N 078°54′56″ W (Sipco Oil Company).

Sodus Bay 4th of July Fireworks

Sponsor: Sodus Bay Historical Society.
Date: 4th of July holiday.
Location: Lake Ontario, within a 500 foot radius around a barge anchored in approximate position 43°15.73′ N 076°58.23′ W, in Sodus Bay.

Tallship Erie

Sponsor: Erie Maritime Programs, Inc.
Date: 1st or 2nd weekend of July.
Location: That portion of Lake Erie, Presque Isle Bay Entrance Channel and Presque Isle Bay from:

Latitude	Longitude
42°10′ N	080°03′ W, thence to
42°08.1′ N	080°07′ W, thence to
42°07.9′ N	080°06.8′ W, thence east along the shoreline and structures to:
42°09.2′ N	080°02.6′ W, thence to
42°10′ N	080°03′ W.

Thomas Graves Memorial Fireworks Display

Sponsor: Port Bay Improvement Association.
Date: 1st or 2nd weekend of July.
Location: That portion of Lake Ontario, Port Bay Harbor, NY within a 500 ft radius surrounding a barge anchored in approximate position 43°17′46″ N 076°50′02″ W.

Thunder Island Offshore Challenge

Sponsor: Thunder on the Water Inc.
Date: 3rd or 4th weekend of June.
Location: That portion of Lake Ontario, Oswego Harbor from the West Pier Head Light (LLNR 2080) north to:

Latitude	Longitude
43°29′02″ N	076°32′04″ W, thence to
43°26′18″ N	076°39′30″ W, thence to
43°24′55″ N	076°37′45″ W, thence along the shoreline to the West Pier Head Light (LLNR 2080).

We Love Erie Days Fireworks

Sponsor: We Love Erie Days Festival, Inc.
Date: 3rd weekend of August.
Location: That portion of Lake Erie, Erie Harbor, within a 300 foot radius, surrounding the Erie Sand and Gravel Pier, located in position 42°08′16″ N 080°05′40″ W.

Christmas in July

Sponsor: Henderson Business and Community Council.
Date: Final weekend of July.
Location: The regulated area would cover all navigable waters within Henderson Bay starting at point 43°51′44″ N 76°12′07.3″ W and running north adjacent to the shore to point 43°52′12.2″ N 76°11′32.7″ W, continuing northwest to point 43°53′40.9″ N 76°12′40.6″ W and running south adjacent to the shore to point 43°51′47.2″ N 76°14′08.3″ W, ending at the starting position at point 43°51′44.0″ N 76°12′07.3″ W.

Latitude	Longitude
43°51′44″ N	076°12′07.3″ W, thence to
43°52′12.2″ N	076°11′32.7″ W, thence to
43°53′40.9″ N	076°14′08.3″ W, thence (along the shoreline to end at the starting position).

Henderson Harbor Sprint Triathlon

Sponsor: Henderson Business and Community Council.
Date: On or around the 2nd weekend of July.
Enforcement Period: 0800–1100.
Location: The regulated area would cover navigable waters within Henderson Bay starting at point 43°51′02.5″ N 076°12′21.9″ W and running northeast adjacent to the shore to point 43°51′05.9″ N 076°12′12.2″ W, continuing west to point 43°51′06.2″ N 076°12′21.2″ W, ending at starting position at point 43°51′02.5″ N 076°12′21.9″ W.

Latitude	Longitude
43°51′02.5″ N	076°12′21.9″ W, thence to
43°51′05.9″ N	076°12′12.2″ W, thence to
43°51′06.2″ N	076°12′21.2″ W, thence (along the shoreline to end at the starting position).

[1] All coordinates listed in Table 100.901 reference Datum NAD 1983.

[2] As noted in paragraph (a)(3) of this section, the enforcement dates and times for each of the listed events in this table are subject to change. In the event of a change, or for enforcement periods listed that do not allow a specific date or dates to be determined, the Captain of the Port will provide notice to the public by publishing a Notice of Enforcement in the **Federal Register**, as well as, issuing a Broadcast Notice to Mariner.

Dated: May 25, 2023.

Mark I. Kuperman,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2023–11654 Filed 6–5–23; 8:45 am]

BILLING CODE 9110–04–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2023–7; Order No. 6528]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is acknowledging a recent filing requesting the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports (Proposal Two). This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 29, 2023.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

On May 26, 2023, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports.[1] The Petition identifies the proposed analytical changes filed in this docket as Proposal Two.

II. Proposal Two

Background. The Postal Service Reform Act of 2022 [2] modified and expanded the Postal Service's ability to enter into interagency agreements (IAAs) to provide property and services to, or on behalf of, other government agencies. Specifically, 39 U.S.C. 3703 for the first time authorizes the Postal Service to enter into agreements with agencies of any state government, local government, or tribal government to provide property or nonpostal services to the public on behalf of such agencies for non-commercial purposes. At the same time, with respect to the Postal Service's pre-existing authority under 39 U.S.C. 411 to provide property and services to other Federal agencies, the PSRA specifies that ''[t]he Postal Service may establish a program to provide property and nonpostal services to other Government [*i.e.,* federal] agencies within the meaning of section 411,[3] but only if such program provides a net contribution to the Postal Service, defined as reimbursement that covers at least 100 percent of the costs attributable . . . .'' 39 U.S.C. 3704.

Under the PSRA, the Postal Service must submit a report to the Commission after the close of each fiscal year. *See* 39 U.S.C. 3705(a).

Upon receiving the Postal Service's report and providing an opportunity for public comment, the Commission must make a written determination of compliance. 39 U.S.C. 3705(e).

Because the PSRA was enacted on April 6, 2022 (during FY 2022 Quarter 3), the Postal Service's first report responsive to this new statutory requirement was due December 29, 2022, covering FY 2022. In its report, the Postal Service stated that there were no agreements with state, local, or tribal governments pursuant to 39 U.S.C. 3703 in effect during FY 2022.[4] Pursuant to 39 U.S.C. 3705(a)(1), the Postal Service provided non-public information on costs and revenue for Federal IAAs that were in effect during FY 2022.[5] In response to information requests, the Postal Service also provided non-public rate information with respect to Federal IAAs, and publicly reported the number of agreements, as well as the revenue, costs, and contribution for the program as a whole under section 3704.[6]

Because 39 U.S.C. 3704 requires that the Federal IAA program as a whole provide contribution to the Postal Service, *i.e.,* reimbursement that covers at least 100 percent of the costs attributable to such agreements, the Commission sought information in order to better understand the underlying cost models and methodologies used by the Postal Service in calculating and distributing costs to IAAs. FY 2022 ACD at 101. The Commission found that ''[b]ased on the Postal Service's responses, it appears that the underlying cost models and methodologies employed by the Postal Service are, in some instances, underdeveloped.'' *Id.* Nevertheless, the Commission found that for purposes of the first compliance review of the overall Federal IAA program under 39 U.S.C. 3705(e)(2), the record reflected that the total reimbursement the Postal Service received from other Federal agencies for services rendered pursuant to IAAs effective in FY 2022 exceeded the total estimated cost associated with providing such services; hence the Federal IAA program as a whole complied with 39 U.S.C. 3704 for FY

[1] Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Two), May 26, 2023 (Petition).

[2] Postal Service Reform Act of 2022 (PSRA), Public Law 117–108, 136 Stat. 1127 (2022).

[3] Prior to the enactment of the PSRA, the Postal Service's authority for these agreements was governed by 39 U.S.C. 411, which authorizes the Postal Service to ''furnish property and services'' to ''Executive agencies within the meaning of [5 U.S.C. 105] and the Government Publishing Office. . . .'' 39 U.S.C. 411. Section 105 of Title 5 of the United States Code specifies that an '''Executive agency' means an Executive department, a Government corporation, and an independent establishment'' of the U.S. Government, as those terms are defined in 5 U.S.C. chapter 1. 5 U.S.C. 105.

[4] Docket No. ACR2022, United States Postal Service FY 2022 Annual Compliance Report, December 29, 2022, at 102 (FY 2022 ACR).

[5] *Id.* at 102. With respect to quality of service, in Docket No. RM2022–7, the Commission established certain reporting requirements for nonpostal services, including that the Postal Service shall provide quantitative measures of service performance for nonpostal services annually (or, where unavailable, qualitative descriptions). *See* 39 CFR 3055.25. Specifically for IAAs under 39 U.S.C. 3704, the Commission mandated that the Postal Service report the quality of service for the IAA program as a whole. *See id.* 3055.25(c). The Commission also specified that the reporting requirements shall not go into effect until the beginning of FY 2024 to allow the Postal Service to set service standards and (if needed) file a petition for an exception from reporting pursuant to 39 CFR 3055.3. Docket No. RM2022–7, Order Revising Rules for Periodic Reporting of Service Performance, February 9, 2023, at 16–17 (Order No. 6439).

[6] Docket No. ACR2022, Annual Compliance Determination Report, FY 2022, May 29, 2023, at 99–102 (FY 2022 ACD).

2022. *Id.* The Commission directed the Postal Service to develop a proposed methodology (or methodologies) for calculating and attributing costs and revenue to IAAs authorized under 39 U.S.C. 3703 and 3704, and to initiate a rulemaking proceeding to establish such methodology (or methodologies) in accordance with 39 CFR 3050.11 by no later than May 31, 2023. *Id.* at 102. As directed, the Postal Service initiated the instant proceeding.

Proposal. The Postal Service proposes a categorical approach to calculating and attributing costs and revenue to similar types, or groupings, of IAAs. Petition, Proposal Two at 2–3. In its Petition, the Postal Service has applied this categorical approach to the field of currently-existing Federal IAAs, but states that ''the creation of new categories as needed in the future is certainly not precluded[,]'' and ''[l]ikewise, categories can be omitted if all relevant IAAs have expired, and no new agreements replace them.'' *Id.* at 3, 7. The Postal Service proposes the following categories and corresponding cost attribution methodologies for the Federal IAAs currently in existence:

- *Retail Services:* The Postal Service defines this category as ''encompass[ing] services conducted at the retail counter such as identity verification or Passport acceptance.'' *Id.* at 3. For IAAs in this category, the Postal Service proposes multiplying the average length of transactions by an appropriate wage rate to determine the cost-per-transaction. *Id.* at 4. Piggyback, wait time, and miscellaneous time factors would then also be applied, and the unit costs would be multiplied by the total number of transactions to obtain total window service costs. *Id.* Any additional costs, such as advertising, training, and administrative costs, would be included in whole since they are not related to the per-transaction cost (although the Postal Service states that the total number of hours spent training would be estimated and the appropriate wage rate applied). *Id.* The Postal Service states that revenues within this category can either be a fixed fee or on a per-transaction basis. *Id.*
- *COVID Test Kits:* The Postal Service defines this category as ''includ[ing] the total revenue and cost for COVID test kit fulfillment and delivery; including picking, packing, and delivery of the kits.'' *Id.* The Postal Service states that this category is unique in having a two-part structure for fulfillment and delivery. *Id.* The Postal Service proposes that times and resources used for fulfillment be ''tracked to determine reimbursement through various postal functions,'' and that the delivery portion of cost and revenue by captured through regular Postal Service processes in the Cost and Revenue Analysis (CRA) and Revenue, Pieces, and Weight (RPW) reports. *Id.*
- *Addressing and Geospatial Technology Services:* The Postal Service defines this category as including agreements to ''provide reports from Postal Service operational data systems, such as ZIP Code or route book information, for use by other agencies.'' *Id.* at 4–5. The Postal Service states that the costs attributed to these reports are related to times to initiate, process, review, and disseminate the reports, and that given that these reports are already captured for operational purposes, no time or technology costs for the collection or storage of these reports are proposed to be attributed to these IAAs. *Id.* at 5. The Postal Service states that these reports are automated and incur minimal costs. *Id.*
- *Short Term Rental/Conference and Training Center Services:* The Postal Service defines this category as encompassing agreements that ''allow[ ] other agencies to use space in postal facilities for a few hours to a few days. . . .'' *Id.* at 5. The Postal Service states that the costs associated with these agreements are direct costs, which may include expenses for labor for room turnover, food, goods and supplies, and transportation. *Id.* The Postal Service proposes to calculate the revenue associated with these agreements by summing the rates and fees charged for services rendered. *Id.*
- *Lease Agreements:* The Postal Service defines this category as ''longer term agreements with agencies to occupy space in postal facilities.'' *Id.* The Postal Services states that costs for lease agreements include mainly utilities and maintenance for which the Postal Service is responsible as identified in the agreement. *Id.* at 6. Where the leased space is shared between the lessee and the Postal Service, the utility and maintenance costs are proportional to the number of square feet occupied by the lessee. *Id.* Rental revenue is proposed to be derived from the individual lease agreements. *Id.*
- *Contracting Services:* The Postal Service defines this category as ''encompass[ing] those services where the Postal Service provides services to other agencies, largely using Postal Service contractors, with a small amount of work being performed by postal employees.'' *Id.* The Postal Service states that many agreements falling into this category are for the provision of Equal Employment Opportunity (EEO) services. *Id.* The Postal Service proposes that the revenues associated with these agreements be derived as outlined in the individual agreements.

III. Notice and Comment

The Commission establishes Docket No. RM2023–7 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission's website at *https://www.prc.gov.* Interested persons may submit comments on the Petition and Proposal Two no later than June 29, 2023. Pursuant to 39 U.S.C. 505, Manon A. Boudreault is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2023–7 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Two), filed May 26, 2023.
2. Comments by interested persons in this proceeding are due no later than June 29, 2023.
3. Pursuant to 39 U.S.C. 505, the Commission appoints Manon A. Boudreault to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2023–11935 Filed 6–5–23; 8:45 am]

BILLING CODE 7710–FW–P

Notices

Federal Register
Vol. 88, No. 108
Tuesday, June 6, 2023

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Meeting; Board for International Food and Agricultural Development

AGENCY: Agency for International Development.

ACTION: Notice of meeting; request for public comment.

SUMMARY: The Board for International Food and Agricultural Development (BIFAD) (see *https://www.usaid.gov/bifad*) is hosting a public meeting, *A Public Consultation on BIFAD's Plans to Propose a Subcommittee on Minority Serving Institution Engagement and Leadership in USAID's Agricultural, Food Security, and Nutrition Programming.* This public meeting will provide a forum for BIFAD to share plans for a proposed BIFAD Subcommittee on MSI Engagement and Leadership. It will assemble expert panelists and invite stakeholders to provide input on the Subcommittee's objectives and membership.

DATES: The virtual meeting will be on Wednesday, June 28, 2023 from 1:30 to 3:30 p.m. EDT, including a public comment period.

ADDRESSES: The event is open to the public and will be hosted via ZOOM for virtual public participation. All participants should register at: *https://webinar-portal.net/webinars/tt/registration_230628.php.*

SUPPLEMENTARY INFORMATION: BIFAD plans to propose the establishment of a Subcommittee on MSI Engagement and Leadership in USAID's Agricultural, Food Security, and Nutrition Programming this year. The proposed Subcommittee has the following overarching objectives:

1. Inform recommendations to strengthen partnerships with MSIs as thought leaders and implementing partners in USAID's agriculture, food security, and nutrition policies and programming.

2. Create a platform for direct dialogue.

3. Strengthen BIFAD's collaboration with MSIs.

4. Identify opportunities for USAID to engage with higher education communities, particularly MSIs and underrepresented groups, to develop a diverse pipeline of future professionals in global food security, nutrition, and agricultural development.

The establishment of this subcommittee is grounded in Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities through the Federal Government,* and USAID's Diversity, Equity, and Inclusion (DEI) Strategy.

At the meeting, expert panelists will provide perspective on opportunities and challenges for USAID engagement and collaboration with MSIs in agriculture, food security, and nutrition programming. Members of the MSI community, underrepresented groups in academia, and other stakeholders may discuss and share feedback on the draft objectives and membership plans for the BIFAD Subcommittee during a public comment period.

BIFAD and USAID will post a draft of the Subcommittee's Terms of Reference (TOR) outlining the objectives, authorities, membership plan, and member roles. The draft will be linked to *www.usaid.gov/BIFAD* on June 14th. Members of the public are invited to share written comments between June 14 and July 12, 2023. Please refer to the instructions below. All public comments will be included in the public record and considered in BIFAD's finalization of a Subcommittee proposal.

The BIFAD is a seven-member, presidentially appointed advisory board to the US. Agency for International Development (USAID) established in 1975 under title XII of the Foreign Assistance Act, as amended, to ensure that USAID brings the assets of U.S. universities to bear on development challenges in agriculture and food security and supports their representation in USAID programming.

For questions about registration, please contact Rachel Helbig at *rachel.helbig@tetratech.com.* For questions about BIFAD, or to submit written comments, evidence, or materials in advance or following the meeting, please contact Clara Cohen, Designated Federal Officer for BIFAD in the Bureau for Resilience and Food Security at USAID. Interested persons may email her at *ccohen@usaid.gov* (Subject: Comment on the proposed BIFAD Subcommittee on MSI Engagement) or telephone her at (202) 712–0119.

Clara Cohen,

Designated Federal Officer, BIFAD.

[FR Doc. 2023–11978 Filed 6–5–23; 8:45 am]

BILLING CODE 6116–01–P

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 July 6, 2023 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this 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: Supplemental Nutrition Assistance Program: State Options.

OMB Control Number: 0584–0496.

Summary of Collection: The Food, Conservation and Energy Act of 2008, Public Law 110–246, section 4001–4002, amended the Food and Nutrition Act of 2008 to rename the Food Stamp Program the ''Supplemental Nutrition Assistance Program (SNAP). The Act establishes SNAP as a means-tested program under which needy households may apply for and receive assistance to supplement their ability to purchase food. The Act specifies national eligibility standards utility allowance (SUAs) and imposes certain administrative requirements on State agencies in administering the program. The program is directly administered by State welfare agencies, which are responsible for determining the eligibility of applicant households and issuing benefits to those households entitled to benefits under the Act.

Need and Use of the Information: FNS will collect and approve information from State agencies on how the various SNAP develop, update, change and implement options will be determined for SUAs for household. The information collected will be used by FNS to establish quality control reviews, standards and self-employment costs.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 53.

Frequency of Responses: Recordkeeping; Reporting: Annually.

Total Burden Hours: 1,388.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2023–11940 Filed 6–5–23; 8:45 am]

BILLING CODE 3410–30–P

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 July 6, 2023 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Foreign Agricultural Service

Title: USDA Local and Regional Food Aid Procurement Program.

OMB Control Number: 0551–0046.

Summary of Collection: The U.S. Department of Agriculture's Foreign Agricultural Service (FAS) awards funds to recipients under the USDA Local and Regional Food Aid Procurement Program (USDA LRP Program). The Food, Conservation, and Energy Act of 2008 (the ''2008 Farm Bill''), as amended by the Agriculture Improvement Act of 2018 (the ''2018 Farm Bill''), provided that the Secretary of Agriculture will provide grants to, or enter into cooperative agreements with, eligible organizations to implement field-based projects that consist of local or regional procurements of eligible commodities in developing countries to provide development assistance and respond to food crisis and disasters, in the case of emergencies, in consultation with United States Agency for International Development's (USAID) Offices of Food for Peace. The USDA LRP Program aims to support development activities to strengthen the trade capacity of food-insecure developing countries and address the cause of chronic food insecurity.

Need and Use of the Information: FAS will collect information from the Participant to determine its ability to carry out a food aid program, to establish the terms under which procured commodities will be provided, to monitor the progress of procurement of commodities (including how transportation is procured), to monitor the progress of expenditure of funds, and to evaluate both the program's success and the Participant's effectiveness in meeting intended results. Without the information it would be significantly more difficult to monitor and evaluate the effectiveness and compliance of Participant's program implementation.

Description of Respondents: Private voluntary organizations, cooperatives, and intergovernmental organizations.

Number of Respondents: 3.

Frequency of Responses: Recordkeeping; Reporting: Semi-annually; Annually.

Total Burden Hours: 9,174.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2023–12031 Filed 6–5–23; 8:45 am]

BILLING CODE 3410–10–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 Collection for Meetings, Events, Registrations, and Miscellaneous Forms

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public comments were previously requested via the **Federal Register** on December 28, 2022, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Office of the Secretary, Department of Commerce.

Title: Generic Clearance Collection for Meetings, Events, Registrations, and Miscellaneous Forms.

OMB Control Number: 0690–NEW.

Form Number(s): None.

Type of Request: Regular submission, new information collection.

Number of Respondents: 17,000 (updated from 60-day FR Notice).

Average Hours per Response: 5 to 60 minutes (updated from 60-day FR Notice).

Burden Hours: 15,375 (updated from 60-day FR Notice).

Estimated Total Annual Cost to Public: $710,040.

Needs and Uses: This collection of information is needed to obtain information from the respondents who request meetings or appearances with Senior Officials or those who register to participate in DOC events, and conferences. The information is collected by the DOC employees who host the conferences and events, and those who manage calendars for Senior personnel. DOC collects common elements from interested respondents such as name, organization, address, country, phone number, email address, state, city or town, special accommodations requests and how the respondent learned of the event or conference. The information collection element may also include race, ethnicity, gender and veteran status, and other relevant information. The information is primarily used to assess attendance and assist DOC staff in preparations to serve individuals registering for online or in person events. If applicable, the information collection may be used to collect payment from the respondents and make hotel reservations and other special arrangements as necessary. Race, ethnicity, gender, and other demographic information obtained through registration is voluntary, and is used to monitor DOC's outreach and engagement of equity and support for underserved communities. This information is not used to evaluate any DOC program application and choosing not to provide this information will not affect the application process for any individual applying to a DOC program.

Affected Public: Individuals, Business or other for-profit, non-for-profit institutions, Federal Government, State, Local, or Tribal Government.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary of Economic Affairs, Commerce Department.

[FR Doc. 2023–12068 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–17–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–11–2023]

Foreign-Trade Zone (FTZ) 121; Authorization of Production Activity; Curia Global, Inc.; (Pharmaceutical Chemicals Production); Rensselaer, New York

On February 1, 2023, the Capital District Regional Planning Commission, grantee of FTZ 121, submitted a notification of proposed production activity to the FTZ Board on behalf of Curia Global, Inc., within Subzone 121A, in Rensselaer, New York.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (88 FR 7938, February 7, 2023). On June 1, 2023, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including section 400.14.

Dated: June 1, 2023.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2023–12036 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Quicksilver Manufacturing, Inc., 8209 Market St #A173, Wilmington, NC 28411; Rapid Cut LLC, 8209 Market St #A173, Wilmington, NC 28411; US Prototype, Inc., 8209 Market St #A173, Wilmington, NC 28411; Order Renewing Temporary Denial of Export Privileges

Pursuant to section 766.24 of the Export Administration Regulations, 15 CFR parts 730–774 (2021) (''EAR'' or ''the Regulations''),[1] I hereby grant the request of the Office of Export Enforcement (''OEE'') to renew the temporary denial order (''TDO'') issued in this matter on December 5, 2022. I find that renewal of this order is necessary in the public interest to prevent an imminent violation of the Regulations.

I. Procedural History

On June 7, 2022, an order was issued denying the export privileges under the Regulations of Quicksilver Manufacturing, Inc. (''Quicksilver''), Rapid Cut LLC (''Rapid Cut''), and US Prototype, Inc. (''US Prototype'') (collectively Respondents) for a period of 180 days on the ground that issuance of the order was necessary in the public interest to prevent an imminent violation of the Regulations. The order was issued *ex parte,* pursuant to section 766.24(a) of the Regulations and was effective upon issuance.[2] This temporary denial order was subsequently renewed on December 5, 2022, in accordance with section 766.24(d) of the Regulations.[3]

On May 10, 2023, BIS, through OEE, submitted a written request for renewal

[1] On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801–4852 (''ECRA''). While section 1766 of ECRA repeals the provisions of the Export Administration Act, 50 U.S.C. app. 2401 *et seq.* (''EAA''), (except for three sections which are inapplicable here), section 1768 of ECRA provides, in pertinent part, that all orders, rules, regulations, and other forms of administrative action that were made or issued under the EAA, including as continued in effect pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.* (''IEEPA''), and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. Moreover, section 1761(a)(5) of ECRA authorizes the issuance of temporary denial orders. 50 U.S.C. 4820(a)(5).

[2] The TDO was published in the **Federal Register** on June 15, 2022 (87 FR 36104).

[3] The TDO was published in the **Federal Register** on December 9. 2022 (87 FR 75587).

of the TDO that was issued on December 5, 2022. The written request was made more than 20 days before the TDO's scheduled expiration. A copy of the renewal request was sent to Respondents in accordance with sections 766.5 and 766.24(d) of the Regulations. On May 26, 2023, Respondents made a written submission for consideration by BIS.

II. Renewal of the TDO

A. Legal Standard

Pursuant to section 766.24, BIS may issue an order temporarily denying a respondent's export privileges upon a showing that the order is necessary in the public interest to prevent an ''imminent violation'' of the Regulations, or any order, license or authorization issued thereunder. 15 CFR 766.24(b)(1) and 766.24(d). ''A violation may be 'imminent' either in time or degree of likelihood.'' 15 CFR 766.24(b)(3). BIS may show ''either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations.'' *Id.* As to the likelihood of future violations, BIS may show that the violation under investigation or charge ''is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent[.]'' *Id.* A ''lack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.'' *Id.*

B. The TDO and BIS's Request for Renewal

OEE's request for renewal is based upon the facts underlying the issuance of the initial TDO, as well as evidence developed over the continuing course of this investigation. The initial TDO, issued on June 7, 2022, was based on evidence that Respondents engaged in conduct prohibited by the Regulations by exporting or causing the export from the United States of technology controlled on national security and/or missile technology grounds to China for 3D printing without the required U.S. government authorization.[4] ''Export'' is defined in the EAR as an ''actual shipment or transmission out of the United States, including the sending or taking of an item out of the United States, in any manner.'' 15 CFR 734.13(a)(1).[5]

In its November 10, 2022 request for renewal of the TDO, BIS submitted evidence that Respondents' export compliance failures were broader in scope than the investigation initially revealed, as well as evidence related to new concerns raised by actions taken after the issuance of the June 7, 2022 TDO. Specifically, BIS's evidence and further investigation identified additional U.S. companies that engaged in business with Respondents involving the unlicensed export of technical specifications to China related to firearm components (ECCN 0E501.a) and space-rated items (ECCN 9E515.a), both of which are controlled on national security and regional stability grounds, as well as numerous additional suspected export control-related violations between 2017 and 2022. BIS's renewal request was also based upon concerns related to Respondents' initial attempts at compliance following the issuance of the June 7, 2022 TDO, including the provision of potentially inaccurate information to customers about the scope of items subject to the Regulations. In its November 10, 2022, BIS also submitted evidence that a China-based individual, known to operate *an@rapidcut.com* email address to facilitate Rapid Cut's business operations, may have violated the TDO shortly after its issuance by providing customer information on how to complete and fulfill pending orders, despite the issuance of the TDO. Such information included instructions to cancel existing Rapid Cut orders and reissue purchase orders to China Company No. 1, in an apparent attempt to avoid the restrictions of the TDO.[6]

The May 10, 2023 request for renewal of the December 5, 2022 TDO is also based on evidence related to the nature and scope of BIS's continuing investigation. This includes the circumstances surrounding the access by China-based employees to Respondents' email accounts, as detailed above, which remain under investigation. The renewal request is also based on evidence provided by additional U.S. companies that engaged in business with Respondents involving the unlicensed export of technical specifications to China, including information received as recently as April 2023. In sum, and as detailed in the renewal request, BIS's investigation is ongoing, the entirety of Respondents' misconduct remains unknown, and a final written disclosure of prior violations has not yet been submitted.[7]

Additionally, BIS's request for renewal also includes a request to modify the TDO to exclude EAR99 commodities and technology from its scope of coverage. As also noted in the request, such items generally do not require a license to China and were not the basis for the violations currently under investigation.

III. Findings

Under the applicable standard set forth in section 766.24 of the Regulations and my review of the entire record, including Respondents' May 26, 2023 submission, I find that the evidence presented by BIS demonstrates that Respondents have acted in violation of the Regulations; that such violations have been significant, deliberate and covert; and that given the foregoing and the nature of the matters under investigation, there remains a concern of imminent violations. Additionally, I have considered OEE's request to narrow the scope of the TDO going forward to only prohibit transactions involving items that are listed on the Commerce Control List. Based on the totality of circumstances, including Respondents' submissions regarding compliance remediation measures taken to date and a written disclosure to BIS that demonstrates a significant effort to provide a detailed account of past violations, I find OEE's recommendation to be both measured and appropriate. Accordingly, renewal of the TDO with modification is necessary in the public interest to prevent imminent violation of the Regulations and to give notice to companies and individuals in the United States and abroad that they should avoid dealing with Respondents in connection with exports, reexports, and transfers (in-country) involving items listed on the Commerce Control List.

[4] The June 7, 2022 TDO also detailed the export of technical specifications to China controlled under United States Munitions List Category XX (Submersible Vessels and Related Articles), section (d), without the required U.S. Department of State authorization.

[5] ''Item'' means ''commodities, software, and technology. 15 CFR 772.1. Further, ''technology'' may be in any tangible or intangible form, such as written or oral communications, blueprints, drawings, photographs, plans, diagrams, models, formulae, tables, engineering designs and specifications, computer-aided design files, manuals or documentation, electronic media or information revealed through visual inspection. *Id.*

[6] Respondents' November 29, 2022 submission asserts that the individual who sent the above-described emails was not an employee of Rapid Cut but rather an employee of China Company No. 1, a separate legal entity. Rapid Cut markets and sells China Company No. 1's manufacturing capabilities in North America, and China Company No. 1 pays Rapid Cut commissions on these sales.

[7] Respondents' May 26, 2023, submission to BIS provided updates on its efforts to review and submit a written disclosure to BIS detailing prior violations.

IV. Order

It is therefore ordered:

First, that Quicksilver Manufacturing, Inc., with an address at 8209 Market St #A173, Wilmington, NC 28411; Rapid Cut LLC, with an address at 8209 Market St #A173, Wilmington, NC 28411; and US Prototype, Inc., with an address at 8209 Market St #A173, Wilmington, NC 28411 (collectively Respondents), when acting for or on their behalf, any successors or assigns, agents, or employees may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is listed on the Commerce Control List as set forth in Supplement No. 1 to 15 CFR part 774, or in any other activity involving an item listed on the Commerce Control List including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document involving an item listed on the Commerce Control List;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is listed on the Commerce Control List; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is listed on the Commerce Control List.

Second, that no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of Respondents any item listed on the Commerce Control List;

B. Take any action that facilitates the acquisition or attempted acquisition by Respondents of the ownership, possession, or control of any item listed on the Commerce Control List that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby Respondents acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from Respondents of any item listed on the Commerce Control List that has been exported from the United States;

D. Obtain from Respondents in the United States any item listed on the Commerce Control List, with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item listed on the Commerce Control List, that has been or will be exported from the United States and which is owned, possessed or controlled by Respondents or service any item, of whatever origin, that is owned, possessed or controlled by Respondents if such service involves the use of any item listed on the Commerce Control List, that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification, or testing.

Third, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to Respondents by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order.

In accordance with the provisions of sections 766.24(e) of the EAR, Respondents may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. A renewal request may be opposed by Respondents as provided in section 766.24(d), by filing a written submission with the Assistant Secretary of Commerce for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be provided to Respondents and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect for 180 days.

Dated: June 1, 2023.

Matthew S. Axelrod,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2023–12067 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–841]

Mattresses From Thailand: Preliminary Results, Preliminary Intent To Rescind, in Part, and Partial Rescission of Antidumping Duty Administrative Review; 2020–2022

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that Saffron Living Co., Ltd. (Saffron), did not make a *bona fide* sale of a mattress from Thailand during the period of review (POR) November 3, 2020, through April 30, 2022. Therefore, Commerce intends to rescind this administrative review with respect to Saffron. Additionally, we are rescinding this review with respect to Nisco (Thailand) Co., Ltd. (Nisco) because it timely withdrew its administrative review request, and no other party requested a review of the company. We invite interested parties to comment on these preliminary results.

DATES: Applicable June 6, 2023.

FOR FURTHER INFORMATION CONTACT: Paola Aleman Ordaz, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4031.

SUPPLEMENTARY INFORMATION:

Background

On May 14, 2021, Commerce published in the **Federal Register** the antidumping duty (AD) order on mattresses from Thailand.[1] On May 2, 2022, Commerce published a notice of opportunity to request an administrative review of the *Order* for the POR.[2] On May 31, 2022, Nisco and Saffron each requested an administrative review of their entries.[3] On July 14, 2022, based on these timely requests for administrative review, Commerce initiated this administrative review with

[1] *See Mattresses from Cambodia, Indonesia, Malaysia, Serbia, Thailand, the Republic of Turkey, and the Socialist Republic of Vietnam: Antidumping Duty Orders and Amended Final Affirmative Antidumping Determination for Cambodia,* 86 FR 26460 (May 14, 2021) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List,* 87 FR 25619 (May 2, 2022).

[3] *See* Nisco's Letter, ''Request for Administrative Review,'' dated May 31, 2022; *see also* Saffron's Letter, ''Request for Administrative Review,'' dated May 31, 2022.

respect to Nisco and Saffron.[4] On September 8, 2022, Nisco timely withdrew its request for administrative review.[5]

On December 15, 2022, Commerce extended these preliminary results by 120 days to no later than May 31, 2023.[6] For a more complete description of the events between the initiation of this review and these preliminary results, *see* the Preliminary Decision Memorandum.[7]

Scope of the Order

The products covered by the *Order* are mattresses from Thailand. For a full description of the scope of the *Order, see* the Preliminary Decision Memorandum.[8]

Partial Rescission

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole, or in part, if the party that requested a review withdraws the request within 90 days of the date of publication of the notice of initiation. As noted above, Nisco timely withdrew its review request with respect to itself. Because no other party has requested a review of Nisco, we are rescinding this review, in part, with respect to Nisco, pursuant to 19 CFR 351.213(d)(1).

Intent To Rescind, in Part

As discussed in the Preliminary Decision Memorandum and as further explained in the *Bona Fide* Sales Memorandum, Commerce preliminary finds that Saffron did not make a *bona fide* sale of a mattress during the POR.[9] Commerce reached this conclusion based on the totality of the record information surrounding Saffron's reported sales, including, but not limited to, the sales price, the expenses incurred arising from the transaction, profitability of the resold subject merchandise, and the likelihood that the sale is atypical due to the business nature of the U.S. customer.

Because we find that Saffron did not make a *bona fide* sale during the POR, we find that Saffron had no reviewable transactions during this POR. Accordingly, we preliminarily intend to rescind this administrative review.[10] The factual information used in our *bona fide* sales analysis of Saffron's sales involves business proprietary information. *See* the *Bona Fide* Sales Memorandum for a full discussion of the basis of our preliminary findings.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). A list of topics discussed in the Preliminary Decision Memorandum is attached as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum is available at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Public Comment

Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.[11] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.[12] Commerce modified certain of its requirements for serving documents containing business proprietary information until further notice.[13] Parties who submit case or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[14]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the publication of this notice. Requests should contain the party's name, address, telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Verification

On October 24, 2022, Commerce received a timely request from Brooklyn Bedding; Elite Comfort Solutions; FXI, Inc.; Kolcraft Enterprises, Inc.; Leggett & Platt, Incorporated; the International Brotherhood of Teamsters, and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO (USW) (collectively, the petitioners) to verify the information submitted by Saffron in the course of this administrative review, pursuant to section 782(i)(3). Because we intend to rescind this administrative review with respect to Saffron, we are not conducting a verification.

Assessment Rates

If Commerce proceeds to a final rescission of this administrative review, the assessment rate of 37.48 to which Saffron's shipments are subject will not be affected by this review.[15] If Commerce does not proceed to a final rescission of this administrative review with respect to Saffron, pursuant to 19 CFR 351.212(b)(1), we will calculate importer-specific (or customer-specific) assessment rates based on the final results of this review.

Because Commerce is rescinding this administrative review with respect to Nisco, Nisco's entries will be liquidated at its company-specific rate of 763.28.[16]

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 87 FR 42144 (July 14, 2022).

[5] *See* Nisco's Letter, ''Withdrawal of Request for Administrative Review,'' dated September 8, 2022.

[6] *See* Memorandum, ''Extension of Deadline for Preliminary Results of the 2020–2022 Antidumping Duty Administrative Review,'' dated December 15, 2022.

[7] *See* Memorandum, ''Decision Memorandum for the Preliminary Results, Preliminary Intent to Rescind, in Part, and Partial Rescission of Antidumping Duty Administrative Review; 2020–2022: Mattresses from Thailand,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[8] *See* Preliminary Decision Memorandum at ''Scope of the *Order*.''

[9] *See* Memorandum, ''Preliminary *Bona Fide* Sales Analysis,'' dated concurrently with this notice (*Bona Fide* Sales Memorandum).

[10] *See* 19 CFR 351.213(d)(3).

[11] *See* 19 CFR 351.309(c)(1)(ii); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006, 17007 (March 26, 2020) (''To provide adequate time for release of case briefs via ACCESS, E&C intends to schedule the due date for all rebuttal briefs to be 7 days after case briefs are filed (while these modifications remain in effect).'').

[12] *See* 19 CFR 351.309(d); *see also* 19 CFR 351.303 (for general filing requirements).

[13] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[14] *See* 19 CFR 351.309(c)(2) and (d)(2).

[15] *See Mattresses from Thailand: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 15928, 15929 (March 25, 2021).

[16] *Id.*

Cash Deposit Requirements

If Commerce proceeds to a final rescission of this administrative review, Saffron's cash deposit rate will continue to be its company-specific rate of 37.48.[17] If Commerce issues final results for this administrative review, Commerce will instruct U.S. Customs and Border Protection to collect cash deposits, effective upon the publication of the final results, as the rates established therein.

Because Commerce is rescinding this administrative review with respect to Nisco, Nisco's entries continue to be subject to its company-specific rate of 763.28.[18]

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h)(2) and 351.221(b)(4).

Dated: May 31, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Partial Rescission of Administrative Review
V. Discussion of Methodology
VI. Recommendation

[FR Doc. 2023–12049 Filed 6–5–23; 8:45 am]

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[17] *Id.*

[18] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–863]

Large Diameter Welded Pipe From Canada: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2021–2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that large diameter welded pipe (welded pipe) from Canada was not sold in the United States at less than normal value (NV) during the period of review (POR), May 1, 2021, through April 30, 2022. The review covers 40 producers or exporters of the subject merchandise, including the single entity comprised of Evraz Inc. NA, Evraz Inc. NA Canada and The Canadian National Steel Corporation (collectively, Evraz), the sole respondent that was selected for individual examination. We invite interested parties to comment on these preliminary results.

DATES: Applicable June 6, 2023.

FOR FURTHER INFORMATION CONTACT: Faris Montgomery, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1537.

SUPPLEMENTARY INFORMATION:

Background

On May 2, 2019, Commerce published the antidumping duty order on welded pipe from Canada.[1] On July 14, 2022, in accordance with 19 CFR 351.221(c)(1)(i), Commerce published in the **Federal Register** the initiation of this administrative review of the *Order*.[2]

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), on December 22, 2022, Commerce determined that it was not practicable to complete the preliminary results of this review within 245 days and extended the deadline for the preliminary results of this review by 100 days, until May 11, 2023.[3] On April 27, 2023, Commerce extended the deadline of the preliminary results by 20 additional days, until May 31, 2023.[4]

For a detailed description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[5] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is available via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be found at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The product covered by the *Order* is welded pipe from Canada. The subject merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7305.11.1030, 7305.11.1060, 7305.11.5000, 7305.12.1030, 7305.12.1060, 7305.12.5000, 7305.19.1030, 7305.19.1060, 7305.19.5000, 7305.31.4000, 7305.31.6090, 7305.39.1000 and 7305.39.5000. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.

For a full description of the scope, *see* the Preliminary Decision Memorandum.

Preliminary Determination of No Shipments

Three exporters under review, Forterra Pipe & Precast, Ltd. (Forterra), Hyprescon Inc. (Hyprescon), and Canam Group Inc. (Canam), properly filed a certification reporting that they made no shipments of subject merchandise during the POR.[6] We received no

[1] *See Large Diameter Welded Pipe from Canada: Antidumping Duty Order,* 84 FR 18775 (May 2, 2019) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 87 FR 42144 (July 14, 2022).

[3] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2021–2022,'' dated December 22, 2022.

[4] *See* Memorandum, ''Second Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated April 27, 2023.

[5] *See* Memorandum, '' Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Large Diameter Welded Pipe from Canada; 2021–2022,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See* Forterra and Hyprescon's Letter, ''No Shipment Letter of Forterra and Hyprescon Inc.,'' dated August 9, 2022; *see also* Canam's Letter, ''Canam Group Inc.'s Certification of No Sales, Shipments, or Entries,'' dated August 10, 2022. In the *Initiation Notice,* Canam was listed as Canam (St Gedeon). However, in its certification of no shipments, it noted that Canam (St Gedeon) is a plant location and not its legal name.

information from U.S. Customs and Border Protection (CBP) that contradicts Forterra, Hyprescon, and Canam's no-shipment claims.[7] Therefore, we preliminarily determine that these companies did not have shipments of subject merchandise during the POR. Consistent with Commerce's practice,[8] Commerce finds that it is not appropriate to rescind the review with respect to these companies, but rather, to complete the review and issue appropriate instructions to CBP based on the final results of this review.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum.

Rate for Non-Examined Companies

The statute and Commerce's regulations do not address the establishment of a weighted-average dumping margin to be determined for companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a less-than-fair-value (LTFV) investigation, for guidance when determining the weighted-average dumping margin for companies that 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 preliminarily calculated a weighted-average dumping margin of 0.00 percent for Evraz, the sole mandatory respondent. Consistent with the U.S. Court of Appeals for the Federal Circuit's decision in *Albemarle,*[9] and Commerce's practice,[10] we are applying a weighted-average dumping margin of zero percent to the companies not selected for individual examination in this review, because we calculated a rate of zero percent for the mandatory respondent. This is the only weighted-average dumping margin determined in this review for an individually examined respondent and, thus, we are applying this rate to the non-examined companies under review under section 735(c)(5)(B) of the Act.[11]

Preliminary Results of Review

We preliminarily determine that the following weighted-average dumping margins exist for the period May 1, 2021, through April 30, 2022:

Producer or exporter	Weighted-average dumping margin (percent)
Evraz Inc. NA; Evraz Inc. NA Canada; The Canadian National Steel Corporation	0.00
Non-Examined Companies	0.00

Verification

As provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon for its final results.

Disclosure and Public Comment

We intend to disclose the calculations performed for these preliminary results to interested parties under administrative protective order within ten days after the date of public announcement of the preliminary results, or within five days after the publication of the preliminary results in the **Federal Register**.[12]

Interested parties will be notified of the deadline for the submission of case briefs and written comments at a later date.[13] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.[14] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[15] Executive summaries should be limited to five pages total, including footnotes.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; (3) whether any participant is a foreign national; and (4) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.[16] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All briefs and hearing requests must be filed electronically using ACCESS,[17] and must be served on interested parties.[18] An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[19]

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce intends to determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this administrative review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International 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).

For an individually examined respondent whose weighted-average dumping margin is not zero or *de*

[7] *See* Memorandum, ''No Shipment Inquiry for Multiple Companies During the Period 05/01/2021 through 4/30/2022,'' dated January 9, 2023.

[8] *See, e.g., Certain Frozen Warmwater Shrimp from Thailand: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments;* 2012–2013, 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013,* 79 FR 51306 (August 28, 2014).

[9] *See Albermarle Corp.* v. *United States,* 821 F.3d 1345 (Fed. Cir. 2016) (*Albemarle*).

[10] *See, e.g., Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2019–2020,* 87 FR 15371 (March 18, 2022).

[11] *See* Appendix II for a list of non-examined companies under review.

[12] *See* 19 CFR 351.224(b).

[13] *See* 19 CFR 351.309(c)(1)(ii).

[14] *See* 19 CFR 351.309(d)(1) and (2); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

[15] *See* 19 CFR 351.309(c)(2) and (d)(2).

[16] *See* 19 CFR 351.310(d).

[17] *See* 19 CFR 351.303.

[18] *See* 19 CFR 351.303(f).

[19] *See generally Temporary Rule.*

minimis (*i.e.,* less than 0.50 percent), upon completion of the final results, Commerce intends to calculate importer-specific antidumping duty assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.[20] To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. Where either a respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we intend to instruct CBP to liquidate appropriate entries without regard to antidumping duties.[21]

For entries of subject merchandise during the POR produced by an individually examined respondent for which it did not know its merchandise was destined for the United States, we intend to instruct CBP to liquidate such entries at the all-others rate (*i.e.,* 12.32 percent) [22] if there is no rate for the intermediate company(ies) involved in the transaction.[23]

For the companies which were not selected for individual examination, we intend to instruct CBP to assess antidumping duties at a rate equal to the weighted-average dumping margin determined for the non-examined companies in the final results of review.

If Commerce determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future cash deposits of estimated antidumping duties, where applicable.[24]

[20] *See* 19 CFR 351.212(b)(1).

[21] *See* 19 CFR 351.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[22] *See Order,* 84 FR at 18775–76.

[23] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[24] *See* section 751(a)(2)(C) of the Act.

[25] *See Order.*

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not covered in this review, the cash deposit rate will continue to be equal to the company-specific rate published for the most recently-completed segment of this proceeding in which the company was reviewed; (3) if the exporter is not a firm covered in this review, a prior completed review, or the LTFV investigation, but the producer is, then the cash deposit rate will be equal to the company-specific rate established for the most recently-completed segment of this proceeding for the producer of subject merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 12.32 percent, the all-others rate established in the LTFV investigation.[25] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless the deadline is otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised by the parties in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. 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.

Notification to Interested Parties

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: May 31, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Preliminary Determination of No Shipments
V. Rate for Non-Examined Companies
VI. Discussion of the Methodology
VII. Currency Conversion
VIII. Recommendation

Appendix II—Companies Not Selected for Individual Examination

1. Acier Profile SBB Inc.
2. Aciers Lague Steels Inc.
3. Amdor Inc.
4. BPC Services Group
5. Bri-Steel Manufacturing
6. Canada Culvert.
7. Cappco Tubular Products Canada Inc.
8. CFI Metal Inc.
9. Dominion Pipe & Piling
10. Enduro Canada Pipeline Services
11. Fi Oilfield Services Canada
12. Gchem Ltd.
13. Graham Construction
14. Groupe Fordia Inc.
15. Grupo Fordia Inc.
16. Hodgson Custom Rolling
17. Interpipe Inc.
18. K K Recycling Services
19. Kobelt Manufacturing Co.
20. Labrie Environment
21. Les Aciers Sofatec
22. Lorenz Conveying P
23. Lorenz Conveying Products
24. Matrix Manufacturing
25. MBI Produits De Forge
26. Nor Arc
27. Peak Drilling Ltd.
28. Pipe & Piling Sply Ltd.
29. Pipe & Piling Supplies
30. Prudental
31. Prudential
32. Shaw Pipe Protecction
33. Shaw Pipe Protection
34. Tenaris Algoma Tubes Facility
35. Tenaris Prudential
36. Welded Tube of Can Ltd.

[FR Doc. 2023–12027 Filed 6–5–23; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–864]

Pure Magnesium in Granular Form From the People's Republic of China: Final Results of Expedited Fourth Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of this expedited sunset review, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on pure magnesium in granular form (pure granular magnesium) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Applicable June 6, 2023.

FOR FURTHER INFORMATION CONTACT: Charles Doss, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4474.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 2023, Commerce published the notice of initiation of the sunset review of the AD order on pure granular magnesium from China,[1] pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On February 9, 2023, Commerce received a notice of intent to participate from US Magnesium LLC (US Magnesium), a domestic interested party, within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] US Magnesium claimed domestic interested party status under section 771(9)(C) of the Act, as a manufacturer of domestic like product in the United States.[4] On February 21, 2023, US Magnesium submitted a timely substantive response within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] Commerce did not receive a substantive response from any other interested parties with respect to the *Order* covered by this sunset review, nor was a hearing requested. On March 23, 2023, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.[6] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce is conducting an expedited (120-day) sunset review of the *Order.*

Scope of the Order

The product covered by the *Order* is pure granular magnesium from China. For a full description of the scope, *see* the Issues and Decision Memorandum.[7]

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum, including the likelihood of continuation or recurrence of dumping and the magnitude of the margins of dumping likely to prevail if the *Order* were revoked. A list of topics discussed in the Issues and Decision Memorandum is included 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.* A complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNotices/ListLayout.aspx.* A list of the issues discussed in the decision memorandum is attached as an appendix to this notice.

Final Results of Sunset Review

Pursuant to sections 751(c) and 752(c) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average margins of up to 305.56 percent.

Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). 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 violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218(e)(1)(ii)(C)(2) and 19 CFR 351.221(c)(5)(ii).

Dated: May 31, 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 the *Order*
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margins Likely to Prevail
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2023–12030 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–051, C–570–052]

Certain Hardwood Plywood Products From the People's Republic of China: Continuation of the Antidumping and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) in their five-year (sunset) reviews that revocation of the antidumping duty (AD) and countervailing duty (CVD) orders on certain hardwood plywood products (hardwood plywood) from the People's Republic of China (China) would likely lead to the continuation or recurrence of dumping and countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD and CVD orders.

[1] *See Antidumping Duty Order: Pure Magnesium in Granular Form from the People's Republic of China,* 66 FR 57936 (November 19, 2001) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 88 FR 6700 (February 1, 2023).

[3] *See* US Magnesium's Letter, ''Notice of Intent to Participate in Sunset Review,'' dated February 9, 2023.

[4] *Id.* at 2.

[5] *See* US Magnesium's Letter, ''Domestic Industry Substantive Response,'' dated February 21, 2023.

[6] *See* Commerce's Letter, ''Sunset Reviews Initiated on February 1, 2023,'' dated March 23, 2023.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Fourth Expedited Sunset Review,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

DATES: Applicable May 25, 2023.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta, 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) 482–2593.

SUPPLEMENTARY INFORMATION:

Background

On January 4, 2018, Commerce published the AD and CVD orders on hardwood plywood from China.[1] On December 1, 2022, the ITC instituted,[2] and Commerce initiated, the first sunset reviews of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[3] As a result of its reviews, Commerce determined that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping and countervailable subsidization, and, therefore, notified the ITC of the magnitude of the margins and subsidy rates likely to prevail should the *Orders* be revoked.[4]

On May 25, 2023, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5]

Scope of the Orders

The merchandise covered by the *Orders* is hardwood and decorative plywood, and certain veneered panels as described below. For purposes of this proceeding, hardwood and decorative plywood is defined as a generally flat, multilayered plywood or other veneered panel, consisting of two or more layers or plies of wood veneers and a core, with the face and/or back veneer made of non-coniferous wood (hardwood) or bamboo. The veneers, along with the core may be glued or otherwise bonded together. Hardwood and decorative plywood may include products that meet the American National Standard for Hardwood and Decorative Plywood, ANSI/HPVA HP–1–2016 (including any revisions to that standard).

For purposes of the *Orders,* a ''veneer'' is a slice of wood regardless of thickness which is cut, sliced or sawed from a log, bolt, or flitch. The face and back veneers are the outermost veneer of wood on either side of the core irrespective of additional surface coatings or covers as described below.

The core of hardwood and decorative plywood consists of the layer or layers of one or more material(s) that are situated between the face and back veneers. The core may be composed of a range of materials, including but not limited to hardwood, softwood, particleboard, or medium-density fiberboard (MDF).

All hardwood plywood is included within the scope of the *Orders* regardless of whether or not the face and/or back veneers are surface coated or covered and whether or not such surface coating(s) or covers obscures the grain, textures, or markings of the wood. Examples of surface coatings and covers include, but are not limited to: ultra violet light cured polyurethanes; oil or oil-modified or water based polyurethanes; wax; epoxy-ester finishes; moisture-cured urethanes; paints; stains; paper; aluminum; high pressure laminate; MDF; medium density overlay (MDO); and phenolic film. Additionally, the face veneer of hardwood plywood may be sanded; smoothed or given a ''distressed'' appearance through such methods as hand-scraping or wire brushing. All hardwood plywood is included within the scope even if it is trimmed, cut-to-size, notched, punched, drilled, or has underwent other forms of minor processing.

All hardwood and decorative plywood is included within the scope of the *Orders,* without regard to dimension (overall thickness, thickness of face veneer, thickness of back veneer, thickness of core, thickness of inner veneers, width, or length). However, the most common panel sizes of hardwood and decorative plywood are 1219 x 1829 mm (48 x 72 inches), 1219 x 2438 mm (48 x 96 inches), and 1219 x 3048 mm (48 x 120 inches).

Subject merchandise also includes hardwood and decorative plywood that has been further processed in a third country, including but not limited to trimming, cutting, notching, punching, drilling, or any other processing that would not otherwise remove the merchandise from the scope of the *Orders* if performed in the country of manufacture of the in-scope product.

The scope of the *Orders* excludes the following items: (1) structural plywood (also known as ''industrial plywood'' or ''industrial panels'') that is manufactured to meet U.S. Products Standard PS 1–09, PS 2–09, or PS 2–10 for Structural Plywood (including any revisions to that standard or any substantially equivalent international standard intended for structural plywood), and which has both a face and a back veneer of coniferous wood; (2) products which have a face and back veneer of cork; (3) multilayered wood flooring, as described in the AD and CVD orders on Multilayered Wood Flooring from the People's Republic of China. *See Multilayered Wood Flooring from the People's Republic of China,* 76 FR 76690 (December 8, 2011) (amended final determination of sales at less than fair value and AD order), and *Multilayered Wood Flooring from the People's Republic of China,* 76 FR 76693 (December 8, 2011) (countervailing duty order), as amended by *Multilayered Wood Flooring from the People's Republic of China: Amended Antidumping and Countervailing Duty Orders,* 77 FR 5484 (February 3, 2012); (4) multilayered wood flooring with a face veneer of bamboo or composed entirely of bamboo; (5) plywood which has a shape or design other than a flat panel, with the exception of any minor processing described above; (6) products made entirely from bamboo and adhesives (also known as ''solid bamboo''); and (7) Phenolic Film Faced Plyform (PFF), also known as Phenolic Surface Film Plywood (PSF), defined as a panel with an ''Exterior'' or ''Exposure 1'' bond classification as is defined by The Engineered Wood Association, having an opaque phenolic film layer with a weight equal to or greater than 90g/m3 permanently bonded on both the face and back veneers and an opaque, moisture resistant coating applied to the edges.

Excluded from the scope of the *Orders* are wooden furniture goods that, at the time of importation, are fully assembled and are ready for their intended uses. Also excluded from the scope of the *Orders* is ''ready to assemble'' (RTA) furniture. RTA furniture is defined as (A) furniture packaged for sale for ultimate purchase by an end-user that, at the time of importation, includes (1) all wooden components (in finished form) required to assemble a finished unit of furniture, (2) all accessory parts (*e.g.,* screws, washers, dowels, nails,

[1] *See Certain Hardwood Plywood Products from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 83 FR 504 (January 4, 2018); *see also Certain Hardwood Plywood Products from the People's Republic of China: Countervailing Duty Order,* 83 FR 513 (January 4, 2018) (collectively, the *Orders*).

[2] *See Hardwood Plywood from China; Institution of Five-Year* Review, 87 FR 73792 (December 1, 2022).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 87 FR 73757 (December 1, 2022).

[4] *See Certain Hardwood Plywood Products from the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order,* 88 FR 20121 (April 5, 2023), and accompanying Issues and Decision Memorandum (IDM); *see also Certain Hardwood Plywood Products from the People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order,* 88 FR 13782 (March 6, 2023), and accompanying IDM.

[5] *See Hardwood Plywood from China,* 88 FR 33906 (May 25, 2023).

handles, knobs, adhesive glues) required to assemble a finished unit of furniture, and (3) instructions providing guidance on the assembly of a finished unit of furniture; (B) unassembled bathroom vanity cabinets, having a space for one or more sinks, that are imported with all unassembled hardwood and hardwood plywood components that have been cut-to-final dimensional component shape/size, painted or stained prior to importation, and stacked within a singled shipping package, except for furniture feet which may be packed and shipped separately; or (C) unassembled bathroom vanity linen closets that are imported with all unassembled hardwood and hardwood plywood components that have been cut-to-final dimensional shape/size, painted or stained prior to importation, and stacked within a single shipping package, except for furniture feet which may be packed and shipped separately.

Excluded from the scope of the *Orders* are kitchen cabinets that, at the time of importation, are fully assembled and are ready for their intended uses. Also excluded from the scope of the *Orders* are RTA kitchen cabinets. RTA kitchen cabinets are defined as kitchen cabinets packaged for sale for ultimate purchase by an end-user that, at the time of importation, includes (1) all wooden components (in finished form) required to assemble a finished unit of cabinetry, (2) all accessory parts (*e.g.,* screws, washers, dowels, nails, handles, knobs, hooks, adhesive glues) required to assemble a finished unit of cabinetry, and (3) instructions providing guidance on the assembly of a finished unit of cabinetry.

Excluded from the scope of the *Orders* are finished table tops, which are table tops imported in finished form with pre-cut or drilled openings to attach the underframe or legs. The table tops are ready for use at the time of import and require no further finishing or processing.

Excluded from the scope of this *Orders* are finished countertops that are imported in finished form and require no further finishing or manufacturing.

Excluded from the scope of the *Orders* are laminated veneer lumber door and window components with (1) a maximum width of 44 millimeters, a thickness from 30 millimeters to 72 millimeters, and a length of less than 2413 millimeters (2) water boiling point exterior adhesive, (3) a modulus of elasticity of 1,500,000 pounds per square inch or higher, (4) finger-jointed or lap-jointed core veneer with all layers oriented so that the grain is running parallel or with no more than 3 dispersed layers of veneer oriented with the grain running perpendicular to the other layers; and (5) top layer machined with a curved edge and one or more profile channels throughout.

Excluded from the scope of the *Orders* are certain door stiles and rails made of laminated veneer lumber that have a width not to exceed 50 millimeters, a thickness not to exceed 50 millimeters, and a length of less than 2,450 millimeters.

Imports of hardwood plywood are primarily entered under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4412.10.0500; 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.0620; 4412.31.0640; 4412.31.0660; 4412.31.2510; 4412.31.2520; 4412.31.2610; 4412.31.2620; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4075; 4412.31.4080; 4412.31.4140; 4412.31.4150; 4412.31.4155; 4412.31.4160; 4412.31.4180; 4412.31.4200; 4412.31.4500; 4412.31.4850; 4412.31.4860; 4412.31.4863; 4412.31.4865; 4412.31.4866; 4412.31.4880; 4412.31.4869; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.5175; 4412.31.5235; 4412.31.5255; 4412.31.5260; 4412.31.5262; 4412.31.5264; 4412.31.5265; 4412.31.5266; 4412.31.5268; 4412.31.5270; 4412.31.5275; 4412.31.6000; 4412.31.6100; 4412.31.9100; 4412.31.9200; 4412.32.0520; 4412.32.0540; 4412.32.0565; 4412.32.0570; 4412.32.0620; 4412.32.0640; 4412.32.0670; 4412.32.2510; 4412.32.2525; 4412.32.2530; 4412.32.2610; 4412.32.2630; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.3235; 4412.32.3255; 4412.32.3265; 4412.32.3275; 4412.32.3285; 4412.32.5600; 4412.32.5700; 4412.33.0620; 4412.33.0640; 4412.33.0670; 4412.33.2630; 4412.33.3235; 4412.33.3255; 4412.33.3265; 4412.33.3275; 4412.33.3285; 4412.33.5700; 4412.34.2600; 4412.34.3235; 4412.34.3255; 4412.34.3265; 4412.34.3275; 4412.34.3285; 4412.34.5700; 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.41.0000; 4412.42.0000; 4412.51.1030; 4412.51.1050; 4412.51.3111; 4412.51.3121; 4412.51.3141; 4412.51.3161; 4412.51.3175; 4412.51.4100; 4412.51.5100; 4412.52.1030; 4412.52.1050; 4412.52.3121; 4412.52.3161; 4412.52.3175; 4412.52.4100; 4412.52.5100; 4412.91.0600; 4412.91.1020; 4412.91.1030; 4412.91.1040; 4412.91.3110; 4412.91.3120; 4412.91.3130; 4412.91.3140; 4412.91.3150; 4412.91.3160; 4412.91.3170; 4412.91.4100; 4412.91.5115; 4412.92.0700; 4412.92.1120; 4412.92.1130; 4412.92.1140; 4412.92.3120; 4412.92.3150; 4412.92.3160; 4412.92.3170; 4412.92.4200; 4412.92.5215; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3141; 4412.94.3161; 4412.94.3175; 4412.94.4100; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5115; 4412.99.5710; and 9403.91.0080.

Imports of hardwood plywood may also enter under HTSUS subheadings: 4412.10.9000; 4412.94.5100; 4412.94.9500; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 9403.90.7005; 9403.90.7010; 9403.90.7080; 9403.91.0005; and 9403.91.0010. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Orders* is dispositive.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Orders.* U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be May 25, 2023. Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Orders* not later than 30

days prior to the fifth anniversary of the effective date of continuation.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation of the APO which is subject to sanction.

Notification to Interested Parties

These five-year sunset reviews and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: May 31, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2023–12028 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–833]

Large Diameter Welded Pipe From the Republic of Turkey: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2021–2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that large diameter welded pipe (welded pipe) from the Republic of Turkey (Turkey) is not being sold in the United States at less than normal value (NV) during the period of review (POR) May 1, 2021, through April 30, 2022. Additionally, Commerce preliminarily determines that four companies for which we initiated a review had no shipments during the POR. Interested parties are invited to comment on these preliminary results.

DATES: Applicable June 6, 2023.

FOR FURTHER INFORMATION CONTACT: Ajay Menon, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0208.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping order on welded pipe from Turkey.[1] On May 1, 2022, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order.*[2] On July 14, 2022, based on a timely request for review, in accordance with 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the *Order.*[3] This review covers 14 producers or exporters of the subject merchandise. Commerce selected HDM Celik Boru Sanayi Ve Ticaret A.S. (HDM Celik),[4] the only company with suspended entries of subject merchandise during the POR, as the mandatory respondent in this review.[5] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[6]

Scope of the Order

The merchandise covered by this *Order* is welded pipe.[7] The product is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7305.11.1030, 7305.11.1060, 7305.11.5000, 7305.12.1030, 7305.12.1060, 7305.12.5000, 7305.19.1030, 7305.19.1060, 7305.19.5000, 7305.31.4000, 7305.31.6090, 7305.39.1000 and 7305.39.5000. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is attached as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Preliminary Determination of No Shipments

Among the companies under review, Çimtaş Boru Imalatiral Ticaret Ltd (Cimtas); Noksel Celik Boru Sanayi A.S. (Noksel); and Toscelik Profil ve Sac End. A.S. (AKA Toscelik Profile and Sheet Ind. Co.) (Toscelik Profil) and Toscelik Spiral Boru Uretim A.S. (Toscelik Spiral) properly filed statements that they made no shipments of subject merchandise to the United States during the POR.[8] Based on their certifications and our analysis of U.S. Customs and Border Protection (CBP) information, we preliminarily determine that Cimtas, Noksel, Toscelik Profil, and Toscelik Spiral had no shipments during the POR.[9] Consistent with our practice, we are not preliminarily rescinding the review with respect to the companies. Instead, we will complete the review and issue

[1] *See Large Diameter Welded Pipe from the Republic of Turkey: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order,* 84 FR 18799 (May 2, 2019) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List,* 87 FR 25619 (May 2, 2022).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 87 FR 42144 (July 14, 2022).

[4] In the less-than-fair-value (LTFV) investigation, Commerce found that, in 2017, after HDM Celik acquired HDM Spiral Kaynakli Celik Boru A.S. (HDM Spiral), HDM Spiral ceased to exist. *See Large Diameter Welded Pipe from the Republic of Turkey: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 83 FR 43646, 43647 (August 27, 2018), unchanged in *Large Diameter Welded Pipe from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value,* 84 FR 6362 (February 27, 2019).

[5] *See* Memorandum, ''Respondent Selection,'' dated August 2, 2022.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2021–2022 Administrative Review of the Antidumping Duty Order on Large Diameter Welded Pipe from the Republic of Turkey,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[7] For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

[8] *See* Toscelik Profil's and Toscelik Spiral's Letter, ''No Shipments Letter,'' dated June 12, 2022; Noksel's Letter, ''No Shipments Letter,'' dated July 27, 2022; and Cimtas' Letter, ''No Shipments Letter,'' dated August 12, 2022.

[9] *See* Memorandum, ''No Shipment Inquiry for Multiple Companies During the period 05/01/2021 through 04/30/2022,'' dated January 9, 2023.

appropriate instructions to CBP based on the final results of this review.[10]

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margins exist for the period May 1, 2021, through April 30, 2022:

Exporter or producer	Weighted-average dumping margin (percent)
HDM Celik Boru Sanayi Ve Ticaret A.S	0.00
Companies Not Selected for Individual Examination	0.00

Rate for Companies Not Selected for Individual Examination

The Act and Commerce's regulations do not address the establishment of a weighted-average dumping margin to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an LTFV investigation, for guidance when calculating the weighted-average dumping margin 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 equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually examined, excluding rates that are zero, *de minimis* (*i.e.,* less than 0.5 percent), or determined entirely on the basis of facts available.

Where the dumping margin for individually examined respondents are all zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use ''any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated.''

In this review, Commerce preliminarily determines that the weighted-average dumping margin for HDM Celik is zero percent. Therefore, in accordance with section 735(c)(5)(B) of the Act, we are preliminarily applying a rate of zero percent to the companies not selected for individual examination because we calculated a rate of zero percent for the mandatory respondent. The companies not selected for individual examination are listed in Appendix II.

Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.[11] Interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice.[12] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the time limit for filing case briefs.[13] Parties who submit case briefs or rebuttal briefs in this review are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[14]

All submissions, including case and rebuttal briefs, as well as hearing requests, should be filed using ACCESS.[15] An electronically-filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time on the established deadline. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[16]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via ACCESS within 30 days after the date of publication of this notice.[17] Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.[18]

Final Results of Review

Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice in the **Federal Register**, unless otherwise extended.[19]

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[20] Pursuant to 19 CFR 351.212(b)(1), because HDM Celik reported the entered value for all of its U.S. sales, for HDM Celik we intend to calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales for each importer to the total entered value of those sales. Where the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c), or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's ''automatic assessment'' will apply to entries of subject merchandise during the POR produced by HDM Celik for which it did not know that the merchandise it sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company involved in the transaction.[21]

For the companies which were not selected for individual examination, we intend to assign an antidumping duty assessment rate equal to the weighted-average dumping margin calculated in the final results of this review for HDM Celik. Further, if we continue to find in the final results that Çimtaş, Noksel, Toscelik Profil, and Toscelik Spiral had no shipments of subject merchandise during the POR, we will instruct CBP to liquidate any suspended entries that entered under their antidumping duty case numbers (*i.e.,* at that exporter's rate) at the all-others rate if there is no

[10] *See, e.g., Welded Line Pipe from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2019–2020,* 87 FR 928 (January 7, 2022), unchanged in *Welded Line Pipe from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2019–2020,* 87 FR 38061 (June 27, 2022).

[11] *See* 19 CFR 351.224(b).

[12] *See* 19 CFR 351.309(c).

[13] *See* 19 CFR 351.309(d).

[14] *See* 19 CFR 351.309(c)(2) and (d)(2).

[15] *See* 19 CFR 351.303.

[16] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[17] *See* 19 CFR 351.310(c).

[18] *See* 19 CFR 351.310(d).

[19] *See* section 751(a)(3)(A) of the Act.

[20] *See* 19 CFR 351.212(b)(1).

[21] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

rate for the intermediate company(ies) involved in the transaction.

In accordance with section 751(a)(2)(C) of the Act, the final results of this review shall be the basis for the assessment of antidumping duties on entries of subject merchandise during the POR, and for future cash deposits of estimated antidumping duties, where applicable. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not covered by this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 1.57 percent, the all-others rate established in the amended final determination of the LTFV investigation.[22]

These deposit requirements, when imposed, shall remain in effect until further notice.

[22] *See Large Diameter Welded Pipe from the Republic of Turkey: Notice of Court Decision Not in Harmony With Amended Final Determination in the Less-Than-Fair-Value Investigation; Notice of Amended Final Determination Pursuant to Court Decision; and Notice of Revocation of Antidumping Duty Order, in Part,* 85 FR 35262, 35263 (June 9, 2020) (*Amended Final Determination*).

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) 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 the Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 30, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

Appendix II

List of Companies Not Selected for Individual Examination

1. Borusan Mannesmann Boru Sanayi ve Ticaret A.S.[23]
2. Borusan Istikbal Ticaret
3. Cagil Makina San ve Tic A.S. AKA Cagil Makina A.S.
4. Spirally Welded Steel Pipe Inc.
5. Emek Boru Makina Sanayi ve Ticaret A.S.
6. Erciyas Celik Boru Sanayi A.S.
7. Mazlum Mangtay Boru Son. Ins. Tar. Urn. San. ve Tic. A.S.
8. Ozbal Celik Boru San. Tic. Ve TAAH A.S.
9. Umran Celik Boru Sanayii A.S.

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[23] Subject merchandise produced and exported by Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (Borusan) was excluded from the order effective June 1, 2020. *See Amended Final Determination,* 85 FR at 35264. Commerce also stated in this notice that it would not initiate a new review of Borusan's entries. Accordingly, Borusan is only covered by this administrative review for subject merchandise produced in Turkey where Borusan acted as either the producer or exporter, but not both.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–888]

Certain Carbon and Alloy Steel Cut-to-Length Plate From the Republic of Korea: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2021

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to certain producers and exporters of certain carbon and alloy steel cut-to-length plate (CTL plate) from the Republic of Korea (Korea) during the period of review (POR) January 1, 2021, through December 31, 2021. In addition, Commerce is rescinding this review with respect to 44 companies. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable June 6, 2023.

FOR FURTHER INFORMATION CONTACT: Faris Montgomery, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1537.

SUPPLEMENTARY INFORMATION:

Background

On May 25, 2017, Commerce published a countervailing duty (CVD) order on CTL plate from Korea.[1] On July 14, 2022, Commerce published a notice of initiation of an administrative review of the *Order*.[2] We initiated an administrative review of 46 producers/exporters of CTL plate from Korea for the POR. On August 1, 2022, Commerce selected POSCO as the sole mandatory respondent in this administrative review.[3]

On December 22, 2022, Commerce extended the deadline for the preliminary results of this review to no later than May 31, 2023.[4]

[1] *See Certain Carbon and Alloy Steel Cut-to-Length Plate from the Republic of Korea: Countervailing Duty Order,* 82 FR 24103 (May 25, 2017) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 87 FR 42144, 42151 (July 14, 2022) (*Initiation Notice*).

[3] *See* Memorandum, ''Respondent Selection,'' dated August 1, 2022.

[4] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 2021,'' dated December 22, 2022.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[5] A list of topics discussed in the Preliminary Decision Memorandum is included at Appendix I. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The merchandise covered by the *Order* is CTL plate. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

On September 6, 2022, Commerce notified interested parties that we intended to rescind this administrative review for 44 companies for which the record information shows no suspended entries of subject merchandise during the POR.[6] No parties commented on the notification of the intent to rescind the review, in part. Therefore, we find that there were no entries of subject merchandise during the POR by the 44 companies listed in Appendix II. As a result of our finding, we are rescinding this review, in part, pursuant to 19 CFR 351.213(d)(3) with respect to these companies. For further information regarding this determination, *see* ''Rescission of Administrative Review, In Part'' section in the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this CVD administrative review in accordance with section 751(a)(l)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[7] For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual net countervailable subsidy rate for POSCO. We preliminarily find the countervailable subsidy rate for the mandatory respondent under review to be as follows:

Manufacturer/exporter	Net countervailable subsidy rate (percent *ad valorem*)
POSCO[8]	0.79

Disclosure

We intend to disclose to parties to this proceeding the calculations performed in reaching the preliminary results in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon for its final results of this review.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Interested parties will be notified of the timeline for the submission of case briefs at a later date.[9] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.[10] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[11]

Pursuant to 19 CFR 251.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system within 30 days of publication of this notice.[12] Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; (3) whether any participant is a foreign national; and (4) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm the date and time of the hearing two days before the scheduled date.

Parties are reminded that all briefs and hearing requests must be filed electronically using ACCESS[13] and must be served on interested parties.[14] Electronically filed documents must be received successfully in their entirety by 5:00 p.m. Eastern Time on the established deadline. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[15]

Final Results

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised by the parties in any written briefs, no later than 120 days after the date of publication of these preliminary results.

Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review; 2021: Certain Carbon and Alloy Steel Cut-to-Length Plate from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See* Memorandum, ''Notice of Intent to Rescind Review, in Part,'' dated September 6, 2022.

[7] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[8] As discussed in the Preliminary Decision Memorandum, Commerce preliminarily finds the following companies to be cross-owned with POSCO: Pohang Scrap Recycling Distribution Center Co. Ltd.; POSCO Chemical Co., Ltd.; POSCO M-Tech Co., Ltd.; POSCO Nippon Steel RHF Joint Venture Co., Ltd.; POSCO SPS Co., Ltd.; and POSCO Terminal Co., Ltd. The subsidy rate applies to all cross-owned companies. We note that POSCO has an affiliated trading company through which it exported certain subject merchandise during the POR, POSCO International (aka POSCO International Corporation). POSCO International was not selected as a mandatory respondent but was examined in the context of POSCO. Therefore, there is not an established CVD rate for POSCO International; POSCO International's subsidies are accounted for in POSCO's total subsidy rate. Instead, entries of subject merchandise exported by POSCO International will receive the rate of the producer listed on the U.S. Customs and Border Protection (CBP) entry form. Thus, the subsidy rate applied to POSCO and POSCO's cross-owned affiliates is also applied to POSCO International for entries of subject merchandise produced by POSCO.

[9] *See* 19 CFR 351.309(c)(1)(ii); *see also* 19 CFR 351.303 (for general filing requirements).

[10] *See* 19 CFR 351.309(d)(1); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006, 17007 (March 26, 2020).

[11] *See* 19 CFR 351.309(c)(2) and 351.309(d)(2).

[12] *See* 19 CFR 351.310(c).

[13] *See* 19 CFR 351.303.

[14] *See* 19 CFR 351.303(f).

[15] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

shown above for the producers/exporters shown above. Upon completion of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review, for the above-listed companies.

For the companies for which this review is rescinded, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2021, through December 31, 2021, in accordance with 19 CFR 351.212(c)(l)(i). We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

For the companies remaining in the review, we intend 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 Rate

Pursuant to section 751(a)(2)(C) of the Act, Commerce intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts calculated in the final results for the companies listed above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review, except, where the rate calculated in the final results is zero or *de minimis,* no cash deposit will be required. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4) and 351.221(b)(4).

Dated: May 31, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Period of Review
V. Diversification of Korea's Economy
VI. Rescission of the Administrative Review, In Part
VII. Subsidies Valuation Information
VIII. Benchmarks and Interest Rates
IX. Analysis of Programs
X. Recommendation

Appendix II—Companies for Which Commerce Is Rescinding the Review

1. Ajin Industrial Co., Ltd.
2. BDP International
3. Blue Track Equipment
4. Boxco
5. Bukook Steel Co., Ltd.
6. Buma CE Co., Ltd.
7. China Chengdu International Techno-Economic Cooperation Co., Ltd.
8. Daehan I.M. Co., Ltd.
9. Daehan Tex Co., Ltd.
10. Daelim Industrial Co., Ltd.
11. Daesam Industrial Co., Ltd.
12. Daesin Lighting Co., Ltd.
13. Daewoo International Corp.
14. Dong Yang Steel Pipe
15. DK Dongshin Co., Ltd.
16. Dongbu Steel Co., Ltd.
17. Dongkuk Industries Co., Ltd.
18. Dongkuk Steel Mill Co., Ltd.
19. EAE Automotive Equipment
20. EEW KHPC Co., Ltd.
21. Eplus Expo Inc.
22. GS Global Corp.
23. Haem Co, Ltd.
24. Han Young Industries
25. Hyosung Corp.
26. Hyundai Steel Co.
27. Jinmyung Frictech Co., Ltd.
28. Khana Marine Ltd.
29. Kindus Inc.
30. Korean Iron and Steel Co., Ltd.
31. Kyoungil Precision Co., Ltd.
32. Menics
33. Qian'an Rentai Metal Products Co., Ltd.
34. Samsun C&T Corp.
35. Samsung
36. Shinko
37. Shipping Imperial Co., Ltd.
38. Sinchang Eng Co., Ltd.
39. SK Networks Co., Ltd.
40. SNP Ltd.
41. Steel N People Ltd.
42. Summit Industry
43. Sungjin Co., Ltd.
44. Young Sun Steel

[FR Doc. 2023–12029 Filed 6–5–23; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–823]

Silicomanganese From India: Preliminary Results of Antidumping Duty Administrative Review; 2021–2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that silicomanganese from India was sold in the United States at less than normal value during the period of review (POR) May 1, 2021, through April 30, 2022. Interested parties are invited to comment on these preliminary results.

DATES: Applicable June 6, 2023.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3148.

SUPPLEMENTARY INFORMATION:

Background

On May 23, 2002, Commerce published the antidumping duty order on silicomanganese from India.[1] On May 24, 2022, Maithan Alloys Ltd. (MAL) requested an administrative review of itself.[2] On July 14, 2022, in accordance with 19 CFR 351.221(c)(i), Commerce initiated an administrative review of the *Order,* covering MAL.[3] Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), on January 9, 2023, Commerce determined that it was not practicable to complete the preliminary results of this review within 245 days and extended the deadline for the preliminary results of this review until May 31, 2023.[4]

For a detailed description of the events that followed the initiation of this review, *see* the Preliminary

[1] *See Notice of Amended Final Determination of Sales at Less than Fair Value and Antidumping Duty Orders: Silicomanganese from India, Kazakhstan, and Venezuela,* 67 FR 36149 (May 23, 2002) (*Order*).

[2] *See* MAL's Letter, ''Request for Administrative Review of Antidumping Order A–533–823,'' dated May 24, 2022.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 87 FR 42144 (July 14, 2022).

[4] *See* Memorandum, ''Extension of Deadline for Preliminary Results of 2020–2022 Antidumping Duty Administrative Review,'' dated January 9, 2023.

Decision Memorandum.[5] A list of topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is available via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov*. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx*.

Scope of the Order

The products covered by the *Order* are all forms, sizes and compositions of silicomanganese, except low-carbon silicomanganese, including silicomanganese briquettes, fines and slag. Silicomanganese is properly classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Some silicomanganese may also be classified under HTSUS subheading 7202.99.5040. This scope covers all silicomanganese, regardless of its tariff classification. Although the HTSUS subheadings are provided for convenience and U.S. Customs and Border Protection (CBP) purposes, our written description of the scope remains dispositive. For a full description of the scope, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) and (2) of the Act. We calculated export price in accordance with section 772(a) of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

We preliminarily determine the following weighted-average dumping margin for the period May 1, 2021, through April 30, 2022.

Producer/exporter	Weighted-average dumping margin (percent)
Maithan Alloys Ltd	1.01

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review: Silicomanganese from India; 2021–2022,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Verification

As provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon in determining the final results of review.

Disclosure and Public Comment

Commerce intends to disclose the calculations performed for these preliminary results of review to interested parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs to Commerce no later than seven days after the date on which the last verification report is issued in this administrative review. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.[6] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[7]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; (3) whether any participant is a foreign national; and (4) a list of issues the party intends to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.[8]

All submissions should be filed using ACCESS,[9] and must be served on interested parties.[10] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[11] Parties are reminded that all briefs and hearing requests must be filed electronically using ACCESS and received successfully in their entirety by 5:00 p.m. Eastern Time on the due date.

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this administrative review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

If MAL's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.[12] To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If MAL's weighted-average dumping margin is zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[13]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by MAL for which it

[6] *See* 19 CFR 351.309(d)(1) and (2); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006, 17007 (March 26, 2020).

[7] *See* 19 CFR 351.309(c)(2) and (d)(2).

[8] *See* 19 CFR 351.310(c).

[9] *See* 19 CFR 351.303.

[10] *See* 19 CFR 351.303(f).

[11] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[12] *See* 19 CFR 351.212(b)(1).

[13] *See* 19 CFR 351.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate in the original less-than-fair-value investigation if there is no rate for the intermediate company(ies) involved in the transaction.[14]

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) the company-specific cash deposit rate for MAL will be equal to the weighted-average dumping margin established in the final results of this review (except, if that rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1), then the cash deposit rate will be zero); (2) for producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which they were reviewed; (3) if the exporter is not a firm covered in this review or a prior segment of the proceeding but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 17.74 percent, the all-others rate established in the less-than-fair-value investigation.[15] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

[14] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[15] *See Order,* 86 FR at 22142.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h)(2) and 351.221(b)(4).

Dated: May 31, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Affiliation
V. Verification
VI. Discussion of the Methodology
VII. Currency Conversion
VIII. Recommendation

[FR Doc. 2023–12048 Filed 6–5–23; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–040]

Truck and Bus Tires From the People's Republic of China: Notice of Court Decision Not in Harmony With the Final Determination of Antidumping Duty Investigation; Notice of Amended Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On May 22, 2023, the U.S. Court of International Trade (CIT or the Court) issued its final judgment in *Guizhou Tyre Co., Ltd., et al.,* v. *United States,* Consol. Court No. 19–00031, sustaining the U.S. Department of Commerce's (Commerce) remand redetermination pertaining to the antidumping duty investigation of truck and bus tires from the People's Republic of China (China) covering the period of investigation July 1, 2015, through December 31, 2015. Commerce is notifying the public that the CIT's final judgment is not in harmony with *Truck and Bus Tires from the People's Republic of China: Antidumping Duty Order,* 84 FR 4436 (February 15, 2019) (*Order*), and that Commerce is amending the *Order* with respect Guizhou Tyre Import and Export Co., Ltd. (GTCIE), such that merchandise produced and/or exported by GTCIE, during the period February 15, 2019, through February 21, 2020, is not subject to the *Order;* merchandise produced and/or exported by GTCIE after February 21, 2020 remains subject to the *Order.*

DATES: Applicable June 1, 2023.

FOR FURTHER INFORMATION CONTACT: 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) 482–0410.

SUPPLEMENTARY INFORMATION:

Background

On January 27, 2017, Commerce published its *Final Determination* in the antidumping duty investigation of truck and bus tires from China. Commerce determined that GTCIE and Shanghai Huayi Group Corporation Limited (formerly Double Coin Holdings Ltd.) (Double Coin) were not eligible for a separate rate because each company failed to rebut the presumption of *de facto* government control.[1]

On March 13, 2017, the U.S. International Trade Commission (ITC) notified Commerce of its final determination that an industry in the United States is not materially injured or threatened with material injury within the meaning of section 735(b)(1)(A) of the Tariff Act of 1930, as amended (the Act) by reason of imports of truck and bus tires from China at less than fair value.[2] Accordingly, Commerce instructed U.S. Customs and Border Protection (CBP) to liquidate entries of subject merchandise without regard to antidumping duties.[3] On November 1, 2018, the CIT remanded the ITC's final negative determination.[4] On January 30, 2019, upon remand, the ITC issued its final determination, in which the ITC found that an industry in the United States is materially injured by reason of imports of truck and bus tires from China.

On February 8, 2019, pursuant to the U.S. Court of Appeals for the Federal Circuit's (Federal Circuit) opinion in *Diamond Sawblades,* the ITC notified Commerce of this determination upon

[1] *See Truck and Bus Tires from the People's Republic of China: Final Affirmative Determinations of Sales at Less Than Fair Value and Critical Circumstances,* 82 FR 8599 (January 27, 2017) (*Final Determination*).

[2] *See* ITC's Letter, dated March 13, 2017; *see also Truck and Bus Tires from China,* 82 FR 14232 (March 17, 2017); and *Truck and Bus Tires from the People's Republic of China,* Investigation No. 701–TA–556 and 508 and 731–TA–1311, USITC Pub. 4673 (March 2017) (Final).

[3] *See* CBP Message No. 7094307, dated April 4, 2017.

[4] *See United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC,* v. *United States,* 348 F. Supp. 3d 1328 (CIT 2018).

remand.[5] On February 15, 2019, Commerce published the *Order,* in accordance with section 736(a) of the Act.[6]

Guizhou Tyre Co., Ltd. (GTC), a Chinese producer of truck and bus tires, with its affiliated exporter, GTCIE, and Double Coin with its affiliated U.S. importer, China Manufacturers Alliance LLC, appealed Commerce's *Final Determination.* On January 24, 2022, the CIT remanded the *Final Determination* to Commerce to: (1) comment on (a) the Court's stated intention of ordering Commerce to direct CBP to liquidate entries made prior to February 21, 2020, without regard to antidumping duties and to refund all cash deposits collected on these entries, with interest as provided by law, when it enters a judgment to conclude the judicial proceeding, as well as, (b) the Court's selection of February 21, 2020 as the earliest possible date the *Order* could have been published; and (2) reconsider its denial of a separate rate for GTCIE and Double Coin.[7]

In its remand redetermination, issued in April 2022, Commerce: (1) stated that ''{s}hould the Court proceed with its intended remedy and it is necessary to identify the earliest date that Commerce hypothetically could have published the *Order* following the CIT's February 18, 2020 decision sustaining the ITC's affirmative redetermination, Commerce believes the Court's choice of February 21, 2020, is reasonable''; and (2) continued to find that GTCIE and Double Coin were not eligible for a separate rate.[8] The CIT sustained Commerce's *Final Redetermination*.[9]

Timken Notice

In its decision in *Timken,*[10] as clarified by *Diamond Sawblades,*[11] the Federal Circuit held that, pursuant to section 516A(c) and (e) the Act, Commerce must publish a notice of court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's May 22, 2023 judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Order.* Thus, this notice is published in fulfillment of the publication requirements of *Timken.*

Amended Antidumping Duty Order

Pursuant to the Court's order, Commerce is amending the *Order* with respect GTCIE such that merchandise produced and/or exported by GTCIE during the period February 15, 2019, through February 21, 2020 is not subject to the *Order;* merchandise produced and/or exported by GTCIE after February 21, 2020 remains subject to the *Order.*

Liquidation of Suspended Entries

As a result of this amended order, in which Commerce is excluding merchandise produced and/or exported by GTCIE during the period February 15, 2019, through February 21, 2020, Commerce will direct CBP to terminate any suspension of liquidation of entries from GTCIE during the period February 15, 2019, through February 21, 2020, and to release any bonds or other security and refund cash deposits pertaining to any suspended entries from GTCIE during the period February 15, 2019, through February 21, 2020. Commerce will not revise the cash deposit requirements currently in effect for entries going forward.

At this time, Commerce remains enjoined by CIT order from liquidating entries that: were exported by GTCIE, and were entered, or withdrawn from warehouse, during the period February 22, 2020, through January 31, 2024. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event that the CIT's ruling is not appealed or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise produced and/or exported by GTCIE, in accordance with 19 CFR 351.212(b). We will instruct CBP to assess antidumping duties on all appropriate entries during this period when the importer-specific *ad valorem* assessment rate is not zero or *de minimis.* Where an importer-specific *ad valorem* assessment rate is zero or *de minimis,*[12] we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: May 31, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

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[5] *See* ITC's Letter, ''Truck and Bus Tires from China, Inv. Nos. 701–TA–556 & 731–TA–1311 (Final) (Remand): Notice of Remand Determinations,'' dated February 8, 2019 (ITC Remand Notification) (citing *Diamond Sawblades Mfrs. Coalition* v *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*)).

[6] *See Order,* 84 FR 4436.

[7] *See Guizhou Tyre Co., Ltd., et al.,* v *United States,* Court No. 19–00031, Slip Op. 22–6 (CIT January 24, 2022).

[8] *See Final Results of Redetermination Pursuant to Court Order, Guizhou Tyre Co., Ltd., et al.,* v. *United States,* Court No. 19–00031, Slip Op. 22–6 (CIT January 24, 2022), dated April 22, 2022 (*Final Redetermination*).

[9] *See Guizhou Tyre Co., Ltd., et al.,* v *United States,* Court No. 19–00031, Slip Op. 23–81 (CIT May 22, 2023).

[10] *See Timken Co.* v *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[11] *See Diamond Sawblades Manufacturers Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[12] *See* 19 CFR 351.106(c)(2).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–126]

Non-Refillable Steel Cylinders From the People's Republic of China: Preliminary Results and Preliminary Determination of No Shipments of the Antidumping Duty Administrative Review; 2020–2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that certain producers and or/exporters made sales of non-refillable steel cylinders (NRSCs) from the People's Republic of China (China) at less than normal value, and one company had no shipments of subject merchandise during the period of review (POR) October 30, 2020, through April 30, 2022. Interested parties are invited to comment on the preliminary results of this review.

DATES: Applicable June 6, 2023.

FOR FURTHER INFORMATION CONTACT: Alex Cipolla, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4956.

SUPPLEMENTARY INFORMATION:

Background

On May 11, 2021, Commerce published in the **Federal Register** the antidumping duty order on NRSCs from China.[1] On May 2, 2022, Commerce published a notice of opportunity to request an administrative review of the *Order,* covering the POR, pursuant to

[1] *See Certain Non-Refillable Steel Cylinders from the People's Republic of China: Amended Final Antidumping Duty Determination and Antidumping Duty and Countervailing Duty Orders,* 86 FR 25839 (May 11, 2021) (*Order*).

section 751(a)(1) of the Tariff Act of 1930, as amended (the Act).[2] On July 14, 2022, based on timely requests for review, Commerce initiated an administrative review of the *Order* covering the POR.[3] The administrative review covers four companies, including the mandatory respondent, Wuyi Xilinde Machinery Manufacture Co., Ltd. (Wuyi Xilinde).[4] On January 18, 2023, in accordance with section 751(a)(3)(A) of the Act, Commerce extended the deadline for the preliminary results of this review until May 31, 2023.[5]

For a detailed description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[6] A list of topics discussed in the Preliminary Decision Memorandum is attached as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is available via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The products covered by this *Order* are certain seamed (welded or brazed), non-refillable steel cylinders meeting the requirements of, or produced to meet the requirements of, U.S. Department of Transportation (USDOT) Specification 39, TransportCanada Specification 39M, or United Nations pressure receptacle standard ISO 11118. A full description of the scope of the *Order* is provided in the Preliminary Decision Memorandum.

Preliminary Determination of No Shipments

Based on information on the record, we preliminarily determine that Zhejiang Kin-Shine Technology Co., Ltd. (Zhejiang Kin-Shine) had no shipments of subject merchandise during the POR. Consistent with our practice in non-market economy cases, we are not rescinding this review with respect to this company but, rather, intend to complete the review and issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on the final results of the review.[7] For additional information regarding this preliminary determination, *see* the Preliminary Decision Memorandum.

Separate Rates

Commerce preliminarily determines that two companies, Ningbo Eagle Machinery & Technology Co., Ltd. (Ningbo Eagle) and Sanjiang Kai Yuan Co. Ltd. (SKY), which were not selected for individual examination, are eligible for separate rates in this administrative review.[8] The Act and Commerce's regulations do not address the establishment of a separate rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for separate rate respondents which Commerce did not examine individually in an administrative review. Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins calculated for individually-examined respondents, excluding dumping margins that are zero, *de minimis,* or based entirely on facts available. For the preliminary results of this review, Commerce determined the estimated dumping margin for Wuyi Xilinde to be 72.76 percent. For the reasons explained in the Preliminary Decision Memorandum, we are assigning the 72.76 percent weighted-average dumping margin calculated for Wuyi Xilinde to the two non-examined respondents which qualify for a separate rate in this review, consistent with Commerce's practice and section 735(c)(5)(A) of the Act.

China-Wide Entity

Under Commerce's policy regarding the conditional review of the China-wide entity,[9] the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity in this review, the entity is not under review, and the entity's rate (*i.e.,* 101.67 percent) is not subject to change.[10]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

Commerce preliminarily determines that the following weighted-average dumping margins exist for the period October 30, 2020, through April 30, 2022:

Exporter	Weighted-average dumping margin (percent)
Wuyi Xilinde Machinery Manufacture Co., Ltd	72.76
Ningbo Eagle Machinery & Technology Co., Ltd	72.76
Sanjiang Kai Yuan Co. Ltd	72.76

Disclosure

Commerce intends to disclose to parties to the proceeding the calculations performed for these preliminary results of review within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Public Comment

Interested parties will be provided an opportunity to submit written comments (case briefs) at a date to be determined by Commerce. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.[11] Pursuant to 19 CFR

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List,* 87 FR 25619 (May 2, 2022).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 87 FR 42144 (July 14, 2022) (*Initiation Notice*).

[4] *See* Memorandum, ''Respondent Selection,'' dated September 20, 2022.

[5] *See* Memorandum, ''Extension of Time Limits for the Preliminary Results of the Antidumping Duty Administrative Review; 2020–2022,'' dated January 18, 2023.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review: Non-Refillable Steel Cylinders from the People's Republic of China; 2020–2022,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[7] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 October 24, 2011) (*NME AD Assessment*); *see also* the ''Assessment Rates'' section, *infra.*

[8] *See* Preliminary Decision Memorandum at the ''Separate Rate Determination'' section for more details.

[9] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[10] *See Order.*

[11] *See* 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due*

Continued

351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs.[12] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[13] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[14]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the publication of this notice. Requests should contain the party's name, address, telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless the deadline is extended, Commerce intends to issue the final results of this review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Assessment Rates

Upon issuing the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[15] If Wuyi Xilinde's *ad valorem* weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce will calculate importer-specific assessment rates for that respondent, in accordance with 19 CFR 351.212(b)(1).[16] Pursuant to 19 CFR 351.212(b)(1), where the respondent reported the entered value of its U.S. sales, we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where the respondent did not report entered value, we will calculate importer-specific per-unit duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total quantity of those sales. To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If, in the final results, Wuyi Xilinde's weighted-average dumping margin is zero or *de minimis* (*i.e.,* less than 0.5 percent), Commerce will instruct CBP to liquidate the appropriate entries for that respondent without regard to antidumping duties.[17]

For entries that were not reported in the U.S. sales database submitted by Wuyi Xilinde during this review, Commerce will instruct CBP to liquidate such entries at the China-wide rate (*i.e.,* 101.67 percent). In addition, if we continue to find no shipments of subject merchandise for Zhejiang Kin-Shine, for which we preliminarily find no such shipments during the POR, any suspended entries of subject merchandise associated with this company will be liquidated at the China-wide rate.[18] For Ningbo Eagle and SKY, the respondents that were not selected for individual examination in this administrative review that qualified for a separate rate, the assessment rate will be the separate rate established in the final results of this administrative review for Wuyi Xilinde.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) for the subject merchandise exported by the companies listed above that have a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this administrative review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during these PORs. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

Commerce is issuing and publishing the preliminary results of this review in accordance with sections 751(a)(1)(B), 751(a)(3) and 777(i) of the Act, and 19 CFR 351.213(d)(4) and 351.221(b)(4).

to COVID–19, 85 FR 17006, 17007 (March 26, 2020) (''To provide adequate time for release of case briefs via ACCESS, E&C intends to schedule the due date for all rebuttal briefs to be 7 days after case briefs are filed (while these modifications remain in effect).'').

[12] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[13] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[14] *See* 19 CFR 351.309(c)(2) and (d)(2); *see also* 19 CFR 351.303 (for general filing requirements).

[15] *See* 19 CFR 351.212(b)(1).

[16] In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[17] *See* 19 CFR 351.106(c)(2).

[18] *See NME AD Assessment.*

Dated: May 31, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Currency Conversion
VI. Adjustment Under Section 777A(f) of the Act
VII. Recommendation

[FR Doc. 2023–12053 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–836]

Mattresses From Indonesia: Preliminary Results of Antidumping Duty Administrative Review; 2020–2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that PT Ecos Jaya Indonesia and PT Grantec Jaya Indonesia (collectively, Ecos/Grantec) and the non-individually-examined companies for which a review was requested made sales of mattresses from Indonesia at prices below normal value (NV), while PT Zinus Global Indonesia (Zinus) did not make sales of the subject merchandise at prices below NV during the period of review (POR), November 3, 2020, through April 30, 2022. We invite interested parties to comment on these preliminary results.

DATES: Applicable June 6, 2023.

FOR FURTHER INFORMATION CONTACT: Katherine Johnson or Brian Smith, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4929 or (202) 482–1766, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 14, 2021, Commerce published the antidumping duty order on mattresses from Indonesia.[1] On July 14, 2022, in accordance with 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the *Order*.[2]

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), on November 29, 2022, Commerce determined that it was not practicable to complete the preliminary results of this review within 245 days and extended the deadline for the preliminary results of this review by 120 days, until May 31, 2023.[3]

For a detailed description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[4] The Preliminary Decision Memorandum is a public document and is available via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov*. In addition, a complete version of the Preliminary Decision Memorandum can be found at *https://access.trade.gov/public/FRNoticesListLayout.aspx*.

Scope of the Order

The products covered by the *Order* are mattresses from Indonesia. For a full description of the scope, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum. A list of topics included in the Preliminary Decision Memorandum is included as Appendix I to this notice.

Verification

As provided in section 782(i)(3) of the Act, Commerce intends to verify the information reported by Zinus for the final results.

Rate for Non-Examined Companies

The statute and Commerce's regulations do not address the establishment of a weighted-average dumping margin to be determined for companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when determining the weighted-average dumping margin for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted average of the estimated weighted average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely {on the basis of facts available}.''

In this review, the preliminary weighted-average dumping margin for Ecos/Grantec is not zero, *de minimis,* or based entirely on facts otherwise available, whereas Zinus' preliminary weighted-average dumping margin is zero. Therefore, Commerce has preliminarily assigned a weighted-average dumping margin to the non-examined companies that is equal to the weighted-average dumping margin for Ecos/Grantec in accordance with its practice.[5]

Preliminary Results of the Review

We preliminarily determine that the following weighted-average dumping margins exist for the period November 3, 2020, through April 30, 2022:

Exporter or producer	Weighted-average dumping margin (percent)
PT Ecos Jaya Indonesia/PT Grantec Jaya Indonesia[6]	10.39
PT Zinus Global Indonesia	0.00
Non-Examined Companies[7]	10.39

[1] *See Mattresses from Cambodia, Indonesia, Malaysia, Serbia, Thailand, Republic of Turkey, and the Socialist Republic of Vietnam: Antidumping Duty Orders and Amended Final Affirmative Antidumping Determination for Cambodia,* 86 FR 26460 (May 14, 2021) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 87 FR 42144 (July 14, 2022).

[3] *See* Memorandum, ''Extension of Deadline for Preliminary Results of 2020–2022 Antidumping Duty Administrative Review,'' dated November 29, 2022.

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review; 2020–2022; Mattresses from Indonesia,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] *See, e.g., Certain Corrosion-Resistant Steel Products from Taiwan: Final Results of the Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–1019,* 86 FR 28554, 28555 (May 27, 2021).

[6] We are treating these companies as a single entity for purposes of this review. For a complete discussion, *see* Memorandum, ''Affiliation and Collapsing of PT Ecos Jaya Indonesia and PT Grantec Jaya Indonesia,'' dated December 8, 2022.

[7] *See* Appendix II for a list of these companies.

Disclosure and Public Comment

We intend to disclose the calculations performed for these preliminary results to interested parties with an administrative protective order within five days after the date of public announcement of the preliminary results, or within five days after the publication of the preliminary results in the **Federal Register**.[8]

Interested parties will be notified of the deadline for the submission of case briefs and written comments at a later date.[9] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.[10] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[11] Executive summaries should be limited to five pages total, including footnotes.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; (3) whether any participant is a foreign national; and (4) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.

All briefs and hearing requests must be filed electronically using ACCESS[12] and must be served on interested parties.[13] An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[14]

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce intends to determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this administrative review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International 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).

For an individually examined respondent whose weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent), upon completion of the final results, Commerce intends to calculate importer-specific antidumping duty assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.[15] To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. Where either a respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we intend to instruct CBP to liquidate appropriate entries without regard to antidumping duties.[16]

For entries of subject merchandise during the POR produced by each individually examined respondent for which it did not know its merchandise was destined for the United States, we intend to instruct CBP to liquidate such entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[17]

For the companies which were not selected for individual examination, we intend to assign an antidumping duty assessment rate equal to the weighted-average dumping margin determined for the non-examined companies in the final results of review.

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future cash deposits of estimated antidumping duties, where applicable.[18]

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not covered in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which the company was reviewed; (3) if the exporter is not a firm covered in this review, a prior completed review, or the less-than-fair value (LTFV) investigation, but the producer is, then the cash deposit rate will be the company-specific rate established for the most recently-completed segment of this proceeding for the producer of subject merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 2.22 percent, the all-others rate established in the LTFV investigation.[19]

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of the Review

Unless the deadline is otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of our analysis of issues raised by the parties in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

[8] *See* 19 CFR 351.224(b).

[9] *See* 19 CFR 351.309(c)(1)(ii).

[10] *See* 19 CFR 351.309(d)(1) and (2); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

[11] *See* 19 CFR 351.309(c)(2) and (d)(2).

[12] *See* 19 CFR 351.303.

[13] *See* 19 CFR 351.303(f).

[14] *See Temporary Rule.*

[15] *See* 19 CFR 351.212(b)(1).

[16] *See* 19 CFR 351.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[17] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[18] *See* section 751(a)(2)(C) of the Act.

[19] *See Order.*

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. 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.

Notification to Interested Parties

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: May 31, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

Appendix II

Companies Not Selected for Individual Examination

1. Bali Natural Latex
2. CV. Aumireta Anggun
3. CV. Lautan Rezeki
4. Duta Abadi Primantara, Pt
5. Ecos Jaya JL Pasir Awi
6. Mimpi
7. PT. Ateja Multi Industri
8. PT. Ateja Tritunggal
9. PT. Aurora World Cianjur
10. P.T. Barat Daya Gemilang
11. PT. CJ Logistics Indonesia
12. PT. Cahaya Buana Furindotama;
13. PT Celebes Putra Prima
14. PT Demak Putra Mandiri
15. PT. Dinamika Indonusa Prima
16. PT. Dunlopillo Indonesia
17. PT. Dynasti Indomegah
18. PT Graha Anom Jaya
19. PT Graha Seribusatujaya
20. PT Kline Total Logistics Indonesia
21. PT. Massindo International
22. PT. Ocean Centra Furnindo
23. PT. Quantum Tosan Internasional
24. PT. Romance Bedding & Furniture
25. PT. Royal Abadi Sejahtera
26. PT Rubberfoam Indonesia
27. PT Solo Murni Epte
28. PT. Transporindo Buana Kargotama
29. Sonder Canada Inc
30. Super Poly Industry PT

[FR Doc. 2023–12050 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of an open meeting of a federal advisory committee.

SUMMARY: The Environmental Technologies Trade Advisory Committee (ETTAC) will hold a hybrid meeting, accessible in-person and online, on Tuesday June 20, 2023 at the U.S. Department of Commerce in Washington, DC. The meeting is open to the public with registration instructions provided below. This notice sets forth the schedule and proposed topics for the meeting.

DATES: The meeting is scheduled for Tuesday, June 20, 2023 from 8:45 a.m. to 3:30 p.m. Eastern Daylight Time (EDT). The deadline for members of the public to register to participate, including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5:00 p.m. EDT on Friday, June 16, 2023.

ADDRESSES: The meeting will be held virtually as well as in-person in the Research Library at the U.S. Department of Commerce Herbert Clark Hoover building, 1401 Constitution Avenue NW, Washington, DC 20230. Requests to register to participate in-person or virtually (including to speak or for auxiliary aids) and any written comments should be submitted via email to Ms. Megan Hyndman, Office of Energy & Environmental Industries, International Trade Administration, at *Megan.Hyndman@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Megan Hyndman, Office of Energy & Environmental Industries, International Trade Administration (Phone: 202–823–1839; email: *Megan.Hyndman@trade.gov*).

SUPPLEMENTARY INFORMATION: The ETTAC is mandated by Section 2313(c) of the Export Enhancement Act of 1988, as amended, 15 U.S.C. 4728(c), to advise the Environmental Trade Working Group of the Trade Promotion Coordinating Committee, through the Secretary of Commerce, on the development and administration of programs to expand U.S. exports of environmental technologies, goods, services, and products. The ETTAC was most recently re-chartered through August 16, 2024.

On Tuesday, June 20, 2023 from 8:45 a.m. to 3:30 p.m. EDT, the ETTAC will hold the second meeting of its current charter term. The Committee, with officials from the U.S. Department of Commerce and other agencies, will discuss issues affecting the competitiveness of the U.S. environmental technologies industry, including U.S. leadership in international standards development, U.S. government market intelligence resources, and U.S. advocacy efforts with bilateral and multilateral partners. An agenda will be made available one week prior to the meeting upon request to Megan Hyndman.

The meeting will be open to the public and time will be permitted for public comment before the close of the meeting. Members of the public seeking to attend the meeting are required to register by Friday, June 16, 2023, at 5:00 p.m. EDT, via the contact information provided above. This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to OEEI at *Megan.Hyndman@trade.gov* or (202) 823–1839 no less than one week prior to the meeting. Requests received after this date will be accepted, but it may not be possible to accommodate them.

Written comments concerning ETTAC affairs are welcome any time before or after the meeting. To be considered during the meeting, written comments must be received by Friday, June 16, 2023, at 5:00 p.m. EDT to ensure transmission to the members before the meeting. Minutes will be available within 30 days of this meeting.

Dated: June 1, 2023.

Man K. Cho,

Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2023–12083 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–869]

Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products From Japan: Preliminary Results of Antidumping Duty Administrative Review, and Rescission, in Part; 2021–2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that sales of subject

merchandise were made at less than normal value during the period of review (POR), May 1, 2021, through April 30, 2022. We are also rescinding this review with respect to Nikken Las Industry Co., Ltd. (Nikken) and Taiyo Manufacturing Co., Ltd. (Taiyo). We invite interested parties to comment on these preliminary results.

DATES: Applicable June 6, 2023.

FOR FURTHER INFORMATION CONTACT: Amaris Wade, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6334.

SUPPLEMENTARY INFORMATION:

Background

In May 2014, Commerce published in the **Federal Register** the antidumping duty order on diffusion-annealed, nickel-plated flat-rolled steel products (nickel-plated steel products) from Japan.[1] On July 14, 2022, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review on nickel-plated steel products from Japan with respect to three producer/exporters of the subject merchandise, Toyo Kohan Co., Ltd. (Toyo Kohan), Nikken, and Taiyo.[2]

On October 4 and 5, 2022, Thomas Steel Strip Corporation, a domestic interested party, withdrew its request for review of Nikken and Taiyo.[3] On January 11, 2023, Commerce extended the preliminary results of this review to no later than May 31, 2023.[4]

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[5] A list of topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade/gov/public/FRNoticesListLayout.aspx.* A list of topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

Scope of the Order

The merchandise subject to the order is diffusion-annealed, nickel-plated flat-rolled steel products from Japan. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal Value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation. Commerce received a timely-filed withdrawal request from Thomas Steel Strip Corporation on October 4 and 5, 2022, for Nikken and Taiyo.[6] Because the withdrawal requests were timely filed, and no other party requested a review of these companies, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this review of the *Order* with respect to Nikken and Taiyo.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margin exists for the period May 1, 2021, through April 30, 2022:

Producer/exporter	Weighted-average dumping margin (percent)
Toyo Kohan Co., Ltd	57.32

Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.[7] Interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice.[8] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the deadline for filing case briefs.[9] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[10] Case and rebuttal briefs should be filed using ACCESS,[11] and must be served on interested parties.[12] Executive summaries should be limited to five pages total, including footnotes. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[13]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via ACCESS within 30 days after the date of publication of this notice.[14] Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.[15] Parties are reminded that all briefs and hearing requests must be filed electronically using ACCESS and received successfully in their entirety by

[1] *See Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Antidumping Duty Order,* 79 FR 30816 (May 29, 2014) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 87 FR 42144 (July 14, 2022).

[3] *See* Thomas Steel Strip Corporation's Letters, ''Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Petitioners' Withdrawal of Request for 2020/2021 Administrative Review for Nikken and Taiyo,'' dated October 4, 2022, and ''Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Errata to Petitioner's October 4, 2022, Partial Withdrawal of Review Request,'' dated October 5, 2022, (collectively, Thomas Withdrawal Letters).

[4] *See* Memorandum, ''Extension of the Deadline for Preliminary Results of the 2021–2022 Antidumping Duty Administrative Review,'' dated January 11, 2023.

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2021–2022 Administrative Review of the Antidumping Duty Order on Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See* Thomas Withdrawal Letters October 4 and 5, 2022.

[7] *See* 19 CFR 351.224(b).

[8] *See* 19 CFR 351.309(c).

[9] Commerce is exercising its discretion, under 19 CFR 351.309(d)(1), to alter the time limit for filing of rebuttal briefs.

[10] *See* 19 CFR 351.309(c)(2) and (d)(2).

[11] *See* 19 CFR 351.303.

[12] *See* 19 CFR 351.303(f); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

[13] *See Temporary Rule.*

[14] *See* 19 CFR 351.310(c).

[15] *See* 19 CFR 351.310(d).

5:00 p.m. Eastern Time on the established deadline.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless otherwise extended.[16]

Assessment Rates

Upon completion of the final results of this administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.[17] Pursuant to 19 CFR 351.212(b)(1), If Toyo Kohan's weighted-average dumping margin is not zero or *de minimis,* we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[18]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Toyo Kohan for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate established in the original less-than-fair-value (LTFV) investigation (*i.e.,* 45.42 percent) if there is no rate for the intermediate company(ies) involved in the transaction.[19]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the company listed above will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not covered in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment in which the company was reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the producer is, then the cash deposit rate will be the cash deposit rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 45.42 percent, the all-others rate established in the LTFV investigation.[20] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) 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.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: May 26, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2023–11963 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–968]

Aluminum Extrusions From the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2021

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsides are being provided to producers and exporters of aluminum extrusions from the People's Republic of China (China) during the period of review (POR) of January 1, 2021, through December 31, 2021.

DATES: Applicable June 6, 2023.

FOR FURTHER INFORMATION CONTACT: James Hepburn, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1882.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 2023, Commerce published the *Preliminary Results* of this administrative review in the **Federal Register** and invited interested parties to comment.[1] We received no comments from interested parties on the *Preliminary Results,* and we have otherwise made no changes from the *Preliminary Results.* Accordingly, no decision memorandum accompanies this **Federal Register** notice; the *Preliminary Results* and accompanying PDM are hereby adopted in these final results. Commerce conducted this

[16] *See* section 751(a)(3)(A) of the Act.

[17] *See* 19 CFR 351.212(b).

[18] *See* section 751(a)(2)(C) of the Act.

[19] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[20] *See Order.*

[1] *See Aluminum Extrusions from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, and Rescission, in Part; 2021,* 88 FR 7404 (February 3, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order [2]

The product covered by the *Order* is aluminum extrusions from China.[3] For a complete description of the scope, *see* the appendix to this notice.

Final Results of Review

For the period January 1, 2021, through December 31, 2021, we determine that the following net countervailable subsidies exist: [4]

Company	Subsidy rate (percent *ad valorem*)
Guangdong Victor Aluminum Co., Ltd.[5]	293.85
Hui Qian (Shanghai) International Trading Co., Ltd	293.85
Sichuan Hangxin New Glazing Material Co., Ltd	293.85

Disclosure

Normally, Commerce discloses to interested parties the calculations of the final results of an administrative review within five days of a public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we have made no changes from the *Preliminary Results,* there are no calculations to disclose.

Assessment Rates

Consistent with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this 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 Instructions

Pursuant to section 751(a)(2)(C) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for the companies listed above for shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

Commerce is issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: May 31, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Order

The merchandise covered by the *Order* is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents). Specifically, the subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 1 contains not less than 99 percent aluminum by weight. The subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 3 contains manganese as the major alloying element, with manganese accounting for not more than 3.0 percent of total materials by weight. The subject merchandise is made from an aluminum alloy with an Aluminum Association series designation commencing with the number 6 contains magnesium and silicon as the major alloying elements, with magnesium accounting for at least 0.1 percent but not more than 2.0 percent of total materials by weight, and silicon accounting for at least 0.1 percent but not more than 3.0 percent of total materials by weight. The subject aluminum extrusions are properly identified by a four-digit alloy series without either a decimal point or leading letter. Illustrative examples from among the approximately 160 registered alloys that may characterize the subject merchandise are as follows: 1350, 3003, and 6060.

Aluminum extrusions are produced and imported in a wide variety of shapes and forms, including, but not limited to, hollow profiles, other solid profiles, pipes, tubes, bars, and rods. Aluminum extrusions that are drawn subsequent to extrusion (drawn aluminum) are also included in the scope.

Aluminum extrusions are produced and imported with a variety of finishes (both coatings and surface treatments), and types of fabrication. The types of coatings and treatments applied to subject aluminum extrusions include, but are not limited to, extrusions that are mill finished (*i.e.,* without any coating or further finishing), brushed, buffed, polished, anodized (including brightdip anodized), liquid painted, or powder coated. Aluminum extrusions may also be fabricated, *i.e.,* prepared for assembly. Such operations would include, but are not limited to, extrusions that are cut-to-length, machined, drilled, punched, notched, bent, stretched, knurled, swedged, mitered, chamfered, threaded, and spun. The subject merchandise includes aluminum extrusions that are finished (coated, painted, *etc.*), fabricated, or any combination thereof.

Subject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, window frames, door frames, solar panels, curtain walls, or furniture. Such parts that otherwise meet the definition of aluminum extrusions are included in the scope. The scope includes the aluminum extrusion components that are attached (*e.g.,* by welding or fasteners) to form subassemblies, *i.e.,* partially assembled merchandise unless imported as part of the finished goods 'kit' defined further below. The scope does not include the non-aluminum extrusion components of subassemblies or subject kits.

Subject extrusions may be identified with reference to their end use, such as fence posts, electrical conduits, door thresholds, carpet trim, or heat sinks (that do not meet the finished heat sink exclusionary language below). Such goods are subject merchandise

[2] *See Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order,* 76 FR 30653 (May 26, 2011) (*Order*).

[3] Harmonized Tariff Schedule of the United States subheadings 8708.29.15.00, 8708.29.25.00, and 8714.93.05 were added to the scope of this proceeding. *See* Memorandum, ''Request from Customs and Border Protection to Update the ACE AD/CVD Case Reference File,'' dated April 14, 2023.

[4] In the *Preliminary Results,* Commerce rescinded this review with respect to producers or exporters of aluminum extrusions from China for which an administrative was requested, and the request was later timely withdrawn. *See Preliminary Results,* 88 FR at 7405. Because there are no companies subject to this review other than the three companies listed in the table herein, there are no companies not selected for individual examination for which Commerce is required to establish a subsidy rate.

[5] Commerce inadvertently referred to this company as ''Guangdong Victor A'' in the *Preliminary Results. See Preliminary Results,* 88 FR at 7405 and PDM at 1. However, the correct name for this company is ''Guangdong Victor Aluminum Co., Ltd.'' as stated in *Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 87 FR 42144, 42153 (July 14, 2022).

if they otherwise meet the scope definition, regardless of whether they are ready for use at the time of importation.

The following aluminum extrusion products are excluded: aluminum extrusions made from aluminum alloy with an Aluminum Association series designations commencing with the number 2 and containing in excess of 1.5 percent copper by weight; aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 5 and containing in excess of 1.0 percent magnesium by weight; and aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 7 and containing in excess of 2.0 percent zinc by weight.

The scope also excludes finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry, such as finished windows with glass, doors with glass or vinyl, picture frames with glass pane and backing material, and solar panels. The scope also excludes finished goods containing aluminum extrusions that are entered unassembled in a ''finished goods kit.'' A finished goods kit is understood to mean a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good and requires no further finishing or fabrication, such as cutting or punching, and is assembled ''as is'' into a finished product. An imported product will not be considered a ''finished goods kit'' and therefore excluded from the scope of the *Order* merely by including fasteners such as screws, bolts, *etc.* in the packaging with an aluminum extrusion product.

The scope also excludes aluminum alloy sheet or plates produced by other than the extrusion process, such as aluminum products produced by a method of casting. Cast aluminum products are properly identified by four digits with a decimal point between the third and fourth digit. A letter may also precede the four digits. The following Aluminum Association designations are representative of aluminum alloys for casting: 208.0, 295.0, 308.0, 355.0, C355.0, 356.0, A356.0, A357.0, 360.0, 366.0, 380.0, A380.0, 413.0, 443.0, 514.0, 518.1, and 712.0. The scope also excludes pure, unwrought aluminum in any form.

The scope also excludes collapsible tubular containers composed of metallic elements corresponding to alloy code 1080A as designated by the Aluminum Association where the tubular container (excluding the nozzle) meets each of the following dimensional characteristics: (1) length of 37 millimeters (''mm'') or 62 mm, (2) outer diameter of 11.0 mm or 12.7 mm, and (3) wall thickness not exceeding 0.13 mm.

Also excluded from the scope of this *Order* are finished heat sinks. Finished heat sinks are fabricated heat sinks made from aluminum extrusions the design and production of which are organized around meeting certain specified thermal performance requirements and which have been fully, albeit not necessarily individually, tested to comply with such requirements.

Also excluded from the scope of the *Order* is certain rectangular wire produced from continuously cast rolled aluminum wire rod, which is subsequently extruded to dimension to form rectangular wire. The product is made from aluminum alloy grade 1070 or 1370, with no recycled metal content allowed. The dimensions of the wire are 5 mm (+/− 0.05 mm) in width and 1.0 mm (+/− 0.02 mm) in thickness. Imports of rectangular wire are provided for under HTSUS category 7605.19.000.

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTSUS): 6603.90.81.00, 7604.21.00.00, 7604.21.00.10, 7604.21.00.90, 7604.29.10.00, 7604.29.10.10, 7604.29.10.90, 7604.29.30.10, 7604.29.30.50, 7604.29.30.60, 7604.29.30.90, 7604.29.50.30, 7604.29.50.60, 7604.29.50.50, 7604.29.50.90, 7606.12.30.91, 7606.12.30.96, 7608.20.00.30, 7608.20.00.90, 7609.00.00, 7610.10.00, 7610.90.00, 7615.10.20.15, 7615.10.20.25, 7615.10.30, 7615.10.30.15, 7615.10.30.25, 7615.10.50.20, 7615.10.50.40, 7615.10.71, 7615.10.71.25, 7615.10.71.30, 7615.10.71.55, 7615.10.71.80, 7615.10.91, 7615.10.91.00, 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7615.20.00, 7615.20.00.00, 7616.10.90.90, 7616.99.10, 7616.99.50, 7616.99.51, 8302.10.30.00, 8302.10.60.30, 8302.10.60.60, 8302.10.60.90, 8302.20.00.00, 8302.30.30.10, 8302.30.30.60, 8302.41.30.00, 8302.41.60.15, 8302.41.60.45, 8302.41.60.50, 8302.41.60.80, 8302.42.30.10, 8302.42.30.15, 8302.42.30.65, 8302.49.60.35, 8302.49.60.45, 8302.49.60.55, 8302.49.60.85, 8302.50.00.00, 8302.60.90.00, 8305.10.00.50, 8306.30.00.00, 8414.59.60.90, 8415.90.80.45, 8418.99.80.05, 8418.99.80.50, 8418.99.80.60, 8419.90.10.00, 8422.90.06.40, 8424.90.90.80, 8473.30.20.00, 8473.30.51.00, 8479.89.94, 8479.89.98, 8479.90.85.00, 8479.90.94, 8481.90.90.60, 8481.90.90.85, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8508.70.00.00, 8513.90.20, 8515.90.20.00, 8516.90.50.00, 8516.90.80.50, 8517.70.00.00, 8529.90.73.00, 8529.90.97.60, 8536.90.80.85, 8538.10.00.00, 8541.90.00.00, 8543.90.88.80, 8543.90.88.85, 8708.10.30.50, 8708.29.15.00, 8708.29.25.00, 8708.29.50.60, 8708.29.51.60, 8708.80.65.90, 8708.99.68.90, 8714.93.05.00, 8803.30.00.60, 9013.90.50.00, 9013.90.90.00, 9031.90.90.95, 9031.90.91.95, 9401.90.50.81, 9401.99.90.81, 9403.10.00, 9403.20.00, 9403.90.10.40, 9403.90.10.50, 9403.90.10.85, 9403.90.25.40, 9403.90.25.80, 9403.90.40.05, 9403.90.40.10, 9403.90.40.60, 9403.90.50.05, 9403.90.50.10, 9403.90.50.80, 9403.90.60.05, 9403.90.60.10, 9403.90.60.80, 9403.90.70.05, 9403.90.70.10, 9403.90.70.80, 9403.90.80.10, 9403.90.80.15, 9403.90.80.20, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9403.99.10.40, 9403.99.90.10, 9403.99.90.15, 9403.99.90.20, 9403.99.90.41, 9405.99.40.20, 9506.11.40.80, 9506.51.40.00, 9506.51.60.00, 9506.59.40.40, 9506.70.20.90, 9506.91.00.10, 9506.91.00.20, 9506.91.00.30, 9506.99.05.10, 9506.99.05.20, 9506.99.05.30, 9506.99.15.00, 9506.99.20.00, 9506.99.25.80, 9506.99.28.00, 9506.99.55.00, 9506.99.60.80, 9507.30.20.00, 9507.30.40.00, 9507.30.60.00, 9507.30.80.00, 9507.90.60.00, and 9603.90.80.50.

The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99, as well as under other HTSUS chapters. In addition, fin evaporator coils may be classifiable under HTSUS numbers: 8418.99.80.50 and 8418.99.80.60. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.

[FR Doc. 2023–12052 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

NIST's Research Data Framework

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

ACTION: Notice of availability; request for comment.

SUMMARY: The National Institute of Standards and Technology (NIST) seeks comments on NIST's Research Data Framework (RDaF or Framework). The RDaF is a tool that aims to help shape the future of open data access and research data management. A broader range of stakeholder views is needed for refining the next version of the RDaF. The current draft of the RDaF is available electronically from the NIST website at: *https://doi.org/10.6028/NIST.SP.1500-18r1.* All individuals and organizations with influence on and who are influenced by research data management are encouraged to offer their input.

DATES:

For Comments:

Comments must be received by 5 p.m. Eastern time on July 6, 2023. Written comments should be submitted according to the instructions in the **ADDRESSES** and **SUPPLEMENTARY INFORMATION** sections below. Submissions received after that date may not be considered.

ADDRESSES: Comments can be submitted by either of the following methods:

- *Email: rdaf@nist.gov.* Include ''Research Data Framework'' in the subject line of the message.

Instructions: Attachments will be accepted in plain text, Microsoft Word, or Adobe PDF formats. Comments containing references, studies, research, and other empirical data that are not widely published should include copies or electronic links of the referenced materials.

All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure.

NIST reserves the right to publish comments publicly, unedited and in their entirety. Sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information. Do not submit confidential business information, or otherwise sensitive or protected information. Comments that contain profanity, vulgarity, threats, or other inappropriate language or content will not be considered.

FOR FURTHER INFORMATION CONTACT: Alda Yuan, Physical Scientist, Office of Data and Informatics, National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899, 301–975–2451, or by email to *rdaf@nist.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

NIST is leading the development of a Research Data Framework (RDaF or Framework) with involvement and input from national and international leaders in the broad research data stakeholder community. Research data is defined here as ''the recorded factual material commonly accepted in the scientific community as necessary to validate research findings.'' [1] The RDaF offers a map of the research data space, taking a lifecycle approach to organize research data-related activities and concepts. Through a community-driven process, NIST identified organizational and individual needs and activities tied to research data management. NIST's goal is that all elements of the research data lifecycle will be defined and explained to allow for self-assessments by stakeholders, and that informative references will provide best practices, standards, and applicable research for research data management and dissemination. The RDaF includes sample ''profiles'' that incorporate those research data management activities associated with a given job function or role. Individual researchers and organizations involved in the research data lifecycle will be able to tailor these profiles to suit their unique needs.

The overarching goal of the RDaF is to provide stakeholders with a structured approach to develop a customizable strategy for the management of research data. The audience for the RDaF is the entire research data community, including all organizations and individuals engaged in any activities concerned with research data management, from Chief Executive Officers and Chief Data Officers to librarians and researchers.

The RDaF is driven by the research data stakeholder community who can use the framework for multiple purposes, from identifying best practices for research data management and dissemination to changing the research data culture in an organization. To ensure that the RDaF is a consensus document, NIST has held community engagement workshops as the primary mechanism to gather stakeholder input on refinements to the *preliminary framework* published in February 2021. Thus far, the workshops have taken place in three phases, each resulting in further examination and refinement of the topics and subtopics in the six lifecycle stages that form the Framework Core.

Further refinement of the RDaF Core requires feedback from a broader range of potential adopters including researchers in diverse settings. NIST aims to create a flexible and modular system and the RDaF should be able to accommodate many types of research data and research tools. To this end, NIST seeks feedback on both the scope and completeness of the RDaF Core. Respondents are encouraged—but are not required—to respond to each of the questions below which are relevant to their role and their position within the research data management ecosystem. The questions are organized into categories covering the content of the six RDaF lifecycle stages, the topics and subtopics nested within these stages, definitions, informative resources, overarching themes, and customizable profiles, which are subsets of the more than 330 stages/topics/subtopics. Civic participation and evidence-based policy making require access to research data. The RDaF will provide government agencies, public and private institutions, as well as individual citizens, with the tools and knowledge necessary to share high-quality, reproducible data more easily, equitably, and safely.

II. Request for Comments

All responses that comply with the requirements listed in the **DATES** and **ADDRESSES** sections of this notice will be considered. Respondents may organize their submissions in response to this notice in any manner.

While NIST has reached a certain level of completeness as a result of extensive stakeholder engagement, this notice seeks feedback from a broader group of users, including the general public. The NIST team will carefully consider all feedback obtained through this notice in generating version 2.0 of the RDaF. However, the following questions reflect particular areas where the team would appreciate stakeholder perspective. When providing feedback addressing these specific questions, you may reference the question code to assist with consideration of your comment.

NIST is interested in receiving responses to the following questions from the stakeholder community:

Section 1—Completeness and Coverage of the RDaF

1.1 Are the lifecycle stages and the topics comprehensive? Are any topics missing?

1.2 Are the subtopics comprehensive? Are any subtopics missing?

1.3 Are the overarching themes comprehensive? Are any missing?

1.4 Is the concept of using profiles for implementing the RDaF clear? Is it useful?

1.5 Of the eight generic profiles offered, is there at least one similar to your job function? Are there any additional ones you would suggest?

1.5 Are the informative references comprehensive? Are any resources missing?

1.6 What additional organizations would you add to the key organizations in Appendix D?

Section 2—RDaF Content

2.1 Are the definitions offered for the topics clear, correct, and comprehensive?

2.2 Are the definitions offered for the subtopics clear, correct, and comprehensive?

2.3 Do the generic profiles for which you have personal knowledge typically cover the most relevant topics and subtopics for that role?

2.4 Are the informative references well-tailored to the topics and subtopics? Do they enable users to fully explore those topics and subtopics in greater depth?

2.5 Would a glossary with definitions of granular terms such as ''tools'' be helpful or redundant with the existing subtopic and topic definitions?

2.6 Does the lifecycle stage graphic (Fig. 1) convey that the various stages are networked and cyclical rather than sequential and linear?

Section 3—Usage of the RDaF

3.1 How do you envision using the Framework?

3.2 Taking one of the generic profiles as a guide, how easy would it be for you to create a customized profile?

[1] 2 CFR 200.315(e)(3).

3.3 Do you envision using the RDaF as a guide for your individual role or as an organizational evaluation tool? What additional tools would assist in either effort?

3.4 Would you find a network graph tool that allows free exploration of the relationships among the various elements (*e.g.,* topics, subtopics, and profiles) of the framework useful?

(Authority: 15 U.S.C. 272(b) & (c))

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2023–11916 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC837]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the U.S. Navy Training and Testing Activities in the Point Mugu Sea Range Study Area

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

ACTION: Notice; modification of letter of authorization.

SUMMARY: NMFS has modified its Letter of Authorization (LOA) issued to the United States Navy (Navy) on July 7, 2022, for the taking of marine mammals incidental to training and testing activities conducted in the Point Mugu Sea Range (PMSR) study area and launch events from San Nicolas Island (SNI) over the course of seven years (2022–2029). Specifically, NMFS has removed certain reporting requirements related to explosives use, to be consistent with other LOAs issued for similar activities conducted by the Navy. The mitigation and mitigation related monitoring measures of the LOA remain unchanged, and the removal of these reporting measures do not change the findings made for the regulations or the original LOA or result in any change in the number of estimated or authorized takes.

DATES: The modified LOA is valid through July 6, 2029.

FOR FURTHER INFORMATION CONTACT: Craig Cockrell, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the original application and supporting documents (including NMFS **Federal Register** notices of the original proposed and final rules, and the initial LOA), may be obtained online at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-us-navy-testing-and-training-activities-point-mugu-sea-range.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the monitoring and reporting of such takings.

Following rulemaking, NMFS issued final regulations and an LOA authorizing the Navy to take marine mammals, by Level A and Level B harassment only, incidental to training and testing activities (which qualify as military readiness activities) involving the use of at-surface and near-surface explosive detonations throughout the PMSR Study Area, as well as launch events from San Nicolas Island (SNI). (87 FR 40888, July 8, 2022). The regulations and LOA are effective from July 7, 2022, through July 6, 2029, and include mitigation, monitoring, and reporting requirements.

Modification Request and Analysis

On October 11, 2022, NMFS received a request from the Navy for a modification of the LOA to remove part of the reporting requirements in Section 7 of the LOA, which governs the Annual PMSR Study Area Training and Testing Activity Report. Specifically, Navy requested removal of item 7.f.1.(i and ii), which requires information about each explosives event completed during the year and marine mammal observations by Navy Lookouts in association with explosives activities.

These requirements are parallel to those that have been required for higher-impact Navy activities, such as Major Training Exercises involving multiple platforms or units utilizing hull-mounted active sonar for exercises of comparatively longer durations (days to a month) or Sinking Exercise, which consist of explosive detonations of higher net explosive weight used to sink a ship (85 FR 46302; July 31, 2020). In contrast, these requirements are not consistent with the required reporting measures in LOAs issued to the Navy for explosive activities for all of their other major training and testing rules (*e.g.,* Hawaii Southern California Training and Testing, Atlantic Fleet Training and Testing), which have been established through years of coordination with the Navy after notice and public comment (85 FR 41780; July 10, 2020 and 84 FR 70712; December 23, 2019), and were inadvertently included in the PMSR.

In addition to being inconsistent with the reporting requirements broadly coordinated with the Navy for similar activities in LOAs for other areas, the Navy advises that the measures in question are infeasible at the PMSR, as the indicated information cannot be effectively collected from the aircraft used in the exercises, due to the speed and the height of the aircraft; and additional vessels and personnel are not allowed in the impact zones.

NMFS' PMSR incidental take regulation at 50 CFR 218.17 addresses LOA modification requests by the applicant (Navy):

(b) For LOA modification or renewal requests by the applicant that include changes to the activity or to the mitigation, monitoring, or reporting measures (excluding changes made pursuant to the adaptive management provision in paragraph (c)(1) of this section) that do not change the findings made for the regulations in this subpart or result in no more than a minor change in the total estimated number of takes (or distribution by species or years), NMFS may publish a notice of LOA in the **Federal Register**, including the associated analysis of the change, and solicit public comment before issuing the LOA.

This LOA modification will have no effect on estimated number of takes or on the findings made for the regulations. It does not change mitigation or related monitoring. The only change is to conform the reporting requirements to those for similar Navy testing and training exercises, which were subject to notice and public comment. Additional public comment for the current LOA modification would not be likely to provide additional relevant information for consideration. The LOA changes are responsive to the Navy's aforementioned explanation for why the requirements would not be feasible, and we have concluded that explanation is reasonable.

Description of the Modified LOA

Based on the foregoing information, NMFS has modified the LOA to remove the requirements in section 7.f.1 of the original LOA. The modified LOA is identical in every other way to the original LOA. It covers the same training and testing activities (categorized as military readiness activities) from (1) the use of at-surface or near-surface explosive detonations in the PMSR Study Area, as well as (2) launch events from SNI as described in the 2022 final rule (87 FR 40888; July 8, 2022) and the original LOA. The required mitigation and mitigation-related monitoring, as well as the total estimated and authorized numbers of takes for the issuance of the regulations and the original LOA, respectively, remain the same. NMFS refers the reader to relevant documents related to issuance of the original LOA, including the Navy's application, the proposed rule and request for comments (86 FR 37790; July 16, 2021) and final rule (87 FR 40888; July 8, 2022), available at *https://www.fisheries.noaa.gov/action/incidental-take-authorization-us-navy-testing-and-training-activities-point-mugu-sea-range* for more detailed description of the project activities.

The reporting requirements in this modified LOA are consistent with the requirements in other Navy LOAs for similar activities and are feasible for Navy implementation.

NMFS has modified the original LOA to remove section 7.f.1 and renumber section 7.f.2 to section 7.f.1. Modifying this LOA to remove the aforementioned reporting requirements is consistent with 50 CFR 218.17 (b). A copy of the modified LOA can be found at *https://www.fisheries.noaa.gov/action/incidental-take-authorization-us-navy-testing-and-training-activities-point-mugu-sea-range.*

Endangered Species Act (ESA)

Section 7(a)(2) of the ESA (16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of incidental take authorizations, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

The effects of this Federal action were adequately analyzed in NMFS' Endangered Species Act Section 7 Biological Opinion on (1) U.S. Navy Point Mugu Sea Range (PMSR) Testing and Training Activities; and (2) the National Marine Fisheries Service's Promulgation of Regulations and Issuance of a Letter of Authorization Pursuant to the Marine Mammal Protection Act for the U.S. Navy to ''Take'' Marine Mammals Incidental to PMSR Activities from February 2022 through February 2029 (2022), which concluded that the take NMFS authorizes through the initial LOA would not jeopardize the continued existence of any endangered or threatened species.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must evaluate our proposed actions and alternatives with respect to potential impacts on the human environment. NMFS participated as a cooperating agency on the 2022 PMSR Final Environmental Impact Statement (FEIS)/Overseas Environmental Impact Statement (OEIS), which was published January 2022, and is available at *https://pmsr-eis.com/.* NOAA/NMFS adopted the 2022 PMSR FEIS/OEIS and prepared a Record of Decision. *https://www.fisheries.noaa.gov/action/incidental-take-authorization-us-navy-testing-and-training-activities-point-mugu-sea-range.* The modification of the initial LOA falls does not have any additional impact on the human environment beyond the impacts of the proposed actions considered in the FEIS/OEIS.

Dated: June 1, 2023.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2023–12045 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–P–2023–0025]

Extension of the Option for Submission of a PDF With a Patent Application Filed in DOCX Format

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) is continuing to modernize and streamline its patent application systems to support robust and reliable patent rights, speed the issuance of patents, and reduce the costs and barriers of global patent protection. The submission of patent applications in DOCX format facilitates the USPTO's ongoing efforts. The USPTO previously announced that, for a temporary period, it was providing patent applicants with the option to submit an applicant-generated PDF version of an application along with the DOCX file(s) when filing the application in Patent Center. This temporary period was scheduled to end on June 30, 2023. In response to stakeholder requests, the USPTO is extending the option until further notice.

DATES: *Duration:* The option to submit an applicant-generated PDF of a patent application along with the validated DOCX file(s) when filing an application in Patent Center, as discussed in this notice, is being extended until further notice.

FOR FURTHER INFORMATION CONTACT: Mark O. Polutta, Senior Legal Advisor, Office of Patent Legal Administration, at 571–272–7709; or Eugenia A. Jones, Senior Legal Advisor, Office of Patent Legal Administration, at 571–272–7727.

For technical questions about submitting documents in DOCX format, please contact the Patent Electronic Business Center (EBC) at 1–877–217–9197 (toll-free), 571–272–4100 (local), or *ebc@uspto.gov.* The EBC is open from 6 a.m. to midnight ET, Monday-Friday.

SUPPLEMENTARY INFORMATION: Filing in DOCX format eliminates the need for patent applicants to convert structured text to PDF format, improves patent application quality by providing content-based validations prior to submission, provides automated document indexing, allows for future reuse of content, and improves searches for patent applications. DOCX format is also necessary for planned, upcoming USPTO efforts to automate more of the patent application process, including

the pre-examination of the application to ensure it is in good condition for examination by a patent examiner.

In April 2022, the USPTO announced that, for a period of time ending December 31, 2022, it was providing patent applicants with the option to submit a back-up, applicant-generated PDF version of the application along with the DOCX file(s) when filing an application in Patent Center. *See* Filing Patent Applications in DOCX Format, 87 FR 25226 (April 28, 2022) (April 2022 Notice). The goal of providing such an option was to encourage more applicants to begin filing patent applications in DOCX format. In particular, the USPTO anticipated that allowing applicants to submit a back-up PDF version of the application—without incurring additional fees—for a temporary period would encourage applicants to file in DOCX while ensuring that if any discrepancies were discovered, the back-up version could be used to correct the discrepancies. In December 2022, the USPTO extended this temporary period through June 30, 2023. *See* Extension of Period To Allow Submission of a PDF With a Patent Application Filed in DOCX Format, 87 FR 77812 (December 20, 2022).

In response to stakeholder requests, the USPTO is extending, until further notice, the option to submit an applicant-generated PDF of the application along with the validated DOCX file(s) when filing an application in Patent Center.

The April 2022 Notice stated that the ''applicant-generated PDF . . . will not become part of the permanent record unless a petition is filed requesting the USPTO to correct the record in view of the applicant-generated PDF'' and that ''[i]n the absence of such a petition, the USPTO will dispose of the applicant-generated PDF, and all copies thereof, after a retention period of at least three years after the patent grant or abandonment of the application.'' However, in view of stakeholder requests, the USPTO will now keep copies of the applicant-generated PDF as part of the permanent record, regardless of whether a petition is filed. For example, for granted patents, the USPTO will keep copies of the applicant-generated PDF for at least 25 years after the patent grant before transferring it to the National Archives and Records Administration.

With the changes detailed above, patent applicants choosing to submit an applicant-generated PDF with the validated DOCX file(s) when filing an application in Patent Center will have an ongoing safeguard should any unexpected conversion discrepancies occur during the filing process. The USPTO reminds applicants that the option to submit an applicant-generated PDF version of the application is not available for applications filed via EFS-Web. Applicants are also reminded that they can file test submissions through the Patent Center Training Mode to practice filing in DOCX. Information on filing application documents in DOCX and a link to the DOCX training sessions are available at *www.uspto.gov/patents/docx.*

As discussed in the April 2022 Notice, patent applicants who choose to submit an applicant-generated PDF with the validated DOCX file(s) when filing an application in Patent Center will not have to pay additional fees, such as an application size fee, as a result of filing the applicant-generated PDF and, on petition, will be able to rely on the applicant-generated PDF if a discrepancy occurs during the filing process. To avoid incurring additional fees for the PDF, applicants must follow the process for submitting an applicant-generated PDF (Auxiliary PDF) set forth in the quick reference guide available at *www.uspto.gov/sites/default/files/documents/Aux_PDF_QRG_Final_2022.docx.* The USPTO will continue to waive the petition fee under 37 CFR 1.17(f) for a petition under 37 CFR 1.182 that relies on an applicant-generated PDF that was filed in Patent Center as the source to make a correction to the record.

For more information regarding the filing of an applicant-generated PDF in Patent Center, including the options available for making corrections to the record, please review the guidance in the April 2022 Notice.

Katherine K. Vidal,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2023–11910 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–C–2023–0022]

Request for Comments on Southeast Regional Office and Community Outreach Office Locations

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Request for comments.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) is seeking information to inform the planning and design of the USPTO satellite offices (regional offices) and newly-authorized community outreach offices (COOs). The USPTO is also seeking information on potential locations for a future USPTO regional office in the southeast region of the United States (Southeast Regional Office or SERO) and a COO in the northern New England (NNE) region (Northern New England Community Outreach Office) that the USPTO was directed to establish under the Unleashing American Innovators Act of 2022 (UAIA), signed into law as part of the Consolidated Appropriations Act, 2023 on December 29, 2022.

DATES: To ensure consideration, written comments must be received by 5 p.m. ET on or before July 11, 2023 and should be submitted in accordance with the instructions in the **ADDRESSES** and **SUPPLEMENTARY INFOMRATION** sections. No public hearing will be held.

ADDRESSES: For reasons of government efficiency, comments must be submitted electronically by completing the form at *https://iqconnect.iqfed.com/iqextranet/EForm.aspx?_cid=USPTO&_fid=100155.* Complete the required fields using the pre-formatted response form that will allow you to comment on each topic of interest or question you choose to address. You may enter your responses directly into the form or cut and paste your responses from a MICROSOFT WORD® or ADOBE® portable document format (PDF) document into the field provided for each question. You must submit any attachments that provide additional support to a question through the electronic form. Attachments to the form will be accepted as ADOBE® PDF or MICROSOFT WORD® documents. To be considered, comments must be submitted through the electronic form. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

If submission of comments through the electronic form is not feasible due to a lack of access to a computer and/or the internet, please contact the USPTO using the contact information below for special instructions regarding how to submit comments by mail or by hand delivery, based on the public's ability to obtain access to USPTO facilities at the time.

FOR FURTHER INFORMATION CONTACT: Shirin Bidel-Niyat, Chief of Staff, Office of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, at 571–272–8600 or *NewOffices@uspto.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Enabled by the 2011 America Invents Act (AIA), the USPTO currently has four regional offices that are located in Detroit, Michigan; San Jose, California (Silicon Valley); Denver, Colorado; and Dallas, Texas. The purposes of the regional offices (ROs), as originally defined in the AIA and amended by the UAIA, are to:

- *RO1:* Better connect patent filers and innovators with the Office, including by increasing outreach activities to individual innovators, small businesses, veterans, low-income populations, students, rural populations, and any geographic group of innovators that the Director may determine to be underrepresented in patent filings;
- *RO2:* Enhance patent examiner and administrative patent judge retention, including patent examiners and administrative patent judges from economically, geographically, and demographically diverse backgrounds;
- *RO3:* Improve recruitment of patent examiners;
- *RO4:* Decrease the number of patent applications waiting for examination; and
- *RO5:* Improve the quality of patent examination.

The USPTO has been focused on outreach and impact, and is working on ways to better support those new to the innovation ecosystem, bringing more people in America into the fold. The USPTO is also studying the role of the regional offices in serving both the public and the needs of our colleagues across the agency.

The UAIA supports the USPTO's expanded outreach efforts by requiring the USPTO to establish, within three years of enactment (*i.e.,* no later than December 29, 2025), a Southeast Regional Office in the geographic region comprised of the states of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Louisiana, and Arkansas. The UAIA requires the Office to consider the following when selecting the site for the SERO:

- *SERO1:* Number of patent-intensive industries that are located near the site;
- *SERO2:* How many research-intensive institutions, including higher education institutions, are located near the site;
- *SERO3:* Governmental and business frameworks, at both the State and local levels, that support intellectual property-intensive industries that are located near the site; and
- *SERO4:* The proximity of the office to anchor institutions (such as hospitals primarily serving veterans and institutions of higher education), individual inventors, small businesses, veterans, low-income populations, students, rural populations, and any geographic group of innovators that the Director may determine to be underrepresented in patent filings.

The Act also requires the USPTO to report out within two years on whether additional offices are necessary to further increase participation in the patent system by individuals who have historically been underrepresented in patent filings.

In addition to regional offices, the UAIA requires the USPTO to establish at least four COOs within five years from enactment of the Act (*i.e.,* no later than December 29, 2027). The purposes of the COOs are to:

- *COO1:* Further achieve the purposes described above for the regional offices;
- *COO2:* Develop partnerships with local community organizations, institutions of higher education and/or research, and businesses to create tailored community-based programs that provide education regarding the patent system and promote the career benefits of innovation and entrepreneurship; and
- *COO3:* Educate prospective inventors, including individual inventors, small businesses, veterans, low-income populations, students, rural populations, and any geographic group of innovators that the Director may determine to be underrepresented in patent filings, about all public and private resources available to potential patent applicants, including the patent pro bono programs.

The UAIA prohibits the establishment of a COO in the same state as the principal location of the USPTO (Virginia), or in a state that has a regional office (California, Colorado, Michigan, or Texas). The UAIA also requires that at least one of the COOs be established in the NNE region and serve the states of Vermont, New Hampshire, and Maine. Under the Act, the Office must give preference to locations where:

- *NNECOO1:* There is at least one private institution of higher education and at least one public institution of higher education;
- *NNECOO2:* There are no more than 15 registered patent attorneys based on information from the USPTO's Office of Enrollment and Discipline; and
- *NNECOO3:* According to data from the 2012 Survey of Business Owners conducted by the U.S. Census Bureau, less than 45% of the firms are owned by women, minorities, or veterans.

The USPTO will use quantitative metrics and criteria to inform the location selection for future ROs and COOs. The Office plans to consider the following classes of data (D) at a minimum:

- *D1:* Business demographics
- *D2:* Concentration of research- and IP-intensive industries
- *D3:* Socioeconomic and demographic metrics of the regional/local population
- *D4:* Availability and concentration of existing business development resources
- *D5:* Overall geographic diversity of office locations

The USPTO welcomes input from all stakeholders on any matter that they believe is relevant to the overall planning and design of the USPTO RO and COOs, or the selection of locations for the new SERO or NNECOO. Commenters are encouraged to address any or all of the statutory considerations listed in the UAIA and summarized above, any other considerations they believe the USPTO should consider, and the questions listed below.

Commenting Instructions: To be considered, comments must be submitted through the electronic form available at *https://iqconnect.iqfed.com/iqextranet/EForm.aspx?_cid=USPTO&_fid=100155.*

Please cite any public data that relates to or supports your responses. If data is available but non-public, describe such data to the extent permissible.

II. Specific Request for Comments: Planning and Design of Regional Offices and Community Outreach Offices

With the addition of COOs to the agency's footprint, the USPTO envisions the joint mission of the ROs and COOs to be the cultivation and expansion of a vibrant and inclusive innovation and entrepreneurship ecosystem supported by intellectual property across the United States. To accomplish this mission, the offices will conduct broad stakeholder engagement with innovators ranging from individual inventors to multinational business entities; establish and leverage partnerships and relationships to scale the USPTO's work; incentivize regional innovation and entrepreneurship, especially in key emerging areas; and promote full participation by innovators and entrepreneurs of all backgrounds, including in rural areas and from our military, to support U.S. innovation and jobs.

The USPTO invites responses to the following questions:

Regional offices:

1. Considering the envisioned mission above, what essential services—including outreach, education, customer service, convening space, and employee support—should a RO provide to achieve the statutory purposes?

a. Do you prefer to have the services you identified delivered virtually? Why or why not?

b. Do you prefer to have the services you identified delivered in person? Why or why not?

2. What types of organizations should the RO pursue relationships and collaborations with to better leverage and scale its services?

Community outreach offices:

3. Considering the envisioned mission above, what essential services—including outreach, education, and customer service—should a COO provide to achieve the statutory purposes?

a. Do you prefer to have the services you identified delivered virtually? Why or why not?

b. Do you prefer to have the services you identified delivered in person? Why or why not?

4. What types of organizations should the COO pursue relationships and collaborations with to better leverage and scale its services?

5. Would you support a COO being co-located with other public sector entities/services?

a. If so, please describe the added value of having a shared location.

b. Which public sector entities/services would you suggest for the shared location(s)?

c. If not, please describe the benefit of having a unique location for a COO.

General comments regarding regional and community outreach offices:

6. What unique services should the ROs and COOs individually provide, and how should the full range of services complement each other?

7. Considering the potential classes of data listed in part I above, what additional key indicators or data would support future RO and COO site selection?

8. What else should the USPTO consider when planning for the ROs and COOs?

III. Specific Request for Comments: Location of the Southeast Regional Office

Given the statutory purposes and considerations of ROs, including those specific to the SERO, as discussed in part I, and the planning and design considerations identified in part II:

9. What data would assist in assessing potential locations for the SERO site?

10. What is an ideal location for the SERO? Describe how this location meets the statutory purposes and considerations.

11. What State or local government, legal, and business frameworks that support intellectual property-intensive industries are located near the recommended site?

12. What else should the USPTO consider when determining the ideal location for the SERO?

IV. Specific Request for Comments: Location of the Northern New England Community Outreach Office

Given the statutory purposes and considerations of COOs, including those specific to the NNECOO, as discussed in part I, and the planning and design considerations identified in part II:

13. What data would assist in assessing potential locations for the NNECOO site?

14. What is an ideal location for the NNECOO? Describe how this location meets the statutory purposes and considerations.

15. What community organizations/businesses near the recommended office location could the USPTO collaborate with to help provide intellectual property education and promote the career benefits of innovation and entrepreneurship?

16. What else should the USPTO consider when determining the ideal NNECOO?

While the Office welcomes and values all comments from the public in response to this request, the comments submitted do not bind the Office to any further actions related to the comments, and the Office may not respond to any or every comment that is submitted. The Office will, however, consider all written submissions.

Any and all decisions made with regard to the future locations of the RO and COOs will be made consistent with the criteria outlined in the UAIA and the goals and mission of the USPTO.

Katherine K. Vidal,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2023–11987 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; DOCX Submission Requirements

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the proposed information collection: DOCX Submission Requirements. The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before August 7, 2023.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Federal Rulemaking Portal: https://www.regulations.gov.*
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–7728; or by email at *raul.tamayo@uspto.gov* with ''DOCX ICR comment'' in the subject line. Additional information about this information collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

On August 3, 2020, the USPTO published a final rule in the **Federal Register** that included a new fee set forth in 37 CFR 1.16(u). See Setting and Adjusting Patent Fees in Fiscal Year 2020, 85 FR 46932. Although that final rule indicated the new fee at § 1.16(u) would go into effect on January 1, 2022, the effective date of the new fee was delayed to give applicants more time to

adjust to filing patent applications in the DOCX format.

As specified in § 1.16(u), the fee is due for any application filed under 35 U.S.C. 111 for an original patent—except design, plant, or provisional applications—where the specification, claims, and/or abstract do not conform to the USPTO requirements for submission in the DOCX format. Therefore, the fee is due for nonprovisional utility applications filed under 35 U.S.C. 111, including continuing applications, that are not filed in the DOCX format.

The USPTO conducted two pilot programs for filing applications in the DOCX format. The eMod Text Pilot Program was conducted between August 2016 and September 2017. The USPTO then expanded the ability to file patent applications in the DOCX format in EFS-Web to all users in September 2017. In 2018, the USPTO launched the Patent Center and conducted the Patent Center Text Pilot Program from June 2018 through April 2020. All applicants have been able to file applications in the DOCX format in the Patent Center since April 2020. Information about the Patent Center is available at *www.uspto.gov/PatentCenter.* The USPTO continues to hold many discussions and training sessions with stakeholders to ensure a fair and reasonable transition to the DOCX format. In addition, to further ensure a fair and reasonable transition to the DOCX format, the USPTO has, since April 2022, provided patent applicants with the option to submit a back-up applicant-generated PDF version of the application along with the DOCX file(s) when filing an application in Patent Center. See Extension of Period To Allow Submission of a PDF With a Patent Application Filed in DOCX Format, 87 FR 77812 (Dec. 20, 2022).

The items in this proposed new information collection relate solely to the impacts of the § 1.16(u) non-DOCX filing surcharge fee on the filing of nonprovisional utility applications under 35 U.S.C. 111, including continuing applications. In particular, this proposed new information collection accounts for the § 1.16(u) non-DOCX filing surcharge fee itself, as well as an additional 30 minutes of time to accommodate the (i) extra review that some respondents may undertake as they start to become more familiar with the DOCX format and (ii) submission of the back-up applicant-generated PDF that some respondents will opt to submit.

The estimated volumes for the items in this proposed new information collection are based from the estimates for the corresponding nonprovisional utility applications filed under 35 U.S.C. 111, including continuing applications, that are covered under an existing OMB clearance (0651–0032; Initial Patent Applications). Respondents for the items in the proposed new information collection will either take an extra 0.5 hours to file their applications in DOCX format or they will pay the non-DOCX surcharge, they will not do both.

II. Method of Collection

Patent Applications can be submitted electronically via the USPTO's patent electronic filing system, by mail, or by hand delivery to the USPTO. Patent applications submitted in the DOCX format will be submitted electronically.

III. Data

OMB Control Number: 0651–New.

Forms: None.

Type of Review: New.

Affected Public: Private sector, individuals and households.

Respondent's Obligation: Required to obtain or retain benefits.

Estimated Number of Annual Respondents: 411,817 (including 164,066 respondents from filing fees).

Estimated Number of Annual Responses: 411,817 (including 164,066 responses from filing fees).

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately 30 minutes (0.5 hours) to complete. This includes the time to create the document and submit the completed item to the USPTO. The USPTO provides the 30-minute estimate out of an abundance of caution for the initial period after the effective date of the non-DOCX filing surcharge fee. The USPTO expects to decrease the 30-minute estimate by the first renewal of this collection as the public more fully comprehends the nature of, and how to comply with, the DOCX format.

Estimated Number of Annual Respondent Burden Hours: 123,877 hours.

Estimated Number of Annual Respondent Hourly Cost Burden: $53,886,495.

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO PRIVATE SECTOR RESPONDENTS

Item No.	Item	Estimated annual respondents (a)	Responses per respondent (b)	Estimated annual responses (a) × (b) = (c)	Estimated time for response (hours) (d)	Estimated burden (hour/year) (c) × (d) = (e)	Rate [1] ($/hour) (f)	Estimated annual respondent cost burden (e) × (f) = (g)
1	DOCX submission of Original New Utility Applications.	170,510	1	170,510	0.5	85,255	$435	$37,085,925
2	DOCX submission of Utility Continuation/Divisional of an International Application.	6,049	1	6,049	0.5	3,025	435	1,315,875
3	DOCX submission of Utility Continuation/Divisional Applications.	57,044	1	57,044	0.5	28,522	435	12,407,070
4	DOCX submission of Utility Continuation-in-Part Applications.	6,516	1	6,516	0.5	3,258	435	1,417,230
	Totals	240,119		240,119		120,060		52,226,100

[1] 2021 Report of the Economic Survey published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); the USPTO uses the mean IP billing rate for attorneys in private firms which is $435 per hour. (*https://www.aipla.org/home/news-publications/economic-survey;* pg F–27).

TABLE 2—TOTAL HOURLY BURDEN FOR INDIVIDUAL AND HOUSEHOLD RESPONDENTS

Item No.	Item	Estimated annual respondents (a)	Responses per respondent (b)	Estimated annual responses (a) × (b) = (c)	Estimated time for response (hours) (d)	Estimated burden (hour/year) (c) × (d) = (e)	Rate [2] ($/hour) (f)	Estimated annual respondent cost burden (e) × (f) = (g)
1	DOCX submission of Original New Utility Applications.	5,420	1	5,420	0.5	2,710	$435	$1,178,850
2	DOCX submission of Utility Continuation/Divisional of an International Application.	192	1	192	0.5	96	435	41,760
3	DOCX submission of Utility Continuation/Divisional Applications.	1,813	1	1,813	0.5	907	435	394,545
4	DOCX submission of Utility Continuation-in-Part Applications.	207	1	207	0.5	104	435	45,240
	Totals	7,632		7,632		3,817		1,660,395

[2] Ibid.

Estimated Total Annual Respondent Non-hourly Cost Burden: $49,588,160.

There are no maintenance costs, capital start-up costs, recordkeeping costs, or postage associated with this information collection. However, the USPTO estimates that the total annual (non-hour) cost burden for this information collection, in the form of filing fees) is $49,588,160. The USPTO expects the DOCX format adoption rate to steadily increase as the public more fully comprehends the nature of, and how to comply with, the format. Thus, the USPTO expects the number of respondents that will pay the non-DOCX filing surcharge fee to decrease by the first renewal of this collection. Additionally, the USPTO expects the frequency and amount of any extra review time to decrease as respondents become more comfortable with the DOCX filing process.

Filing Fees

The items with filing fees are listed in the table below.

TABLE 3—FILING FEE COSTS TO RESPONDENTS

Item No.	Fee code	Item	Estimated annual responses (a)	Amount (b)	Totals (a) × (b) = (c)
1–4	1054	Non-DOCX Filing Surcharge Fee (undiscounted entity)	102,095	$400	$40,838,000
1–4	2054	Non-DOCX Filing Surcharge Fee (small entity)	47,406	160	7,584,960
1–4	3054	Non-DOCX Filing Surcharge Fee (micro entity)	14,565	80	1,165,200
		Totals	164,066		49,588,160

Postage

There are no postage costs associated with items in this information collection. The actual submission of patent applications, and any postage cost burden, is covered by OMB control number 0651–0032 (Initial Patent Applications).

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected; and

(d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

All comments submitted in response to this notice are a matter of public record. USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be aware that the entire comment—including PII—may be made publicly available at any time. While you may ask in your comment to withhold PII from public view, USPTO cannot guarantee that it will be able to do so.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2023–11913 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–16–P

COMMISSION OF FINE ARTS

Notice of Meeting

Per 45 CFR chapter XXI 2102.3, the next meeting of the U.S. Commission of Fine Arts is scheduled for June 15, 2023, at 9:00 a.m. and will be held via online

videoconference. Items of discussion may include buildings, infrastructure, parks, memorials, and public art.

Draft agendas, the link to register for the online public meeting, and additional information regarding the Commission are available on our website: *www.cfa.gov.* Inquiries regarding the agenda, as well as any public testimony, should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address; by emailing *cfastaff@cfa.gov;* or by calling 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated: May 30, 2023 in Washington, DC.

Susan M. Raposa,

Technical Information Specialist.

[FR Doc. 2023–11906 Filed 6–5–23; 8:45 am]

BILLING CODE 6330–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2023–0025]

Lithium-Ion Battery Safety; Notice of Meeting and Request for Comments

AGENCY: Consumer Product Safety Commission.

ACTION: Announcement of public meeting and request for comments.

SUMMARY: The Consumer Product Safety Commission will be holding a meeting on lithium-ion battery safety, with a specific focus on fires occurring in e-bikes and other micro-mobility products as well as the fire risks that may arise with the growing consumer market for other products containing such batteries. We invite interested parties to participate in or attend the meeting. A remote viewing option will be available for registrants. We also invite interested parties to submit written comments related to the issues discussed in this notice.

DATES: The hybrid meeting will be held in person at CPSC's headquarters and remotely via webinar at 10 a.m. Eastern time on July 27, 2023, and will conclude that same day.

ADDRESSES: For those attending in person, the meeting will be held at the Commission's Hearing Room, 4th floor of the Bethesda Towers Building, 4330 East West Highway, Bethesda, MD 20814. All virtual attendees should pre-register for the webinar online at: *https://cpsc.webex.com/weblink/register/rafcc9fee7d4a7f3d2c8149be4d9436e2.* After registering, you will receive a confirmation email containing information about joining the webinar. In person attendees do not need to register for the hearing. Any individual interested in serving on a panel or making an oral presentation, virtually or in person, must register for the webinar and submit a request to make an oral presentation to the Office of the Secretary, along with an abstract of their expertise and the topic they propose to address, and such requests must be received no later than 5 p.m. Eastern on June 29, 2023. Interested persons should submit such requests by sending an email with their contact information as well as well as the abstract of their expertise and proposed topic to: *cpsc-os@cpsc.gov,* using the caption ''Lithium-Ion Battery Safety,'' or by mail or delivery to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, and all such requests must be received no later than 5 p.m. Eastern time on June 29, 2023. The Commission will accept written comments, as well, through August 21, 2023. You may submit written comments, identified by Docket No. CPSC–2023–0025, no later than August 21, 2023, by any of the following methods:

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

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

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

Docket: For access to the docket to read background documents or comments received, go to: *www.regulations.gov,* and insert the docket number, CPSC–2023–0025, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: For information about this meeting, contact Alberta E. Mills, Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, telephone: (301) 504–7479.

SUPPLEMENTARY INFORMATION:

I. Background

Lithium-ion batteries are used in a wide range of consumer products, including cell phones, laptops, power tools, and micromobility products such as hoverboards and e-bikes. In recent years, there has been a rise in the number of fires and other thermal events involving micromobility products—including e-scooters, self-balancing scooters (often referred to as hoverboards), e-bicycles, and e-unicycles.

From January 1, 2021, through November 28, 2022, CPSC received reports of at least 208 fire or overheating incidents involving micromobility devices, in 39 states. These incidents resulted in at least 19 fatalities, including 5 deaths associated with e-scooters, 11 with hoverboards, and 3 with e-bikes. CPSC also received reports of at least 22 injuries that resulted in emergency department visits, with 12 of the injuries involving e-scooters and 10 of them involving e-bikes.

In December 2022, CPSC staff wrote to a broad swath of the micromobility industry, urging the recipients to ensure that the micromobility devices for consumer use that they manufacture, import, distribute, or sell in the United States have been designed, manufactured, and certified for compliance with the applicable consensus U.S. safety standards. In the letter, staff noted that ''[m]anufacturing these products in compliance with the applicable UL standards significantly reduces the risk of injuries and deaths from micromobility device fires,'' and made clear that ''[c]onsumers face an unreasonable risk of fire and risk serious injury or death if their micromobility devices do not meet the level of safety provided by the relevant UL standards.''

This letter was part of a long-standing effort at the Commission to reduce the risk of thermal events and fires involving lithium-ion batteries in consumer products. For more than a

decade, staff have been involved in incident investigations, product recalls, and voluntary standards activities to limit fire risk from cell phones, laptops, hoverboards, and a range of similar products. Most recently, in September 2020 Commission staff hosted a webinar forum on the safety of consumer micromobility products, in which stakeholders were brought together for a broadly-focused meeting to exchange information on enhancing the safety of three specific micromobility products: e-scooters, e-bikes, and hoverboards.

The Commission is holding this meeting to gather additional information from experts in battery safety, fire prevention, and other aspects of consumer product safety to further Commissioners' understanding of best practices for preventing lithium-ion battery fires in e-bikes and other micromobility products, as well as additional perspectives on how to prevent such fires in other products as lithium-ion batteries become more prevalent in the marketplace. As lithium-ion batteries are powering more and larger consumer products, the Commissioners are interested in learning about potential standards and designs for batteries, battery management systems, and consumer products that might limit the risk of thermal runaway and fire.

II. Topics for the Meeting

We have identified the following specific topics we would like panelists to address at the meeting:

1. Science of lithium-ion batteries and the relative fire risks posed by the batteries.

a. Which consumer products pose the highest likelihood of thermal runaway fire involving lithium-ion batteries?

b. How much do the size or capacity of the battery matter for the severity of fire, risk of injury or death, or extent of damage?

c. Are there other patterns across consumer products that predict whether a lithium-ion battery system is more or less prone to a serious fire?

2. Micromobility device fires—addressing the problem that is before us today.

a. With respect to e-bike fires, where in the products is the problem centered? Is the fault primarily with the design or manufacture of the bikes, or with the batteries specifically? How does the use of mismatched batteries or chargers factor in?

b. What are best practices for battery replacement as batteries or chargers reach their end of life in these products? What are best-practice product design considerations to enable safe replacements?

c. There are several voluntary standards for batteries and the systems that contain them. How successful are they in preventing fires? How successful are they at preventing the types of consumer modifications that could lead to fires?

d. Are there current third-party battery testing and certification programs in place? If so, are they sufficient?

3. Looking forward to emerging products.

a. Lithium-ion batteries are increasingly used to power home tools and equipment, such as lawnmowers, in addition to the laptops and cell phones they have been powering for years. Is it possible to stay ahead of the fire problem and address associated hazards through product design?

b. As the number of lithium-ion battery powered products has increased, we have seen the emergence of lithium-ion batteries that are not original equipment manufacturer (OEM) batteries. What can be done to ensure that these batteries are safe?

c. Large, higher capacity battery packs are being used in homes as backup/emergency power sources coupled with DC to AC inverters. These often use solar panels to keep them charged. Are there fire incidents or risks associated with use of these systems in homes?

CPSC will determine the presenters and order of the presentations once we confirm the number of panelists available for each topic area. We may combine, expand, or eliminate panel sessions, depending upon the level of interest. The final schedule will be announced on the Commission's website (*cpsc.gov*) before the meeting.

III. Details Regarding the Public Meeting

A. When and where will the meeting be held?

The hybrid meeting will be held at 10:00 a.m. on July 27, 2023, and conclude that same day. It will be held at the Commission's Bethesda Towers Hearing Room, 4th Floor, 4330 East-West Highway, Bethesda, MD 20814.

B. How can I register for the meeting?

If you would like to be a panelist or present information for a specific session of the meeting, you should register by June 29, 2023. (See the **ADDRESSES** section of this document for instructions on how to register.) We also ask that you submit a brief (less than 200 word) abstract of your topic and area of expertise. Staff will select panelists based on a variety of considerations, including: Whether the information to be presented has been received in previous open comment periods; the individual's familiarity or expertise with the topic to be discussed; the practical utility in the information to be presented; and the topic's relevance to the identified theme and topic area. Although an effort will be made to accommodate all persons who wish to be panelists, we expect to limit each panel session to no more than approximately five panelists. Therefore, the final number of panelists may be limited. We recommend that individuals and organizations with common interests consolidate or coordinate their panelist requests. To assist in making final panelist selections, staff may ask potential panelists to submit planned presentations in addition to the initial abstract. We plan to notify panelists of their selection by July 6, 2023.

If you wish to submit written comments for the record, you may do so before or after the meeting, as described in the **ADDRESSES** section of this notice. These written comments should be received by no later than August 21, 2023. Comments should focus on new information not submitted previously that is related to the topic areas listed above.

C. What will be the format of the meeting?

The meeting will begin with introductory statements from the CPSC Chair and Commissioners. Presentations covering topics listed above will follow. We expect potential presenters to speak for approximately 5–10 minutes each about their topic area. At the conclusion of the presentations, there will be a question, answer, and discussion session among the presenters and the Commission, limited to the topics discussed by the panelists. There may be more than one panel, depending on the level of interest and the number of speakers.

D. How can I receive updates about the meeting?

If we decide to cancel or change the meeting, an email will be sent to each registered participant who provides a valid email address when registering as described in the **ADDRESSES** section of this document. Updates will also be

posted on the Commission's website (*cpcs.gov*).

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2023–11981 Filed 6–5–23; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Board of Actuaries; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Notice of federal advisory committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the DoD Board of Actuaries will take place.

DATES: Open to the public Friday, July 14, 2023, from 10:00 a.m. to 1:00 p.m.

ADDRESSES: This meeting will be held virtually. For information regarding how to access the meeting, please contact Inger Pettygrove (703) 225–8803 or *Inger.m.pettygrove.civ@mail.mil* as soon as possible.

FOR FURTHER INFORMATION CONTACT: Inger Pettygrove, (703) 225–8803 (Voice), *inger.m.pettygrove.civ@mail.mil* (Email). Mailing address is Defense Human Resources Activity, DoD Office of the Actuary, 4800 Mark Center Drive, STE 03E25, Alexandria, VA 22350–8000. Website: *https://actuary.defense.gov/*. The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held in accordance with chapter 10 of title 5 United States Code (U.S.C.) (formerly known as the Federal Advisory Committee Act (FACA) (5 U.S.C., App.)). Under the provisions of the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The purpose of the meeting is for the Board to review DoD actuarial methods and assumptions to be used in the valuations of the Military Retirement Fund, the Voluntary Separation Incentive Fund, and the Education Benefits Fund in accordance with the provisions of Section 183, Section 2006, Chapter 74 (10 U.S.C. 1464 *et seq.*), and 10 U.S.C. 1175.

Agenda

Military Retirement Fund/VSI Fund

1. Recent and Proposed Legislation
2. Briefing on Investment Experience
3. September 30, 2022, Valuation of the Military Retirement Fund *
4. Proposed Methods and Assumptions for September 30, 2023, Valuation of the Military Retirement Fund *
5. Proposed Methods and Assumptions for September 30, 2022, VSI Fund Valuation *

Education Benefits Fund

1. Fund Overview
2. Briefing on Investment Experience
3. September 30, 2022, Valuation Proposed Economic Assumptions *
4. September 30, 2022, Valuation Proposed Methods and Assumptions—Reserve Programs *
5. September 30, 2022, Valuation Proposed Methods and Assumptions—Active Duty Programs *
6. Developments in Education Benefits

* Board approval required

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, this meeting is open to the public.

Written Statements: Persons desiring to attend the DoD Board of Actuaries meeting or make an oral presentation or submit a written statement for consideration at the meeting must notify Inger Pettygrove at (703) 225–8803, or *inger.m.pettygrove.civ@mail.mil,* by June 30, 2023.

Dated: June 1, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023–12066 Filed 6–5–23; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Uniform Formulary Beneficiary Advisory Panel; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Notice of federal advisory committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Uniform Formulary Beneficiary Advisory Panel (UFBAP) will take place.

DATES: Open to the public Wednesday, June 28, 2023, 10:00 a.m.–1:00 p.m. (Eastern Standard Time).

ADDRESSES: The meeting will be held telephonically or via conference call. The phone number for the remote access on June 28, 2023 is: CONUS: 1–800–369–2046; OCONUS: 1–203–827–7030; Participant Code: 8546285.

These numbers and the dial-in instructions will also be posted on the UFBAP website at: *https://www.health.mil/Military-Health-Topics/Access-Cost-Quality-and-Safety/Pharmacy-Operations/BAP.*

FOR FURTHER INFORMATION CONTACT: Designated Federal Official (DFO) Colonel Paul B. Carby, USA, 703–681–2890 (voice), *dha.ncr.j-6.mbx.baprequests@health.mil* (email). Mailing address is 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101. Website: *https://www.health.mil/Military-Health-Topics/Access-Cost-Quality-and-Safety/Pharmacy-Operations/BAP.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of chapter 10 of the United States Code (U.S.C.) (commonly known as the Federal Advisory Committee Act or FACA), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140.

Purpose of the Meeting: The Panel will review and comment on recommendations made to the Director, Defense Health Agency, by the Pharmacy and Therapeutics Committee, regarding the Uniform Formulary.

Agenda

1. 10:00 a.m.–10:10 a.m. Sign in for UFBAP members
2. 10:10 a.m.–10:40 a.m. Welcome and Opening Remarks
   a. Welcome, Opening Remarks, and Introduction of UFBAP Members by DFO, UFBAP
   b. Public Written Comments by DFO, UFBAP
   c. Opening Remarks by UFBAP Co-Chair
   d. Introductory Remarks by Chief, Formulary Management Branch
3. 10:40 a.m.–11:45 a.m. Scheduled Therapeutic Class Reviews
4. 1:45 a.m.–12:30 p.m. Newly Approved Drugs Review
5. 12:30 p.m.–12:45 p.m. Pertinent Utilization Management Issues
6. 12:45 p.m.–1:00 p.m. Closing Remarks
   a. Closing Remarks by UFBAP Co-Chair
   b. Closing Remarks by DFO, UFBAP

Meeting Accessibility: Pursuant to section 10(a)(1) of the FACA and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of phone lines, this meeting is open to the public. Telephone lines are limited and available to the first 220 people dialing in. There will be 220 lines total: 200 domestic and 20 international, including leader lines.

Written Statements: Pursuant to 41 CFR 102–3.140, and 3.150 and section 10(a)(3) of FACA, interested persons or organizations may submit written statements to the UFBAP about its mission and/or the agenda to be addressed in this public meeting. Written statements should be submitted to the UFBAP's DFO. The DFO's contact information can be found in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Written comments or statements must be received by the UFBAP's DFO at least five (5) calendar days prior to the meeting so they may be made available to the UFBAP for its consideration prior to the meeting. The DFO will review all submitted written statements and provide copies to UFBAP.

Dated: May 31, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023–11928 Filed 6–5–23; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2023–SCC–0035]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Migrant Education Program Regulations and Certificate of Eligibility

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before July 6, 2023.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link *www.reginfo.gov/public/do/PRAMain* to access the site. Find this information collection request (ICR) by selecting ''Department of Education'' under ''Currently Under Review,'' then check the ''Only Show ICR for Public Comment'' checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the ''View Information Collection (IC) List'' link. Supporting statements and other supporting documentation may be found by clicking on the ''View Supporting Statement and Other Documents'' link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Jessenia Guerra, (202) 453–7051.

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: Migrant Education Program Regulations and Certificate of Eligibility.

OMB Control Number: 1810–0662.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Individuals or households; State, local, and Tribal governments.

Total Estimated Number of Annual Responses: 108,458.

Total Estimated Number of Annual Burden Hours: 301,570.

Abstract: The U.S. Department of Education (the Department) requests an extension with an adjustment to the currently approved information collection OMB No. 1810–0662. This collection of information is necessary to collect information under the Title I, Part C Migrant Education Program (MEP). Sections 1301–1309 of Part C of Title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA), authorizes MEP. One can find regulations for MEP at 34 CFR 200.81–200.89. This information collection covers regulations with information collection requirements. These requirements pertain to information that State educational agencies (SEAs) must collect in order to properly administer the MEP.

Dated: June 1, 2023.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2023–12073 Filed 6–5–23; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Transformative Research in the Education Sciences and Using Longitudinal Data To Support State Education Policymaking Grant Programs

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2024 for the Education Research Grant Programs, Assistance Listing Numbers (ALNs) 84.305S and 84.305T. This notice relates to the approved information collection under OMB control number 4040–0001.

DATES:

Applications Available: June 8, 2023.

Deadline for Transmittal of Applications: August 17, 2023.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at *www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs.* Please note that these Common Instructions supersede the version published on December 27, 2021.

FOR FURTHER INFORMATION CONTACT: Dr. Erin Higgins for the Transformative Research in the Education Sciences grant program (EMAIL: *Erin.Higgins@ed.gov*) and Dr. Allen Ruby for the Using Longitudinal Data grant program (EMAIL: *Allen.Ruby@ed.gov*), Institute of Education Sciences, U.S. Department of Education, Potomac Center Plaza,

Room 4148, 550 12th Street SW, Washington, DC 20202.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: In awarding research grants, the Institute of Education Sciences (IES) intends to provide national leadership in expanding knowledge and understanding of (1) education outcomes for all learners from early childhood education through postsecondary and adult education, and (2) employment and wage outcomes when relevant (such as for those engaged in career and technical, postsecondary, or adult education). The IES research grant programs are designed to provide interested individuals and the general public with reliable and valid information about education practices that support learning and improve academic achievement and access to education opportunities for all learners. These interested individuals include parents, educators, learners, researchers, and policymakers. In carrying out its grant programs, IES provides support for programs of research in areas of demonstrated national need.

Competitions in This Notice:

The IES National Center for Education Research (NCER) is announcing two competitions—one competition in each of the following areas: using longitudinal data to support State education policymaking and transformative research in the education sciences.

Using Longitudinal Data to Support State Education Policymaking (ALN 84.305S). Under this competition, NCER will only consider applications that address State agencies' use of their State's education longitudinal data systems to identify and reduce opportunity and achievement gaps for learners from prekindergarten through adult education.

Transformative Research in the Education Sciences (ALN 84.305T). Through this program, IES seeks to support innovative and unconventional research that has the potential to make dramatic advances towards solving seemingly intractable problems and challenges in the education field and/or to accelerate the pace of conducting education research to facilitate major breakthroughs. For the FY 2024 competition, the Transformative Research in the Education Sciences grant program will have a special focus on accelerating learning and reducing persistent education inequities by leveraging evidence-based principles from the learning sciences with advanced technology to create high-reward, scalable solutions.

Exemption from Proposed Rulemaking: Under section 191 of the Education Sciences Reform Act, 20 U.S.C. 9581, IES is not subject to section 437(d) of the General Education Provisions Act, 20 U.S.C. 1232(d), and is therefore not required to offer interested parties the opportunity to comment on matters relating to grants.

Program Authority: 20 U.S.C. 9501 *et seq.*

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 77, 81, 82, 84, 86, 97, 98, and 99. In addition, the regulations in 34 CFR part 75 are applicable, except for the provisions in 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.109(a), 75.200, 75.201, 75.209, 75.210, 75.211, 75.217(a) through (c), 75.219, 75.220, 75.221, 75.222, 75.230, 75.250(a), and 75.708. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Note: The open licensing requirement in 2 CFR 3474.20 does not apply to these competitions.

II. Award Information

Types of Awards: Discretionary grants and cooperative agreements.

Fiscal Information: Although Congress has not yet enacted an appropriation for FY 2024, IES is inviting applications for these competitions now so that applicants can have adequate time to prepare their applications. The actual level of funding, if any, depends on final congressional action. IES may announce additional competitions later in 2023.

Estimated Range of Awards: For the Using Longitudinal Data to Support State Education Policymaking grant program, the estimated annual range per budget period is $100,000 to $333,333. For the Transformative Research in the Education Sciences grant program, the estimated annual range per budget period is $300,0000 to $1,250,000. The size of the awards will depend on the scope of the projects proposed.

Estimated Number of Awards: The number of awards made under each competition will depend on the quality of the applications received for that competition and the availability of funds.

For all competitions, contingent on the availability of funds and the quality of applications, we may make additional awards in FY 2025 from the list of highly rated unfunded applications submitted in response to FY 2024 competition announcements.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 3 years.

III. Eligibility Information

1. *Eligible Applicants:* For the Using Longitudinal Data to Support State Education Policymaking (ALN 84.305S) grant program, eligible applications must include the eligible State agency or State postsecondary system responsible for the education issue, program, or policy to be examined. Eligible State agencies include the State educational agency (SEA) responsible for the State's K–12 sector as well as other State agencies responsible for other specific education sectors such as prekindergarten, career and technical education, postsecondary education, and adult education. In addition, a State postsecondary system may serve as the eligible State agency. Eligible State agencies may apply alone, or in conjunction with research organizations such as universities and research firms, and/or with other appropriate organizations (such as other State agencies or local education agencies).

For the Transformative Research in the Education Sciences (ALN 84.305T) grant program, eligible applicants are organizations that have the demonstrated ability and capacity to conduct rigorous research and development. Eligible applicants include, but are not limited to, institutions of higher education and non-profit, for-profit, public, or private agencies.

2. a. *Cost Sharing or Matching:* The Using Longitudinal Data to Support State Education Policymaking (ALN 84.305S) grant program does not require cost sharing or matching.

The Transformative Research in the Education Sciences (ALN 84.305T) grant

program requires cost sharing or matching. For this program, by the beginning of Year 2, each grant recipient must secure matching funds in an amount equal to 10 percent of the total funds provided under the grant in the form of cash or in-kind contributions. Continuation funding in Years 2 and 3 will be contingent upon the establishment of a cost sharing agreement and the inclusion of a revised budget and budget narrative that includes cost sharing funds in the first-year annual report. The cost sharing partner must be an organization that has experience developing and scaling technology products.

b. *Indirect Cost Rate Information:* These programs use an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *www2.ed.gov/about/offices/list/ocfo/intro.html.*

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c) a grantee under these competitions may award subgrants—to directly carry out project activities described in its application—to the following types of entities: nonprofit and for-profit organizations and public and private agencies and institutions of higher education. The grantee may award subgrants to entities it has identified in an approved application.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at *https://www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs,* which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on December 27, 2021.

2. *Other Information:* Information regarding program and application requirements for the competitions will be contained in the currently available IES Application Submission Guide and in the NCER Request for Applications (RFA)s, which will be available on or before June 8, 2023, on the IES website at: *https://ies.ed.gov/funding/.* The application packages for these competitions will also be available on or before June 8, 2023.

3. *Content and Form of Application Submission:* Requirements concerning the content of an application are contained in the RFA for the specific competition. The forms that must be submitted are in the application package for the specific competition.

4. *Submission Dates and Times:* The deadline date for transmittal of applications is August 17, 2023.

We do not consider an application that does not comply with the deadline requirements.

5. *Intergovernmental Review:* These competitions are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

6. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

V. Application Review Information

1. *Selection Criteria:* For all of its grant competitions, IES uses selection criteria based on a peer review process that has been approved by the National Board for Education Sciences. The Peer Review Procedures for Grant Applications can be found on the IES website at *https://ies.ed.gov/director/sro/peer_review/application_review.asp.*

For the 84.305S competition, peer reviewers will evaluate the significance of the application, the quality of the research plan, the applicability and availability of the data to be analyzed, and the quality of the plans to disseminate and use the findings in State decision-making. These criteria are described in greater detail in the RFA.

For the 84.305T competition, peer reviewers will evaluate the significance of the transformative solution, research approach, deliverables and metrics plan, personnel, resources, and dissemination.

For all IES competitions, applications must include budgets no higher than the relevant maximum award as set out in the relevant RFA. IES will not make an award exceeding the maximum award amount as set out in the relevant RFA.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, IES may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, compliance with the IES policy regarding public access to research, and compliance with grant conditions. IES may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, IES also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under these competitions, the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, IES may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under these competitions to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice

inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Grant Administration:* Applicants should budget for an annual meeting of up to three days for project directors to be held in Washington, DC.

4. *Reporting:* (a) If you apply for a grant under one of the competitions announced in this notice, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by IES. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by IES under 34 CFR 75.118. IES may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* To evaluate the overall success of its education research grant programs, IES annually assesses the percentage of projects that result in peer-reviewed publications and the number of IES-supported interventions with evidence of efficacy in improving learner education outcomes. School readiness outcomes include pre-reading, reading, pre-writing, early mathematics, early science, and social-emotional skills that prepare young children for school. Student academic outcomes include learning and achievement in academic content areas, such as reading, writing, math, and science, as well as outcomes that reflect students' successful progression through the education system, such as course and grade completion; high school graduation; and postsecondary enrollment, progress, and completion. Social and behavioral competencies include social and emotional skills, attitudes, and behaviors that are important to academic and post-academic success. Employment and earnings outcomes include hours of employment, job stability, and wages and benefits, and may be measured in addition to student academic outcomes.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, IES considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; whether a grantee is in compliance with the IES policy regarding public access to research; and if IES has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, IES also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the relevant program contact person listed in **FOR FURTHER INFORMATION CONTACT**, as well as in the relevant RFA and application package, individuals with disabilities can obtain this document and a copy of the RFA in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Mark Schneider,

Director, Institute of Education Sciences.

[FR Doc. 2023–11915 Filed 6–5–23; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Addition of Property for the Kansas City Plant Facilities

AGENCY: National Nuclear Security Administration (NNSA), U.S. Department of Energy (DOE).

ACTION: Notice of addition of property for the Kansas National Security Campus (KCNSC) (Formerly Kansas City Plant) Facilities.

SUMMARY: Notice is hereby given that the U.S. Department of Energy, pursuant to the Atomic Energy Act of 1954, as amended, prohibits the unauthorized entry and the unauthorized introduction of weapons or dangerous materials into or upon the facilities of the KCNSC (formerly Kansas City Plant) of the United States Department of Energy, National Nuclear Security

Administration. The facilities are described in this notice.

DATES: This action is effective on June 6, 2023.

FOR FURTHER INFORMATION CONTACT:

Laurel I. Fetterer, Officially Designated Federal Security Authority (ODFSA), NNSA Kansas City Plant, 14520 Botts Road, Kansas City, MO 64147, Telephone: (816) 488–5109, Facsimile: (816) 488–3718, *Laurel.Fetterer@nnsa.doe.gov.*

Albert N. Guarino, Consultant Counsel, NNSA Kansas City Plant, 14520 Botts Road, Kansas City, MO 64147, Telephone: (816) 488–3344, Facsimile: (816) 488–3718, *Albert.Guarino@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: Public notice of the section 229 boundary of the Kansas City Plant was initially made in the **Federal Register** notice published October 19, 1965 (30 FR 13290). The boundary was revised on November 25, 1983 (48 FR 56822–568224). The boundary was again revised on October 26, 2012 (77 FR 65376).

Pursuant to section 229 of the Atomic Energy Act, as implemented by DOE regulations at 10 CFR part 860 (28 FR 8400, Aug. 26, 1963), the following additions to the existing boundary are made: add to the existing 229 Boundary the tracts which comprise the U.S. Department of Energy, National Nuclear Security Administration, Kansas City National Security Campus (formerly Kansas City Plant operating area). The additions are described in further detail in the paragraphs that follow. DOE regulations prohibit the unauthorized entry (10 CFR 860.3) and the unauthorized introduction of weapons or dangerous materials (10 CFR 860.4) into or upon the facilities.

Property Description

Building 20 (KCNSC South)

15431 Andrews Rd., Kansas City, Jackson County, MO—Building and parking for KCNSC South Building and parking—Building and parking for KCNSC South Building Legal Description: SEC–34 TWP–47 RNG–33 PT SE + & PT SW + SEC 35 TWP–47 RNG–33 DAF: BEG SE COR SE + TH N 03 DEG 35 MIN 08 SEC E 49.89′ TH N 86 DEG 23 MIN 24 SEC W 305.54′ TO TRU POB TH N 33 DEG 38 MIN 06 SEC E 156.59′ TH N 38 DEG 16 MIN 11 SEC E 85.59′ TH N 54 DEG 07 MIN 48 SEC E 73.49' TH N 74 DEG 58 MIN 14 SEC E 80.48' TH S 88 DEG 32 MIN 58 SEC E 28.96' TH N 43 DEG 57 MIN 19 SEC W 65.50' TH N 46 DEG 04 MIN 57 SEC W 403.67′ TH S 43 DEG 57 MIN 21 SEC W 774.36′ TH S 86 DEG 21 MIN 47 SEC E 478.06′ TO TRU POB containing 5.19 acres.

Building 21 (KCNSC West)

6700 W 115th Street, Overland Park, Johnson County, KS—Building and parking for KCNSC West Building—Legal Description: OVERLAND PARK PLAZA II PT LT 4LYING WITHIN IND CR SD BLK 3 OPC 423 3 41 containing 6.44 Acres.

Building 22 (KCNSC North)

9221 Ward Parkway, Ward Parkway Office Park Kansas City, Jackson County, MO—Building and parking for KCNSC North Building Legal Description: ALL BLKS 3 & 4 EXC SELY 15 FT OF SD BLK 4, Jackson County APN: JA48410064700000000.

Building 23 (KCNSC East)

14901 Andrews Road, Kansas City, Jackson County, MO—Legal Description: Lot 1, CENTERPOINT INTERMODAL CENTER THIRD PLAT, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, recorded June 24, 2015, as Document No. 2015E0054260, in Plat Book 49 at Page 74, lying above the top of the Winterset Ledge of Limestone Rock.

TA–193

18829 S Mullen Rd., Belton, Cass County, MO—Legal Description: All that land as described in the Judgement Upon Declaration of taking, Civil Action N. 9644 as recorded in Book 400 at Page 173 in the recorder of Deeds office, Cass County, Missouri, which describes land as it now exists in its entirety under title to the United states of America, being more particularly described as follows: BEGINNING at a point common to the South-east corner of Section 25 and the Northeast corner of section 36, all in Township 46 North, Range 33 West, Cass County, Missouri, thence South 265.73 feet along the East line of the Northeast one-quarter of said section 36; thence North 88°26′35″ West, 2624.53 feet along the South line of the North 16 acres of the Northeast one-quarter of said Section 36 to the South-west corner of said North 16 acres; thence North 00°18′24″ East, 265.70 feet to the Southwest corner of the Southeast one-quarter of said Section 25, Township 46 North, Range 33 West; thence North 00°12′48″ East 1327.38 feet along the West line of said Southeast one-quarter to the Southeast corner of the Northeast one-quarter of the Southwest one-quarter of said Section 25; thence North 88°11′15″ West 1304.17′ (measured) along the South line of said Northeast one-quarter of said Southwest one-quarter to a ½″ inside diameter pipe with a 60 pwt. Nail inside found in place at the South-west corner of the Northeast one-quarter of said Southwest one-quarter; thence North 00°17′33″ East along the West line of said Northeast one-quarter, said line also being the East line of ''BROWN ACRES'' according to the recorded plat thereof, recorded in Book 3 at Page 23 a distance of 1322.89 feet to the Northeast corner of said ''BROWN ACRES'' said point also referred to as the Northwest corner of said Northeast one-quarter of said Southwest one-quarter; thence along the North line of said Northeast one-quarter South 88°22′58″ East, 1302.22 feet (measured) to a ½″ inside diameter pipe with a ⅜″ rebar inside, found in place at the center of said Section 25, Township 46 North, Range 33 West; thence North 00°14′11″ East, 333.55 feet to the Northwest corner of the South 10 acres of the Southwest one-quarter of the Northeast one-quarter; thence South 88°18′47″ East, 1306.01 feet to the Northeast corner of said South 10 acres; thence South 00°07′04″ West, 333.57 feet along the East line of said Southwest one-quarter to the Southeast corner thereof; thence South 88°18′47″ East 1306.68 feet to the Northeast corner of the Southeast one-quarter of said Section 25; thence South, 2649.07 feet to the Southeast corner there-of, also being the point of beginning of the herein described tract. Less the East 30.00 feet being used for country road right-of-way. CONTAINS: 224.973 acres Gross. Less 22.008 acres for road right-of-way = 222.965 acres Net.

This revised boundary is in addition to the property description contained in the **Federal Register** notice published October 19, 1965 (30 FR 13290), revised on November 25, 1983 (48 FR 56822–56824), and again revised on October 26, 2012 (77 FR 65376). Addition of the Kirtland Operations operating area property does not terminate the prior Kansas City Plant section 229 listing.

Signing Authority

This document of the Department of Energy was signed on June 1, 2023, by Laurel I. Fetterer, Officially Designated Federal Security Authority (ODFSA), NNSA Kansas City Plant, 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 June 1, 2023.

Treena V. Garrett,

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

[FR Doc. 2023–11995 Filed 6–5–23; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP23–131–000]

East Tennessee Natural Gas, LLC; Notice of Schedule for the Preparation of an Environmental Assessment for the System Alignment Program Project

On March 31, 2023, East Tennessee Natural Gas, LLC (East Tennessee) filed an application in Docket No. CP23–131–000 requesting a Certificate of Public Convenience and Necessity pursuant to section 7(c) and Authorization pursuant to section 7(b) of the Natural Gas Act to replace, construct, and operate certain natural gas pipeline facilities in Tennessee, North Carolina, and Virginia. The proposed project is known as the System Alignment Program Project (Project). East Tennessee states that the Project would improve the operational reliability of East Tennessee's system by minimizing the amount of displacement in the system design to meet customers' shifting needs.

On April 14, 2023, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's environmental document for the Project.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the Project and the planned schedule for the completion of the environmental review.[1]

Schedule for Environmental Review

Issuance of EA	November 17, 2023
90-day Federal Authorization Decision Deadline[2]	February 15, 2024

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

East Tennessee would construct approximately 16.1 miles of 24-inch-diameter pipeline loop (Boyds Creek Loop) adjacent to its existing 16-inch-diameter pipeline in Knox and Sevier Counties, Tennessee; a new 6,000-horsepower compressor station (the Talbot Compressor Station) in Jefferson County, Tennessee; a new 19,000-horsepower compressor station in Rockingham County, North Carolina (the Draper Compressor Station); and ancillary facilities in Knox County and Sevier Counties, Tennessee and Washington and Wythe Counties, Virginia. East Tennessee would also replace approximately 6.4 miles of 8-inch-diameter pipeline with new 24-inch-diameter pipeline within its existing right-of-way in Washington County, Virginia and complete a hydrotest of an approximately 1.2 mile-segment of existing pipeline in Patrick County, Virginia.

Background

On October 19, 2022, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Planned System Alignment Program Project* (Notice of Scoping). The Notice of Scoping was issued during the pre-filing review of the Project in Docket No. PF22–8–000 and was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the Notice of Scoping, the Commission received comments from the North Carolina Department of Natural and Cultural Resources, Choctaw Nation of Oklahoma, U.S. Department of the Interior Bureau of Indian Affairs, State of Tennessee Department of Environment and Conservation: Division of Air Pollution Control, Commonwealth of Virginia Department of Conservation and Recreation, Environmental Protection Agency, Appalachian Voices, Teamsters National Pipeline Labor, Quapaw Nation, North Carolina Department of Environmental Quality, Tennessee Department of Environment and Conservation: Division of Water Resources, Virginia Department of Environmental Quality, and fifteen landowners. The primary issues raised by the commenters are impacts on cultural and natural resources; incomplete tribal consultations, worker trainings, and permitting; potential groundwater contamination; potential air and noise pollution; and impacts on landowner property. All substantive comments will be addressed in the EA. No cooperating agencies are involved in the preparation of this EA.

Additional Information

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov*.

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP23–131), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov*. The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

[1] 40 CFR 1501.10 (2020).

[2] The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

Dated: May 30, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–11938 Filed 6–5–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER23–1983–000]

MFT Energy US Power LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of MFT Energy US Power LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 20, 2023.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: May 31, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–12035 Filed 6–5–23; 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: RP23–797–000.

Applicants: Sabal Trail Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate—Seminole Electric K850037 to be effective 6/1/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5029.

Comment Date: 5 p.m. ET 6/12/23.

Docket Numbers: RP23–798–000.

Applicants: Kinder Morgan Louisiana Pipeline LLC.

Description: § 4(d) Rate Filing: Periodic Rate Adjustment—Fuel and L&U Retention Percentages July 2023 to be effective 7/1/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5047.

Comment Date: 5 p.m. ET 6/12/23.

Docket Numbers: RP23–799–000.

Applicants: Sea Robin Pipeline Company, LLC.

Description: § 4(d) Rate Filing: 5–31–23 Fuel Tracker to be effective 7/1/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5053.

Comment Date: 5 p.m. ET 6/12/23.

Docket Numbers: RP23–800–000.

Applicants: Viking Gas Transmission Company.

Description: § 4(d) Rate Filing: Interim Fuel and Losses Retention Adjustment to be effective 7/1/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5063.

Comment Date: 5 p.m. ET 6/12/23.

Docket Numbers: RP23–801–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agmt Update (Conoco—June 23) to be effective 6/1/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5107.

Comment Date: 5 p.m. ET 6/12/23.

Docket Numbers: RP23–802–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Hartree June 2023) to be effective 6/1/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5128.

Comment Date: 5 p.m. ET 6/12/23.

Docket Numbers: RP23–803–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20230531 Negotiated Rate to be effective 6/1/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5139.

Comment Date: 5 p.m. ET 6/12/23.

Docket Numbers: RP23–804–000.

Applicants: Rockies Express Pipeline LLC.

Description: § 4(d) Rate Filing: REX 2023–05–31 Negotiated Rate Agreements to be effective 6/1/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5162.

Comment Date: 5 p.m. ET 6/12/23.

Docket Numbers: RP23–805–000.

Applicants: Ruby Pipeline, L.L.C.

Description: § 4(d) Rate Filing: RP 2023–05–31 Negotiated Rate Agreement to be effective 7/1/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5167.

Comment Date: 5 p.m. ET 6/12/23.

Docket Numbers: RP23–806–000.

Applicants: Southern Star Central Gas Pipeline, Inc.

Description: § 4(d) Rate Filing: Vol. 2—Negotiated Rate Agreement—Tenaska FTS–P to be effective 6/1/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5216.

Comment Date: 5 p.m. ET 6/12/23.

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.

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: May 31, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–12032 Filed 6–5–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER23–2001–000]

Sagebrush ESS II, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Sagebrush ESS II, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 20, 2023.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *https://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: May 31, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–12025 Filed 6–5–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Docket No. ER23–1973–000]

BE-Pine 1 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of BE-Pine 1 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 20, 2023.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *https://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*https://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: May 31, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–12023 Filed 6–5–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP23–483–000]

Southern Star Central Gas Pipeline, Inc.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on May 22, 2023, Southern Star Central Gas Pipeline, Inc. (Southern Star), 4700 State Route 56, Owensboro, Kentucky 42301, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA), and Southern Star's blanket certificate issued in Docket No. CP82–479–000, for authorization to increase the maximum allowable operating pressure (MAOP) on its Questar Skull Creek Interconnect to 1,480 pounds per square inch gauge (psig) and to install and upgrade related auxiliary equipment, all located in Sweetwater County, Wyoming (Questar Skull Creek Interconnect Project). Southern Star's Questar Skull Creek Interconnect is a bi-directional interconnect consisting of approximately 60 feet of a 10-inch-diameter pipeline lateral connecting to MountainWest Pipeline LLC (MountainWest).

The current MAOP of the Questar Skull Creek Interconnect is 960 psig and the MAOP of the MountainWest pipeline is 1,250 psig. Southern Star states that it is dependent on MountainWest to provide sufficient over pressure protection. Southern Star asserts that the proposed MAOP increase to 1,480 psig will address the discrepancy between MountainWest's and Southern Star's facilities, give Southern Star full operational pressure control at the Questar Skull Creek Interconnect, and ensure compliance with Department of Transportation regulations. Southern Star states that the proposed project will not increase operating pressure or the MAOP on Southern Star's downstream Line WK. Southern Star asserts that no increased capacity is expected to occur from the MAOP increase of the Questar Skull Creek Interconnect. Southern Star estimates the cost of the Questar Skull Creek Interconnect Project to be approximately $1.2 million, 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*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room. For assistance, contact the Federal Energy Regulatory Commission at *FercOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY (202) 502–8659.

Any questions concerning this request should be directed to Cindy Thompson, Director, Regulatory, Compliance & Information Governance, Southern Star Central Gas Pipeline, Inc., 4700 State Route 56, Owensboro, Kentucky 42301, by phone at (270) 852–4655, or by email at *cindy.thompson@southernstar.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on July 30, 2023. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202)502–6595 or *OPP@ferc.gov.*

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is July 30, 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 [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is July 30, 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.*

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.

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

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 July 30, 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 CP23–483–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [6]

(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 CP23–483–000.

To file via USPS: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Cindy Thompson, Director, Regulatory, Compliance & Information Governance, Southern Star Central Gas Pipeline, Inc., 4700 State Route 56, Owensboro, Kentucky 42301, or by email at *cindy.thompson@southernstar.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: May 31, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–12079 Filed 6–5–23; 8:45 am]

BILLING CODE 6717–01–P

[6] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14876–001]

Western Minnesota Municipal Power Agency; Notice of Surrender of Preliminary Permit

Take notice that Western Minnesota Municipal Power Agency, permittee for the proposed Gregory County Pumped Storage Project, has requested that its preliminary permit be terminated. The permit was issued on September 7, 2018,[1] granted an extension on August 18, 2021,[2] and would have expired on August 31, 2025. The project would have been located at the U.S. Army Corps of Engineers' Lake Francis Case on the Missouri River in Gregory and Charles Mix Counties, South Dakota.

The preliminary permit for Project No. 14876 will remain in effect until the close of business, June 30, 2023. But, if the Commission is closed on this day, then the permit remains in effect until the close of business on the next day in which the Commission is open.[3] New applications for this site may not be submitted until after the permit surrender is effective.

Dated: May 31, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–12081 Filed 6–5–23; 8:45 am]

BILLING CODE 6717–01–P

[1] 164 FERC ¶ 62,133 (2018).

[2] 176 FERC ¶ 62,085 (2021).

[3] 18 CFR 385.2007(a)(2) (2022).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7186–054]

Missisquoi, LLC; Notice of Scoping Meetings and Environmental Site Review and Soliciting Scoping Comments

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.:* 7186–054.

c. *Date Filed:* September 30, 2022.

d. *Applicant:* Missisquoi, LLC (Missisquoi).

e. *Name of Project:* Sheldon Springs Hydroelectric Project.

f. *Location:* On the Missisquoi River in Franklin County, Vermont.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Kevin Webb, Licensing Manager, Missisquoi, LLC, 670 N Commercial St., Suite 204, Manchester, NH 03101; Phone at (978) 935–6039, or email at *kwebb@centralriverspower.com.*

i. *FERC Contact:* Arash Barsari at (202) 502–6207, or *Arash.JalaliBarsari@ferc.gov.*

j. *Deadline for filing scoping comments:* July 27, 2023.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of

electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Sheldon Springs Hydroelectric Project (P–7186–054).

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. This application is not ready for environmental analysis at this time.

l. *Project Description:* The existing project consists of: (1) a 286-foot-long, 35.5-foot-high concrete Ambursen-type buttress dam that includes a 262-footlong spillway section with a 2-foot-high flashboards and a crest elevation of 328.8 feet National Geodetic Vertical Datum of 1929 (NGVD 29) at the top of the flashboards; (2) an impoundment with a surface area of 175 acres at an elevation of 328.8 feet NGVD 29; (3) a Main Powerhouse that contains two 10.25-megawatt (MW) vertical Kaplan turbine-generator units (Units 1 and 2), for a total installed capacity of 20.5 MW; (4) a South Mill Powerhouse that contains a 1-MW Francis turbine-generator unit (Unit 3); (5) a Grinder Room Powerhouse that contains two 1.65-MW Francis turbine-generator units (Units 4 and 5), for a total installed capacity of 3.3 MW; (6) a 0.165-MW Kaplan turbine-generator; (7) two transmission lines; and (8) appurtenant facilities. The project creates an approximately 4,700-foot-long bypassed reach of the Missisquoi River.

Recreation facilities at the project include: (1) a canoe take-out area that is located approximately 2,200 feet upstream of the dam on the northern shore of the impoundment; (2) a picnic area with three picnic tables, a seasonal restroom, an informational kiosk, and a parking area that is located immediately downstream of the dam on the western bank of the bypassed reach; (3) a whitewater put-in area that is located approximately 400 feet downstream of the dam on the western shore of the bypassed reach; (4) a picnic area with a picnic table and a fire pit that is located approximately 1,000 feet downstream of the dam on the southern shore of the bypassed reach; (5) a whitewater take-out area that is located approximately 300 feet upstream of the tailrace of the Grinder Room Powerhouse; and (6) a put-in/take-out area adjacent to the Main Powerhouse tailrace.

Missisquoi voluntarily operates the project in a run-of-river mode, such that outflow from the project approximates inflow. The minimum and maximum hydraulic capacities of the Main Powerhouse are 300 and 2,612 cubic feet per second (cfs), respectively. The minimum and maximum hydraulic capacities of the South Mill Powerhouse are 112 and 260 cfs, respectively. The minimum and maximum hydraulic capacities of the Grinder Room Powerhouse are 160 and 400 cfs, respectively. The 0.165-MW turbine-generator is only capable of operating at 70 cfs. The average annual energy production of the project from 2010 through 2020 was 69,277 megawatt-hours.

For the purpose of protecting aquatic resources, Article 35 of the current license requires Missisquoi to release: (1) a minimum flow of 70 cfs or inflow, whichever is less, to the bypassed reach; (2) a minimum flow of 270 cfs or inflow, whichever is less, as measured immediately below the tailrace of the South Mill Powerhouse; and (3) a minimum flow of 285 cfs or inflow, whichever is less, as measured immediately below the tailrace of the Main Powerhouse.

For recreational purposes at the project, the current license requires Missisquoi to: (1) provide boat access and take-out facilities below the dam and upstream of the Main Powerhouse tailrace, respectively; (2) provide a 24-hour telephone message service regarding flow conditions at the dam; (3) cooperate with paddling groups to determine the optimum flows for boats, and provide the optimum flows for a maximum of 6 scheduled weekend days per year up to a maximum of 200,000,000 cubic feet of whitewater releases each year; and (4) allow year-round access for paddlers regardless of whether whitewater flows are being released.

Missisquoi proposes to: (1) revise the project boundary to include an approximately 400-foot-long path from the canoe take-out site to Shawville Road; (2) revise the project boundary to include a portion of the Heather Lane from its intersection with Shawville Road to approximately 50 feet north of a non-project Solar Farm, as part of the canoe portage route; (3) continue to operate the project in a run-of-river mode; (4) continue to provide a minimum flow of 70 cfs or inflow, whichever is less, from the dam into the bypassed reach; (5) release a minimum flow of 285 cfs downstream of the South Mill Powerhouse tailrace or inflow, whichever is less; (6) implement an impoundment refill procedure, in the event of a drawdown of the impoundment, whereby 90 percent of inflow is passed downstream and 10 percent of inflow is used to refill the impoundment; (7) release approximately 13 cfs or inflow, whichever is less, over the spillway flashboard crest to provide an aesthetic veil of flow over the dam, from 7:00 a.m. to 8:00 p.m. from May 1 to October 31; (8) develop an operation compliance monitoring plan; (9) acquire property rights of a land associated with the 400-foot-long path from the canoe take-out site to Shawville Road; (10) remount the sign upstream of the boater exclusion cable, which says ''Danger Dam Ahead—Portage Here'' to be more visible from the river; (11) provide a two-car parking area along Heather Lane approximately 400 feet southeast of the Main Powerhouse for the put-in/take-out area adjacent to the Main Powerhouse tailrace; (12) improve the existing whitewater put-in area by rearranging existing boulders to provide a stepped approach to the river in coordination with Vermont Division of Historic Preservation; (13) relocate the existing whitewater take-out area to a more gently sloped take-out immediately downstream of the existing location; (14) release whitewater flows from the project dam in consultation with the American Whitewater and Vermont Agency of Natural Resources; (15) ramp up and ramp down generation flows by 500 cfs per hour when providing whitewater flows; and (16) implement erosion control measures to protect cultural resources.

Missisquoi proposes to decommission Units 4 and 5, and remove the Grinder Room Powerhouse and associated facilities from the project boundary. Missisquoi proposes to file the following information related to the decommissioning by September 1, 2023: (1) an engineering assessment and historic structures assessment of the structures to be decommissioned; (2) a decommissioning plan; and (3) a revised single-line electrical diagram.

m. A copy of the application can be viewed on the Commission's website at *https://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the

document. For assistance, contact FERC Online Support.

You may also register 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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202)502–6595 or *OPP@ferc.gov*.

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 public scoping meetings to receive input on the scope of the environmental issues that should be analyzed in the NEPA document. The daytime meeting will focus on the concerns of resource agencies, non-governmental organizations (NGOs), and Indian tribes. The evening meeting will focus on receiving input from the public. All interested individuals, resource agencies, Indian tribes, and NGOs are invited to attend one or both of the meetings. The times and locations of these meetings are as follows:

Daytime Scoping Meeting

Date: Tuesday, June 27, 2023.

Time: 10:00 a.m. (EDT).

Place: Sheldon Elementary School, Gymnasium.

Address: 78 Poor Farm Road, Sheldon, VT 05483.

Evening Scoping Meeting

Date: Tuesday, June 27, 2023.

Time: 6:30 p.m. (EDT).

Place: Sheldon Elementary School, Gymnasium.

Address: 78 Poor Farm Road, Sheldon, VT 05483.

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 Review

The applicant and Commission staff will conduct an environmental site review of the project beginning at 1:00 p.m. on June 27, 2023. All interested individuals, agencies, tribes, and NGOs are invited to attend. All participants should meet at the parking area west of the project dam, which is located at 104 Upper Shipping Yard Road, Sheldon, Vermont 05483. All participants are responsible for their own transportation and must wear closed-toe shoes/boots for walking in uneven/sloped terrain around the project, and for entrance into the powerhouses during the site visit. If you plan to attend the environmental site review, please contact Ms. Miley Kinney of the Missisquoi, LLC at (603) 732–8162, or via email at *mkinney@patriothydro.com* on or before June 21, 2023.

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, Indian 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: May 30, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–11936 Filed 6–5–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP23–485–000]

Great Basin Gas Transmission Company; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on May 23, 2023, Great Basin Gas Transmission Company (Great Basin), P.O. Box 94197, Las Vegas, Nevada, 89193 filed in the above referenced docket, a prior notice request pursuant to sections 157.205, 157.208 and 157.212 of the Commission's regulations under the Natural Gas Act (NGA), and Great Basin's blanket certificate issued in Docket No. CP84–739–000, for authorization to install meter sets and appurtenant facilities within the Lovelock Compressor Station 6 Yard (Compressor Station) on both the inlet and outlet pipelines that run to and from Great Basin's H. G. Laub LNG Plant (LNG Plant). The new inlet meter set would include a 4-inch SICK Ultrasonic Meter, filter, and SCADA and the outlet meter set would include a 10-inch SICK Ultrasonic Meter, filter, and SCADA. All of the proposed facilities are located within the fenced Compressor Station yard in Pershing County, Nevada (LNG Meter Project). The meter sets would allow Great Lakes to monitor the amount of natural gas flowing into and out of the LNG Plant, which is located about 0.9 miles west of the Compressor Station site. The estimated cost for the project is $606,152.00 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*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's

Public Reference Room. For assistance, contact the Federal Energy Regulatory Commission at *FercOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY (202) 502–8659.

Any questions concerning this request should be directed to Frank Maglietti, Sr. Manager/Interstate Pipelines/Business Ops., Great Basin Gas Transmission Company, P.O. Box 94197, Las Vegas, Nevada 89193–4197, via phone at (702) 876–7384, or via email at *frank.maglietti@swgas.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on July 31, 2023. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is July 31, 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 [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is July 31, 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.*

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 July 31, 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 CP23–485–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [6]

(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 CP23–485–000.

To file via USPS: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other method: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Frank Maglietti, Sr. Manager/Interstate Pipelines/Business Ops., Great Basin Gas Transmission Company, P.O. Box 94197, Las Vegas, Nevada 89193–4197, or via email at *frank.maglietti@swgas.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.

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: May 31, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–12078 Filed 6–5–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL03–3–012]

Argus Media Inc.; Notice of Filing

Take notice that on May 30, 2023, Argus Media Inc. filed a formal application to the Federal Energy Regulatory Commission (Commission) for re-approval as a price index developer fully or substantially in compliance with the Commission's April 2022 *Actions Regarding the Commission's Policy on Price Index Formation and Transparency, and Indices Referenced in Natural Gas and Electric Tariffs (Revised Policy Statement).*[1]

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on June 12, 2023.

Dated: May 30, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–11934 Filed 6–5–23; 8:45 am]

BILLING CODE 6717–01–P

[1] 179 FERC ¶ 61,036 (2022).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD23–2–000]

North American Electric Reliability Corporation; Notice of Joint Technical Conference

Take notice that Federal Energy Regulatory Commission and North American Electric Reliability Corporation (NERC) staff will convene a technical conference in the above-referenced proceeding on August 10, 2023. The conference will be held in-person at NERC's headquarters at 3353 Peachtree Road NE, Suite 600, North Tower, Atlanta, GA 30326. Information on travelling to NERC's Atlanta office is available here: *https://nercstg.nerc.com/AboutNERC/Resource%20Documents/2021%20Atlanta%20Travel%20Guide.pdf.*

The purpose of this conference is to discuss physical security of the Bulk-Power System, including the adequacy of existing physical security controls, challenges, and solutions. The conference will be open for the public to attend, and there is no fee for attendance. Supplemental notice(s) will be issued prior to the technical conference with further details regarding the agenda and organization. Information on this technical conference will also be posted on the Calendar of Events on the Commission's website, *www.ferc.gov,* prior to the event.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov,* call toll-free (866) 208–3372 (voice) or (202) 208–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations. The conference will also be transcribed. Transcripts will be available for a fee from Ace Reporting, (202) 347–3700.

For more information about this technical conference, please contact Terrance Clingan at *Terrance.Clingan@ferc.gov* or (202) 502–8823. For information related to logistics, please contact Lonnie Ratliff at *Lonnie.Ratliff@nerc.net* or Sarah McKinley at *Sarah.McKinley@ferc.gov* or (202) 502–8004.

Dated: May 30, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–11937 Filed 6–5–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5596–020]

Town of Bedford, Virginia; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Terms and Conditions, and Fishway Prescriptions

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.:* 5596–020.

c. *Date filed:* April 30, 2021.

d. *Applicant:* Town of Bedford, Virginia (Town of Bedford).

e. *Name of Project:* Bedford Hydroelectric Project (Bedford Project or project).

f. *Location:* On the James River, near the Town of Bedford, in Bedford and Amherst counties, Virginia.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* James Rowlett, Electric Systems Engineer, Town of Bedford Electric Department, 877 Monroe Street, Bedford, Virginia 24523; (540) 587–6079 or *jrowlett@bedfordva.gov;* and Joe Peterson, Hydro Plant Engineer, Town of Bedford Electric Department, 877 Monroe Street, Bedford, Virginia 24523; (540) 587–6071 or *JPeterson@bedfordva.gov.*

i. *FERC Contact:* Andy Bernick at (202) 502–8660, or *andrew.bernick@ferc.gov.*

j. *Deadline for filing motions to intervene and protests, comments, and final recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, and final recommendations, terms and conditions, and fishway prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Bedford Hydroelectric Project (P–5596–020).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

The Council on Environmental Quality (CEQ) issued a final rule on April 20, 2022, revising the regulations under 40 CFR parts 1502, 1507, and 1508 that federal agencies use to implement the National Environmental Policy Act (NEPA) (see National Environmental Policy Act Implementing Regulations Revisions, 87 FR 23,453–70). The final rule became effective on May 20, 2022. Commission staff intends to conduct its NEPA review in accordance with CEQ's new regulations.

l. The current Bedford Project license authorizes: (1) a 9- to 17-foot-high concrete gravity dam with a 1,680-foot-long concrete spillway; (2) a 57-acre impoundment with a storage capacity of 350 acre-feet at the normal maximum pool elevation of 627.7 feet North American Vertical Datum of 1988 (NAVD 88); (3) a 1,200-foot-long, 180-foot-wide, 16-foot-deep power canal; (4) a power canal headgate composed of three 21.6-foot-wide, 15.9-foot-high steel gates; (5) a 49.1-foot-wide, 29.47-foot-high steel trashrack with a clear bar spacing of 3.5 inches; (6) a 55-foot-long, 80-foot-wide powerhouse containing two 2.5-megawatt (MW) turbine-generator units with a total capacity of 5.0 MW; (7) a 1,640-foot-long service road; (8) a 65-foot-long, 120-foot-wide tailrace; (9) a 120-foot-long, 4-kilovolt (kV) underground transmission line connecting the generating units to one 4.16/23-kV, 5-megavolt-ampere step-up transformer; (10) a 2,800-foot-long, 23-kV transmission line; and (11) appurtenant facilities.

The project is operated in a run-of-river mode, whereby outflow from the project approximates inflow. The powerhouse is operated in an automatic control mode using water level transducers to maintain the normal impoundment elevation at 627.7 feet NAVD 88. The minimum and maximum hydraulic capacities of the project are 600 cubic feet per second (cfs) and 3,630 cfs, respectively. A continuous minimum flow of 150 cfs or inflow, whichever is less, is passed into the bypassed reach through four notches along the project's spillway. Flow in excess of the 150-cfs minimum flow requirement is provided to the project's power canal for power generation. Project operation ceases when inflow falls below the project's minimum hydraulic capacity and all flow is passed over the project's dam into the bypassed reach. The average annual generation is estimated to be 13,377 megawatt-hours.

The Town of Bedford proposes to continue operating the project in a run-of-river mode, with no changes to the existing operation. The Town of Bedford also proposes to: (1) construct a new 45-foot by 55-foot maintenance shed within a previously disturbed area north of the powerhouse; and (2) modify the project boundary to remove 54.7 acres (including a 2,800-foot-long transmission line authorized in the current license that the Town of Bedford contends is no longer part of the primary transmission system) and add 43.6 acres (to maintain the visual character of aesthetic resources within the current project boundary, including a Virginia scenic byway and an historic trail), for a total decrease of 11.1 acres.

m. A copy of the application 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. For assistance, contact FERC Online Support. At this time, the Commission has suspended access to the Commission's Public Reference Room. For assistance, contact FERC at *FERCOnllineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. 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, and .214. 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.

All filings must (1) bear in all capital letters the title ''PROTEST,'' ''MOTION TO INTERVENE,'' ''COMMENTS,''

''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''FISHWAY PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application 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 4.34(b) and 385.2010.

o. Procedural Schedule:

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of Comments, Recommendations, Terms and Conditions, and Fishway Prescriptions.	July 2023.
Filing of Reply Comments.	September 2023.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. The applicant must file no later than 60 days following the date of issuance of this notice: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification. Please note that the certification request must comply with 40 CFR 121.5(b), including documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request. Please also note that the certification request must be sent to the certifying authority and to the Commission concurrently.

r. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: May 31, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–12077 Filed 6–5–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15282–000]

White Rapids, LLC; Notice of Effectiveness of Withdrawal of Preliminary Permit Application

On July 6, 2022, White Rapids LLC (White Rapids) filed a preliminary permit application pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Slater Hydroelectric Project No. 15282 (Slater Project). On May 16, 2023, White Rapids filed a notice of withdrawal of its application.

No motion in opposition to the notice of withdrawal has been filed, and the Commission has taken no action to disallow the withdrawal. Pursuant to Rule 216(b) of the Commission's Rules of Practice and Procedure,[1] the withdrawal of the application became effective on May 31, 2023, and this proceeding is hereby terminated.[2]

Dated: May 31, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–12080 Filed 6–5–23; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.216(b) (2022).

[2] On January 17, 2023, New England Hydropower Company, LLC filed a notice of intent and pre-application document for the Ashton Dam Project No. 14634 as a competing application to the Slater Project application. Now that the Slater Project application is effectively withdrawn and the proceeding is terminated, the two applications are no longer in competition and any Commission regulations regarding competitive applications are no longer applicable.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC23–92–000.

Applicants: Midway-Sunset Cogeneration Company.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Midway-Sunset Cogeneration Company.

Filed Date: 5/30/23.

Accession Number: 20230530–5315.

Comment Date: 5 p.m. ET 7/31/23.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER23–974–001.

Applicants: Niagara Mohawk Power Corporation.

Description: Tariff Amendment: 2023–05–30 Deficiency Letter Response in Docket No. ER93–974 to be effective 4/1/2023.

Filed Date: 5/30/23.

Accession Number: 20230530–5279.

Comment Date: 5 p.m. ET 6/20/23.

Docket Numbers: ER23–1214–001.

Applicants: Stones DR, LLC.

Description: Tariff Amendment: Response to Request for Additional Information to be effective 3/3/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5207.

Comment Date: 5 p.m. ET 6/21/23.

Docket Numbers: ER23–1703–001.

Applicants: Stanton Battery Energy Storage, LLC.

Description: Tariff Amendment: Amendment to MBR Application for Market Based Rate Authority to be effective 6/5/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5055.

Comment Date: 5 p.m. ET 6/21/23.

Docket Numbers: ER23–1998–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of ISA, SA No. 6016, Queue No. B02 to be effective 5/31/2023.

Filed Date: 5/30/23.

Accession Number: 20230530–5217.

Comment Date: 5 p.m. ET 6/20/23.

Docket Numbers: ER23–1999–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of ISA, SA No. 4124 to be effective 5/31/2023.

Filed Date: 5/30/23.

Accession Number: 20230530–5225.
Comment Date: 5 p.m. ET 6/20/23.
Docket Numbers: ER23–2000–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Notice of Cancellation of ISA, SA No. 4120 to be effective 6/1/2023.
Filed Date: 5/30/23.
Accession Number: 20230530–5236.
Comment Date: 5 p.m. ET 6/20/23.
Docket Numbers: ER23–2001–000.
Applicants: Sagebrush ESS II, LLC.
Description: Baseline eTariff Filing: Market-Based Rate Application and Request for Expedited Action to be effective 7/30/2023.
Filed Date: 5/30/23.
Accession Number: 20230530–5242.
Comment Date: 5 p.m. ET 6/20/23.
Docket Numbers: ER23–2002–000.
Applicants: Southwestern Electric Power Company.
Description: § 205(d) Rate Filing: RS 127 Prescott Addendum to be effective 5/31/2023.
Filed Date: 5/30/23.
Accession Number: 20230530–5250.
Comment Date: 5 p.m. ET 6/20/23.
Docket Numbers: ER23–2003–000.
Applicants: Invenergy Nelson Expansion LLC.
Description: Initial rate filing: Filing of Reactive Power Rate Schedule to be effective 7/1/2023.
Filed Date: 5/31/23.
Accession Number: 20230531–5048.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2004–000.
Applicants: New York State Electric & Gas Corporation, New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: New York State Electric & Gas Corporation submits tariff filing per 35.13(a)(2)(iii: NYISO–NYSEG Joint 205: SGIA Clear View Solar Project (CEII) to be effective 5/16/2023.
Filed Date: 5/31/23.
Accession Number: 20230531–5079.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2005–000.
Applicants: Baconton Power LLC.
Description: Initial rate filing: Initial Rate Schedule FERC No. 2 to be effective 2/8/2023.
Filed Date: 5/31/23.
Accession Number: 20230531–5106.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2006–000.
Applicants: Baconton Power LLC.
Description: Tariff Amendment: Notice of Cancellation of FERC Rate Schedule No. 2 to be effective 5/25/2023.
Filed Date: 5/31/23.
Accession Number: 20230531–5157.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2007–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Cost Recovery Filing on Behalf of Sunflower Electric Power Corporation to be effective 1/1/2024.
Filed Date: 5/31/23.
Accession Number: 20230531–5158.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2008–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: Initial rate filing: Alabama Power Company submits tariff filing per 35.12: Sparkleberry Solar Energy Center Affected System Upgrade Agreement Filing to be effective 5/16/2023.
Filed Date: 5/31/23.
Accession Number: 20230531–5169.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2009–000.
Applicants: Georgia Power Company.
Description: Initial rate filing: Sparkleberry Solar Affected System Upgrade Agreement Concurrence Filing to be effective 5/16/2023.
Filed Date: 5/31/23.
Accession Number: 20230531–5171.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2010–000.
Applicants: Mississippi Power Company.
Description: Initial rate filing: Sparkleberry Solar Affected System Upgrade Agreement Concurrence Filing to be effective 5/16/2023.
Filed Date: 5/31/23.
Accession Number: 20230531–5173.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2011–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 43 to be effective 7/31/2023.
Filed Date: 5/31/23.
Accession Number: 20230531–5203.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2012–000.
Applicants: DTE Electric Company.
Description: § 205(d) Rate Filing: DTE Electric Compliance Filing to be effective 4/1/2023.
Filed Date: 5/31/23.
Accession Number: 20230531–5223.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2013–000.
Applicants: Baconton Power LLC.
Description: Tariff Amendment: Notice of Cancellation of Rate Schedule 1—MBR Tariff to be effective 5/31/2023.
Filed Date: 5/31/23.
Accession Number: 20230531–5245.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2014–000.
Applicants: Northern Indiana Public Service Company LLC.
Description: § 205(d) Rate Filing: St John South CIAC to be effective 5/4/2023.
Filed Date: 5/31/23.
Accession Number: 20230531–5256.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2015–000.
Applicants: Crete Energy Venture, LLC.
Description: § 205(d) Rate Filing: Filing of Certificate of Concurrence to SFUA to be effective 12/31/9998.
Filed Date: 5/31/23.
Accession Number: 20230531–5270.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2016–000.
Applicants: Lincoln Generating Facility, LLC.
Description: § 205(d) Rate Filing: Filing of Certificate of Concurrence with SFUA to be effective 12/31/9998.
Filed Date: 5/31/23.
Accession Number: 20230531–5277.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2017–000.
Applicants: Gibson City Energy Center, LLC.
Description: § 205(d) Rate Filing: Filing of Certificate of Concurrence to SFUA to be effective 12/31/9998.
Filed Date: 5/31/23.
Accession Number: 20230531–5286.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2018–000.
Applicants: Shelby County Energy Center, LLC.
Description: § 205(d) Rate Filing: Filing of Certificate of Concurrence to SFUA to be effective 12/31/9998.
Filed Date: 5/31/23.
Accession Number: 20230531–5287.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2019–000.
Applicants: Tilton Energy LLC.
Description: § 205(d) Rate Filing: Filing of Certificate of Concurrence to SFUA to be effective 12/31/9998.
Filed Date: 5/31/23.
Accession Number: 20230531–5295.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2020–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2023–05–31 Market Parameters Enhancements to be effective 12/31/9998.
Filed Date: 5/31/23.
Accession Number: 20230531–5296.
Comment Date: 5 p.m. ET 6/21/23.
Docket Numbers: ER23–2021–000.
Applicants: Consolidated Edison Company of New York, Inc.

Description: § 205(d) Rate Filing: Modification Bulk Solicitation to be effective 6/1/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5298.

Comment Date: 5 p.m. ET 6/21/23.

Docket Numbers: ER23–2022–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of ISA, SA No. 2382 to be effective 6/1/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5301.

Comment Date: 5 p.m. ET 6/21/23.

Docket Numbers: ER23–2023–000.

Applicants: Buckeye Power, Inc., PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Buckeye Power, Inc. submits tariff filing per 35.13(a)(2)(iii: Revised SA No. 4753—NITSA Among PJM and Buckeye Power, Inc. to be effective 6/1/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5302.

Comment Date: 5 p.m. ET 6/21/23.

Docket Numbers: ER23–2024–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of ISA, SA No. 4123 to be effective 6/1/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5304.

Comment Date: 5 p.m. ET 6/21/23.

Docket Numbers: ER23–2025–000.

Applicants: New England Power Pool Participants Committee.

Description: § 205(d) Rate Filing: Jun 2023 Membership Filing to be effective 5/1/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5305.

Comment Date: 5 p.m. ET 6/21/23.

Docket Numbers: ER23–2026–000.

Applicants: Michigan Electric Transmission Company, LLC.

Description: § 205(d) Rate Filing: Amended and Restated—Blendon IFA to be effective 7/31/2023.

Filed Date: 5/31/23.

Accession Number: 20230531–5306.

Comment Date: 5 p.m. ET 6/21/23.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR23–2–000.

Applicants: North American Electric Reliability Corporation.

Description: North American Electric Reliability Corporation's Report of Comparisons of Budgeted to Actual Costs for 2022 for NERC and the Regional Entities.

Filed Date: 5/31/23.

Accession Number: 20230531–5120.

Comment Date: 5 p.m. ET 6/21/23.

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: May 31, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–12034 Filed 6–5–23; 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 Schedule for the Preparation of an Environmental Assessment for the Lucas and Pavonia Wells Abandonment Project

On March 2, 2023, Columbia Gas Transmission, LLC (Columbia) filed an application in Docket No. CP23–82–000 requesting an Authorization pursuant to section 7(b) of the Natural Gas Act to abandon certain natural gas pipeline facilities. The proposed project is known as the Lucas and Pavonia Wells Abandonment Project (Project), and would result in abandonment of 37 injection/withdrawal wells and associated pipelines and appurtenances at Columbia's existing certificated Lucas and Pavonia Storage Fields in Ashland and Richland Counties, Ohio.

On March 15, 2023, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's environmental document for the Project.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the Project and the planned schedule for the completion of the environmental review.[1]

Schedule for Environmental Review

Issuance of EA	September 8, 2023
90-day Federal Authorization Decision Deadline[2]	December 7, 2023

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

The Project would consist of the following facilities and activities in Ashland and Richland Counties, Ohio:

- 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.

Background

On April 14, 2023, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Lucas and Pavonia Wells Abandonment Project and Notice of Public Scoping Session* (Notice of Scoping). The Notice of Scoping was sent to affected landowners; federal, state, and local government agencies; elected officials; Native American tribes; other interested parties; and local libraries and newspapers. In response to the Notice of Scoping, the Commission received comments from the Ohio Farm Bureau Federation and one landowner. The

[1] 40 CFR 1501.10 (2020).

[2] The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

primary issues raised by the commenters concerned impacts of the Project on agricultural property and agricultural operations. All substantive environmental comments will be addressed in the EA.

Additional Information

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov*.

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP23–82), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: May 30, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–11933 Filed 6–5–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7189–015]

Green Lake Water Power Company; Notice of Intent To Prepare an Environmental Assessment

On March 31, 2022, Green Lake Water Power Company filed a relicense application for the 500-kilowatt Green Lake Hydroelectric Project No. 7189 (project). The project is located on Green Lake and Reeds Brook in Hancock County, Maine.

In accordance with the Commission's regulations, on March 23, 2023, Commission staff issued a notice that the project was ready for environmental analysis (REA Notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to relicense the project.

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA.	November 2023.[1]
Comments on EA	December 2023.

Any questions regarding this notice may be directed to Amanda Gill at (202) 502–6773 or *amanda.gill@ferc.gov.*

[1] The Council on Environmental Quality's (CEQ) regulations under 40 CFR 1501.10(b)(1) require that EAs be completed within 1 year of the federal action agency's decision to prepare an EA. This notice establishes the Commission's intent to prepare an EA for the Green Lake Hydroelectric Project. Therefore, in accordance with CEQ's regulations, the EA must be issued within 1 year of the issuance date of this notice.

Dated: May 31, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–12076 Filed 6–5–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7189–015]

Green Lake Water Power Company; Notice of Waiver Period for Water Quality Certification Application

On May 19, 2023, Green Lake Water Power Company submitted to the Federal Energy Regulatory Commission (Commission) a copy of its application for a Clean Water Act section 401(a)(1) water quality certification filed with the Maine Department of Environmental Protection (Maine DEP), in conjunction with the above captioned project. Pursuant to 40 CFR 121.6 and section 5.23(b) of the Commission's regulations,[1] we hereby notify the Maine DEP of the following:

Date of Receipt of the Certification Request: May 19, 2023.

Reasonable Period of Time to Act on the Certification Request: One year, May 19, 2024.

If Maine DEP fails or refuses to act on the water quality certification request on or before the above date, then the agency certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: May 31, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–12075 Filed 6–5–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD23–8–000]

Moulton Niguel Water District; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On May 23, 2023, Moulton Niguel Water District filed a notice of intent to

[1] 18 CFR 5.23(b).

construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA). The proposed Bridlewood Flow Control Facility Hydroelectric Energy Recovery Project would have an installed capacity of 224 kilowatts (kW), and would be located along the applicant's existing water supply system in Laguna Hills, Orange County, California.

Applicant Contact: Gregg Semler, InPipe Energy, 920 SW 6th Ave., 12th Floor, Portland, OR 97204, 503–341–0004, *gregg@inpipeenergy.com*.

FERC Contact: Christopher Chaney, 202–502–6778, *christopher.chaney@ferc.gov*.

Qualifying Conduit Hydropower Facility Description: The project would consist of: (1) two 112-kW Centrifugal pump as turbine generating units and (2) appurtenant facilities. The proposed project would have an estimated annual generation of approximately 820 megawatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A)	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i)	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii)	The facility has an installed capacity that does not exceed 40 megawatts	Y
FPA 30(a)(3)(C)(iii)	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: The proposed Bridlewood Flow Control Facility Hydroelectric Energy Recovery Project will not alter the primary purpose of the conduit, which is for municipal water supply. Therefore, based upon the above criteria, Commission staff preliminarily determines that the operation of the project described above satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 30 days from the issuance date of this notice. Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the ''COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY'' or ''MOTION TO INTERVENE,'' as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may send 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. A copy of all other filings in reference to this application 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.

[1] 18 CFR 385.2001–2005 (2022).

Locations of Notice of Intent: 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 (*i.e.,* CD23–8) 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. Copies of the notice of intent can be obtained directly from the applicant. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: May 30, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–11932 Filed 6–5–23; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10995–01–OA]

Public Meeting of the Science Advisory Board Environmental Justice Screen (EJScreen) Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office is announcing a

public meeting of the Science Advisory Board Environmental Justice Screen (EJScreen) Review Panel. The purpose of the meeting is to discuss the Panel's draft report on the EPA's EJScreen mapping and screening tool.

DATES:

Public meeting: The Science Advisory Board EJScreen Review Panel will meet on June 22, 2023, from 11 a.m. to 3 p.m. Eastern Time.

Comments: See the section titled ''Procedures for providing public input'' under **SUPPLEMENTARY INFORMATION** for instructions and deadlines.

ADDRESSES: The June 22, 2023, meeting will be conducted virtually. Please refer to the SAB website at *https://sab.epa.gov* for information on how to attend the meeting.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wants further information concerning this document may contact Carolyn Kilgore, Designated Federal Officer (DFO), via telephone (202) 564–0230, or email at *kilgore.carolyn@epa.gov.* General information about the SAB, as well as any updates concerning the meeting announced in this document, can be found on the SAB website at *https://sab.epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the EPA Administrator on the scientific and technical basis for agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., app. 2. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the Science Advisory Board EJScreen Review Panel will hold a public meeting to discuss the Panel's draft report on the EPA's EJScreen mapping and screening tool.

Availability of meeting materials: All meeting materials, including the agenda, will be available on the SAB web page at *https://sab.epa.gov.*

Procedures for providing public input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Members of the public can submit relevant comments pertaining to the committee's charge or meeting materials. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for the SAB to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should follow the instructions below to submit comments.

Oral statements: In general, individuals or groups requesting an oral presentation at a meeting conducted virtually will be limited to three minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Persons interested in providing oral statements should contact the DFO, in writing (preferably via email) at the contact information noted above in **FOR FURTHER INFORMATION CONTACT**, by June 19, 2023, to be placed on the list of registered speakers.

Written statements: Written statements will be accepted throughout the advisory process; however, for timely consideration by SAB members, statements should be submitted to the DFO by June 19, 2023, for consideration at the June 22, 2023, meeting. Written statements should be supplied to the DFO at the contact information above via email. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its website. Members of the public should be aware that their personal contact information if included in any written comments, may be posted to the SAB website. Copyrighted material will not be posted without the explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact the DFO, at the contact information noted above, preferably at least ten days prior to the meeting, to give the EPA as much time as possible to process your request.

V. Khanna Johnston,

Deputy Director, Science Advisory Board Staff Office.

[FR Doc. 2023–12043 Filed 6–5–23; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10716 and CMS–1450]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by July 6, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Applicable Integrated Plan Coverage Decision Letter; *Use:* Sections 1859(f)(8) of the Act require development of unified grievance and appeals processes for D–SNPs, to the extent feasible. We finalized the implementation of this regulation for integrated organization determinations at § 422.631, effective January 1, 2021. This rule requires applicable integrated plans to send an enrollee a written notice of any adverse decision on an integrated organization determination using a notice that is written in plain language and contains the information detailed at § 422.631(d)(1)(iii).

Applicable integrated plans as defined at § 422.561 are required to issue form CMS–10716 when a request for either a medical service or payment is denied in whole or in part after considering both the Medicare or Medicaid benefit. Applicable integrated plans issue this form to enrollees when the plan reduces, stops, suspends, or denies, in whole or in part, a request for a service or item (including a Part B drug) or a request for payment of a service or item (including a Part B drug) that the enrollee has already received. The form provides the enrollee with information regarding their right to an appeal of the applicable integrated plan's decision and the enrollee will use the instructions to navigate the appeal process. *Form Number:* CMS–10716 (OMB control number: 0938–1386); *Frequency:* Occasionally; *Affected Public:* Private sector (Business or other for-profits); *Number of Respondents:* 112; *Total Annual Responses:* 24,716; *Total Annual Hours:* 4,120. (For policy questions regarding this collection contact Kristi Sugarman Coats at 415–744–3629.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Uniform Institutional Providers Form; *Use:* The UB–04 CMS–1450 is managed by the National Uniform Billing Committee (NUBC), sponsored by the American Hospital Association. Most payers are represented on this body, and the UB–04 is widely used in the industry. Medicare Part A MACs use the information on the UB–04 CMS–1450 to determine whether to make Medicare payment for the services provided, the payment amount, and whether or not to apply deductibles to the claim. The same method is also used by other payers. CMS is also a secondary user of data. CMS uses the information to develop a database, which is used to update, and revise established payment schedules and other payment rates for covered services. CMS also uses the information to conduct studies and reports. *Form Number:* CMS–1450 (OMB control number: 0938–0997); *Frequency:* Annually; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 53,111; *Total Annual Responses:* 193,535,941; *Total Annual Hours:* 1,617,010. (For policy questions regarding this collection contact Charlene Parks at 410–786–8684.)

Dated: June 1, 2023.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2023–12013 Filed 6–5–23; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10453]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by August 7, 2023.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number:____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10453 Medicare Advantage and Prescription Drug Programs: Part C and Part D Explanation of Benefits

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Reinstatement with change of the previously approved collection; *Title of Information Collection:* Medicare Advantage and Prescription Drug Programs: Part C and Part D Explanation of Benefits; *Use:* Sections 1852(k)(2)(C)(i) and 1860D–(4)(a)(4) of the Act give CMS authority to require EOBs in MA and Part D, respectively. Corresponding MA and Part D regulations at 42 CFR 422.111(k) and 423.128(e) further specify the requirements to provide a written EOB directly to enrollees following their use of benefits.

These requirements and the CMS model documents help ensure that MA and Part D enrollees receive consistent and timely information about costs associated with their medical claims. Part C and Part D EOBs allow enrollees to track their out-of-pocket expenses and benefit utilization in relation to their plan's deductible and out-of-pocket threshold. This customized information positions enrollees to make informed decisions about their healthcare options. It also enables them to make a more practical use of the information found in plans' Annual Notice of Change and Evidence of Coverage documents, as well as information available through tools such as the Medicare Plan Finder.

MAOs and Part D sponsors use the model documents attached to this information collection to set up the EOB templates in their systems and ensure that EOBs conform with the requirements at 42 CFR 422.111(k) and 423.128(e). MAOs and Part D sponsors populate EOBs to reflect individual enrollee benefits under the plan. CMS issues model EOBs annually through the Health Plan Management System (HPMS). *Form Number:* CMS–10453 (OMB control number: 0938–1228); *Frequency:* Monthly; *Affected Public:* Private Sector, Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 1,065; *Total Annual Responses:* 1,065; *Total Annual Hours:* 10,650. (For policy questions regarding this collection contact Valerie Yingling at 667–290–8657.)

Dated: June 1, 2023.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2023–11996 Filed 6–5–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Replication of Recovery and Reunification Interventions for Families-Impact Study (New Collection)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) is proposing a data collection activity as part of the Replication of Recovery and Reunification Interventions for Families-Impact Study (R3-Impact). The R3-Impact Study aims to satisfy the legislative requirements called for by the 2018 SUPPORT for Patients and Communities Act by replicating and testing the efficacy of two recovery coaching interventions for families engaged in the child welfare system due to parental substance use disorders.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing *OPREinfocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The R3-Impact study will use experimental and quasi-experimental designs to test the effectiveness of the recovery coaching interventions on key child welfare and parent well-being outcomes. The implementation study will document the fidelity of program implementation, describe the services participants receive under each approach, and provide operational lessons gathered directly from practitioners. These goals represent ACF's interest in understanding whether recovery coaching interventions yield successful parental recovery and child welfare outcomes, and if so, whether the potential exists to scale the interventions for the benefit of more affected families. The proposed information collection activity consists of (1) Baseline data collection: collection of baseline demographic and parent well-being data from study participants; (2) Contact form: short form sent to study participants quarterly for one year after study enrollment to keep contact information current and generally maintain the participant's connection to the study; (3) Validation interviews: short interviews with a subset of study participants to monitor the quality of data collection interviews and to validate that the interviewer spoke with the participant; (4) Implementation study interviews: using topic guides, collect information from program supervisors and frontline staff, community providers, child welfare staff, and parents enrolled in the programs to assess the fidelity of implementation, document program services, and gather operational lessons; and (5) Parent Interview Information Form: demographic information to support analysis of parent perspectives by personal characteristics and history. Future information collection requests will be submitted to collect follow-up data.

Respondents: Parents enrolled in the R3-Impact Study, and program and agency staff involved in implementing the R3 interventions.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Avg. burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Baseline Parent Survey	2,750	1	.75	2063	688
Contact Form	1843	4	.17	1,253	418
Topic Guide—Child Welfare Lead Staff	60	1	1	60	20
Topic Guide—Child Welfare Frontline Staff	60	1	1	60	20
Topic Guide—Partners	120	1	1	120	40
Topic Guide—Program Managers	60	1	1.5	90	30
Topic Guide—Mentor Supervisors	60	1	1.5	90	30
Topic Guide—Parent/Family Mentors	60	1	1.5	90	30
Topic Guide—Parents	30	1	1	30	10
Parent Interview Information Form	30	1	.1	3	1
Validation Interviews	275	1	.08	22	7

Estimated Total Annual Burden Hours: 1,294.

Comments: The Department specifically requests comments on (a) whether the proposed 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; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: The Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act. (SUPPORT for Patients and Communities Act; Public Law 115–271)

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2023–11989 Filed 6–5–23; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–0026]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. FDA has determined that VYJUVEK (beremagene geperpavec-svdt), manufactured by Krystal Biotech, Inc., meets the criteria for a priority review voucher.

FOR FURTHER INFORMATION CONTACT: Myrna Hanna, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a priority review voucher to the sponsor of an approved rare pediatric disease product application. Under section 529 of the FD&C Act (21 U.S.C. 360ff), FDA will award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA has determined that VYJUVEK (beremagene geperpavec-svdt), manufactured by Krystal Biotech, Inc., meets the criteria for a priority review voucher. VYJUVEK is indicated for the treatment of wounds in patients 6 months of age and older with dystrophic epidermolysis bullosa with mutation(s) in the *collagen type VII alpha 1 chain (COL7A1)* gene.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to *https://www.fda.gov/industry/developing-products-rare-diseases-conditions/rare-pediatric-disease-rpd-designation-and-voucher-programs.* For further information about VYJUVEK, go to the Center for Biologics Evaluation and Research's Approved Cellular and Gene Therapy Products website at *https://www.fda.gov/vaccines-blood-biologics/cellular-gene-therapy-products/approved-cellular-and-gene-therapy-products.*

Dated: May 22, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–11907 Filed 6–5–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–N–2008]

Vintage Pharmaceuticals; Withdrawal of Approval of Abbreviated New Drug Application for Pemoline Tablets, 18.75 Milligrams, 37.5 Milligrams, and 75 Milligrams

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is withdrawing approval of abbreviated new drug application (ANDA) 075328 for pemoline tablets, 18.75 milligrams (mg), 37.5 mg, and 75 mg, held by Vintage Pharmaceuticals, 120 Vintage Dr., Huntsville, AL 35811 (Vintage). Vintage requested that approval of this application be withdrawn and has waived its opportunity for a hearing.

DATES: Approval is withdrawn as of June 6, 2023.

FOR FURTHER INFORMATION CONTACT: Kimberly Lehrfeld, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New

Hampshire Ave., Bldg. 51, Rm. 6226, Silver Spring, MD 20993, 301–796–3137, *Kimberly.Lehrfeld@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On April 19, 2000, FDA approved ANDA 075328 for pemoline tablets, 18.75 mg, 37.5 mg, and 75 mg, for the conditions of use in the labeling of new drug application (NDA) 016832, the reference listed drug on which it relied. On October 24, 2005, the Agency issued a Postmarket Drug Safety Information for Patients and Providers communication entitled ''Information for Healthcare Professionals: Pemoline Tablets and Chewable Tablets (Marketed as CYLERT)'' which concluded the overall liver toxicity risk of CYLERT (pemoline) (NDAs 016832 and 017703) and generic pemoline products outweighed the benefits of these products (*https://wayback.archive-it.org/7993/20171114124349/https://www.fda.gov/Drugs/DrugSafety/PostmarketDrugSafetyInformationforPatientsandProviders/ucm126461.htm*).

All holders of approved applications for pemoline products, including Vintage, ceased marketing the products at that time. On June 21, 2012, Vintage requested that FDA withdraw approval of ANDA 075328, pursuant to § 314.150(d) (21 CFR 314.150(d)) and waived its opportunity for a hearing. Vintage stated in its June 21, 2012, request for withdrawal of approval of ANDA 075328 that it had discontinued manufacturing the product since April 2005.

In the **Federal Register** issue of July 19, 2013 (78 FR 43210), FDA erroneously included ANDA 075328 in a list of drug applications for which approval was being withdrawn under § 314.150(c). In a separate notice published in this issue of the **Federal Register**, FDA corrected the July 19, 2013, notice to remove ANDA 075328 from the list of applications whose approval was withdrawn under § 314.150(c).

For the reasons discussed above, and in accordance with the applicant's request, approval of ANDA 075328 for pemoline tablets, 18.75 mg, 37.5 mg, and 75 mg, and all amendments and supplements thereto, is withdrawn under § 314.150(d). Distribution of pemoline tablets, 18.75 mg, 37.5 mg, and 75 mg, into interstate commerce without an approved application is illegal and subject to regulatory action (see sections 505(a) and 301(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(a) and 331(d)).

Dated: May 31, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–11991 Filed 6–5–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–D–0861]

Cover Letter Attachments for Controlled Correspondence and Abbreviated New Drug Application Submissions; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''Cover Letter Attachments for Controlled Correspondence and ANDA Submissions.'' This guidance is intended to assist prospective applicants, applicants, and holders of abbreviated new drug applications (ANDAs) with optional attachments that can be used when preparing cover letters that accompany controlled correspondence, original ANDAs, amendments to ANDAs, and supplements to approved ANDAs submitted to FDA. This guidance finalizes the draft guidance of the same title issued on December 13, 2021.

DATES: The announcement of the guidance is published in the **Federal Register** on June 6, 2023.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–D–0861 for ''Cover Letter Attachments for Controlled Correspondence and ANDA Submissions.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed

except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Jonathan Hughes, Office of Generic Drugs, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Rm. 1668, Silver Spring, MD 20993–0002, 240–702–3970, *Jonathan.Hughes@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Cover Letter Attachments for Controlled Correspondence and ANDA Submissions.'' This guidance is intended to assist prospective applicants, applicants, and holders of ANDAs with optional attachments that can be used when preparing cover letters that accompany controlled correspondence, original ANDAs, amendments to ANDAs, and supplements to approved ANDAs submitted to FDA.

A cover letter is generally included with controlled correspondence to the Office of Generic Drugs and submissions to an ANDA file. While a cover letter is not required content for an ANDA, the cover letter is a part of the electronic common technical document hierarchy and is included in Module 1 of an ANDA submission.

The cover letter provides an overview of the submission and helps FDA ensure that the submission is properly triaged and assigned to the appropriate assessors. In an effort to ensure that submissions are effectively managed by FDA and acted upon within the performance review goal dates reflected in the Generic Drug User Fee Amendments (GDUFA) Reauthorization Performance Goals and Program Enhancements Fiscal Years 2023–2027 commitment letter (GDUFA III Commitment Letter),[1] FDA has developed cover letter attachments to accompany, not replace, applicants' cover letters for common submissions, including controlled correspondence, original ANDAs, and amendments to ANDAs, as well as supplements to approved ANDAs. These cover letter attachments have been designed as a checklist to reflect common types of information applicants are expected to address in their cover letters. The attachments are intended both to serve as a useful guide to help applicants prepare their cover letters and to assist FDA in the triage and management of submissions.

This guidance finalizes the draft guidance entitled ''Cover Letter Attachments for Controlled Correspondence and ANDA Submissions'' issued on December 13, 2021 (86 FR 70849). FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft to the final guidance include clarifying that use of the cover letter attachments are voluntary; defining several terms that may have been ambiguous (*e.g.,* ''administrative general correspondence'' and ''approved citizen petitions''); and adding updated information on labeling carve-outs and requests for reconsideration. In addition, editorial changes were made to improve clarity, such as adding lines to denote where information should be filled in by the applicant and minor reformatting of the attachments in the appendices.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Cover Letter Attachments for Controlled Correspondence and ANDA Submissions.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

[1] Available at: *https://www.fda.gov/media/153631/download.*

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 314 (including subpart C) for to the content and format of ANDAs, including original ANDAs, amendments to ANDAs, and supplements to approved ANDAs, submitted by applicants and approved by FDA have been approved under OMB control number 0910–0001. The collections of information for Form FDA 356h (NDA and ANDA cover letter) have been approved under OMB control number 0910–0338.

Applicants submit to FDA controlled correspondence along with cover letters related to generic drug development and FDA approval. The collections of information for such submissions have been approved under OMB control number 0910–0797. The collections of information in 21 CFR part 11 for electronic records and electronic signatures have been approved under OMB control number 0910–0303. The collections of information in 21 CFR part 211 about the manufacture of the drug have been approved under OMB control number 0910–0139.

III. Electronic Access

Persons with access to the internet may obtain the final guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs*, *https://www.fda.gov/regulatory-information/search-fda-guidance-documents*, or *https://www.regulations.gov*.

Dated: May 31, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–11943 Filed 6–5–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0845]

Bracco Diagnostics et al.; Withdrawal of Approval of 52 New Drug Applications and 77 Abbreviated New Drug Applications; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** on July 19, 2013. The document announced the withdrawal of approval of 52 new drug applications (NDAs) and 77 abbreviated new drug applications (ANDAs) from multiple applicants, withdrawn as of August 19, 2013. The document erroneously included the withdrawal of ANDA 075328 for Pemoline tablets, 18.75 milligrams (mg), 37.5 mg, and 75 mg, held by Vintage Pharmaceuticals, 120 Vintage Dr., Huntsville, AL 35811. This notice corrects that error.

FOR FURTHER INFORMATION CONTACT: Kimberly Lehrfeld, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6226, Silver Spring, MD 20993–0002, 301–796–3137, *Kimberly.Lehrfeld@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of Friday, July 19, 2013 (78 FR 43210), appearing on page 43213 in FR Doc. 2013–17324, the following correction is made:

On page 43213, in the table, the entry for ANDA 075328 is removed.

In a separate notice published in this issue of the **Federal Register**, FDA is withdrawing the approval of ANDA 075328 under 21 CFR 314.150(d).

Dated: May 31, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–11990 Filed 6–5–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Notice of Purchased/Referred Care Delivery Area Redesignation for the Hoh Indian Tribe in the State of Washington

AGENCY: Indian Health Service, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Indian Health Service (IHS) has decided to expand the geographic boundaries of the Purchased/Referred Care Delivery Area (PRCDA) for the Hoh Indian Tribe in the State of Washington to include the county of Clallam in the State of Washington. The final PRCDA for the Hoh Indian Tribe is now the Washington counties of Jefferson and Clallam. The sole purpose of this expansion is to authorize additional Hoh Indian Tribe members and beneficiaries to receive Purchased/Referred Care (PRC) services.

DATES: This expansion is effective as of the publication date of this notice.

ADDRESSES: This notice can be found at *https://www.federalregister.gov.* Written requests for information should be delivered to: CAPT John Rael, Director, Office of Resource Access and Partnerships, Indian Health Service, 5600 Fishers Lane, Mail Stop 10E85C, Rockville, MD 20857, or by phone at (301) 443–0609 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The IHS provides services under regulations in effect as of September 15, 1987, and republished at 42 CFR part 136, subparts A–C. Subpart C defines a Contract Health Service Delivery Area (CHSDA), now referred to as a PRCDA, as the geographic area within which PRC will be made available by the IHS to members of an identified Indian community who reside in the PRCDA. Residence within a PRCDA by a person who is within the scope of the Indian health program, as set forth in 42 CFR 136.12, creates no legal entitlement to PRC but only potential eligibility for services. Services needed, but not available at an IHS/Tribal facility, are provided under the PRC program depending on the availability of funds, the person's relative medical priority, and the actual availability and accessibility of alternate resources in accordance with the regulations.

The regulations at 42 CFR part 136, subpart C provide that, unless otherwise designated, a PRCDA shall consist of a county which includes all or part of a reservation and any county or counties which have a common boundary with the reservation. 42 CFR 136.22(a)(6). The regulations also provide that after consultation with the Tribal governing body or bodies on those reservations included within the PRCDA, the Secretary may from time to time redesignate areas within the United States for inclusion in or exclusion from a PRCDA. 42 CFR 136.22(b). The regulations require that certain criteria must be considered before any redesignation is made. The criteria are as follows:

(1) The number of Indians residing in the area proposed to be so included or excluded;

(2) Whether the Tribal governing body has determined that Indians residing in the area near the reservation are socially and economically affiliated with the Tribe;

(3) The geographic proximity to the reservation of the area whose inclusion or exclusion is being considered; and

(4) The level of funding which would be available for the provision of PRC.

Additionally, the regulations require that any redesignation of a PRCDA must be made in accordance with the procedures of the Administrative Procedure Act (5 U.S.C. 553). 42 CFR 136.22(c). In compliance with this requirement, the IHS published a proposed notice of redesignation and requested public comments on January 18, 2023 (88 FR 2940). In response, the IHS received one comment and that comment expressed support of the proposed expansion.

Through a letter from the Hoh Indian Tribe, dated July 28, 2021, the Tribe expressed its support for the expansion, described the geographic proximity of Clallam County to the Tribe's reservation, and explained why many of its members need to live in the town nearest to the reservation, which is in Clallam County. In support of this expansion, the IHS adopts the following findings:

1. By expanding the PRCDA to include Clallam County, the Hoh Indian Tribe's eligible population will be increased by an estimated 41 Tribal members residing in Clallam County. This expansion will increase the Hoh Indian Tribe's total PRC-eligible population to 73.

2. The IHS is construing the letter from the Tribe, dated July 28, 2021, to mean that the Tribal members within the expanded PRCDA are socially and economically affiliated with the Hoh Indian Tribe.

3. Clallam County in the State of Washington is ''on or near'' the reservation, as described by the Tribe in its correspondence dated July 28, 2021, and as it maintains a common boundary with the current PRCDA consisting of Jefferson County in the State of Washington.

4. The Portland Area IHS administers the PRC program for the Hoh Indian Tribe and will use its existing Federal allocation for PRC funds to provide services to the expanded population. No additional financial resources will be

allocated by IHS to the Portland Area IHS to provide services to Hoh Indian Tribe members residing in Clallam County in the State of Washington.

Public Comments: The IHS received one comment and that comment expressed support of the proposed expansion.

Tribe/reservation	County/state
Ak Chin Indian Community	Pinal, AZ.
Alabama-Coushatta Tribes of Texas	Polk, TX.[1]
Alaska	Entire State.[2]
Arapahoe Tribe of the Wind River Reservation, Wyoming	Hot Springs, WY, Fremont, WY, Sublette, WY.
Aroostook Band of Micmacs	Aroostook, ME.[3]
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana	Daniels, MT, McCone, MT, Richland, MT, Roosevelt, MT, Sheridan, MT, Valley, MT.
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin.	Ashland, WI, Iron, WI.
Bay Mills Indian Community, Michigan	Chippewa, MI.
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana	Glacier, MT, Pondera, MT.
Brigham City Intermountain School Health Center, Utah	Permanently closed on May 17, 1984.[4]
Burns Paiute Tribe	Harney, OR.
California	Entire State, except for the counties listed in the footnote.[5]
Catawba Indian Nation (AKA Catawba Tribe of South Carolina)	All Counties in SC,[6] Cabarrus, NC, Cleveland, NC, Gaston, NC, Mecklenburg, NC, Rutherford, NC, Union, NC.
Cayuga Nation	Alleghany, NY,[7] Cattaraugus, NY, Chautauqua, NY, Erie, NY, Warren, PA.
Chickahominy Indian Tribe	New Kent, VA, James City, VA, Charles City, VA, Henrico, VA.[8]
Chickahominy Indian Tribe—Eastern Division	New Kent, VA, James City, VA, Charles City, VA, Henrico, VA.[9]
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota	Corson, SD, Dewey, SD, Haakon, SD, Meade, SD, Perkins, SD, Potter, SD, Stanley, SD, Sully, SD, Walworth, SD, Ziebach, SD.
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana	Chouteau, MT, Hill, MT, Liberty, MT.
Chitimacha Tribe of Louisiana	St. Mary Parish, LA.
Cocopah Tribe of Arizona	Yuma, AZ, Imperial, CA.
Coeur D'Alene Tribe	Benewah, ID, Kootenai, ID, Latah, ID, Spokane, WA, Whitman, WA.
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California.	La Paz, AZ, Riverside, CA, San Bernardino, CA, Yuma, AZ.
Confederated Salish and Kootenai Tribes of the Flathead Reservation	Flathead, MT, Lake, MT, Missoula, MT, Sanders, MT.
Confederated Tribes and Bands of the Yakama Nation	Klickitat, WA, Lewis, WA, Skamania, WA,[10] Yakima, WA.
Confederated Tribes of Siletz Indians of Oregon	Benton, OR,[11] Clackamas, OR, Lane, OR, Lincoln, OR, Linn, OR, Marion, OR, Multnomah, OR, Polk, OR, Tillamook, OR, Washington, OR, Yamhill, OR.
Confederated Tribes of the Chehalis Reservation	Grays Harbor, WA, Lewis, WA, Thurston, WA.
Confederated Tribes of the Colville Reservation	Chelan, WA,[12] Douglas, WA, Ferry, WA, Grant, WA, Lincoln, WA, Okanogan, WA, Stevens, WA.
Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians	Coos, OR,[13] Curry, OR, Douglas, OR, Lane, OR, Lincoln, OR.
Confederated Tribes of the Goshute Reservation, Nevada and Utah	The entire State of Nevada, Juab, UT, Toole, UT.
Confederated Tribes of the Grand Ronde Community of Oregon	Marion, OR, Multnomah, OR, Polk, OR,[14] Tillamook, OR, Washington, OR, Yamhill, OR.
Confederated Tribes of the Umatilla Indian Reservation	Umatilla, OR, Union, OR.
Confederated Tribes of the Warm Springs Reservation of Oregon	Clackamas, OR, Jefferson, OR, Linn, OR, Marion, OR, Wasco, OR.
Coquille Indian Tribe	Coos, OR, Curry, OR, Douglas, OR, Jackson, OR, Lane, OR.
Coushatta Tribe of Louisiana	Allen Parish, LA, the city limits of Elton, LA.[15]
Cow Creek Band of Umpqua Tribe of Indians	Coos, OR,[16] Deschutes, OR, Douglas, OR, Jackson, OR, Josephine, OR, Klamath, OR, Lane, OR.
Cowlitz Indian Tribe	Clark, WA, Cowlitz, WA, King, WA, Lewis, WA, Peirce, WA, Skamania, WA, Thurston, WA, Columbia, OR,[17] Kittitas, WA, Wahkiakum, WA.
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota	Brule, SD, Buffalo, SD, Hand, SD, Hughes, SD, Hyde, SD, Lyman, SD, Stanley, SD.
Crow Tribe of Montana	Big Horn, MT, Carbon, MT, Treasure, MT,[18] Yellowstone, MT, Big Horn, WY, Sheridan, WY.
Eastern Band of Cherokee Indians	Cherokee, NC, Graham, NC, Haywood, NC, Jackson, NC, Swain, NC.
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming	Hot Springs, WY, Fremont, WY, Sublette, WY.
Flandreau Santee Sioux Tribe of South Dakota	Moody, SD.
Forest County Potawatomi Community, Wisconsin	Forest, WI, Marinette, WI, Oconto, WI.
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana	Blaine, MT, Phillips, MT.
Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon.	The entire State of Nevada, Malheur, OR.
Fort McDowell Yavapai Nation, Arizona	Maricopa, AZ.
Fort Mojave Indian Tribe of Arizona, California and Nevada	The entire State of Nevada, Mohave, AZ, San Bernardino, CA.
Gila River Indian Community of the Gila River Indian Reservation, Arizona	Maricopa, AZ, Pinal, AZ.
Grand Traverse Band of Ottawa and Chippewa Indians, Michigan	Antrim, MI,[19] Benzie, MI, Charlevoix, MI, Grand Traverse, MI, Leelanau, MI, Manistee, MI.
Hannahville Indian Community, Michigan	Delta, MI, Menominee, MI.
Haskell Indian Health Center	Douglas, KS.[20]
Havasupai Tribe of the Havasupai Reservation, Arizona	Coconino, AZ, Mohave, AZ.[21]
Ho-Chunk Nation of Wisconsin	Adams, WI,[22] Clark, WI, Columbia, WI, Crawford, WI, Dane, WI, Eau Claire, WI, Houston, MN, Jackson, WI, Juneau, WI, La Crosse, WI, Marathon, WI, Monroe, WI, Sauk, WI, Shawano, WI, Vernon, WI, Wood, WI.
Hoh Indian Tribe	Jefferson, WA, Clallam, WA.[76]
Hopi Tribe of Arizona	Apache, AZ, Coconino, AZ, Navajo, AZ.
Houlton Band of Maliseet Indians	Aroostook, ME.[23]
Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona	Coconino, AZ, Mohave, AZ, Yavapai, AZ.
Iowa Tribe of Kansas and Nebraska	Brown, KS, Doniphan, KS, Richardson, NE.
Jamestown S'Klallam Tribe	Clallam, WA, Jefferson, WA.
Jena Band of Choctaw Indians	Grand Parish, LA,[24] LaSalle Parish, LA, Rapides, LA.
Jicarilla Apache Nation, New Mexico	Archuleta, CO, Rio Arriba, NM, Sandoval, NM.
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona	Coconino, AZ, Mohave, AZ, Kane, UT.
Kalispel Indian Community of the Kalispel Reservation	Pend Oreille, WA, Spokane, WA.

Tribe/reservation	County/state
Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo)	Sandoval, NM, Santa Fe, NM.
Keweenaw Bay Indian Community, Michigan	Baraga, MI, Houghton, MI, Ontonagon, MI.
Kickapoo Traditional Tribe of Texas	Maverick, TX.[25]
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas	Brown, KS, Jackson, KS.
Klamath Tribes	Klamath, OR.[26]
Koi Nation of Northern California (formerly known as Lower Lake Rancheria, California).	Lake, CA, Sonoma, CA.[27]
Kootenai Tribe of Idaho	Boundary, ID.
Lac Courte Oreilles Band of Superior Chippewa Indians of Wisconsin	Sawyer, WI.
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin.	Iron, WI, Oneida, WI, Vilas, WI.
Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan	Gogebic, MI.
Little River Band of Ottawa Indians, Michigan	Kent, MI,[28] Muskegon, MI, Newaygo, MI, Oceana, MI, Ottawa, MI, Manistee, MI, Mason, MI, Wexford, MI, Lake, MI.
Little Shell Tribe of Chippewa Indians of Montana	Blaine, MT, Cascade, MT, Glacier, MT, Hill, MT.[29]
Little Traverse Bay Bands of Odawa Indians, Michigan	Alcona, MI,[30] Alger, MI, Alpena, MI, Antrim, MI, Benzie, MI, Charlevoix, MI, Cheboygan, MI, Chippewa, MI, Crawford, MI, Delta, MI, Emmet, MI, Grand Traverse, MI, Iosco, MI, Kalkaska, MI, Leelanau, MI, Luce, MI, Mackinac, MI, Manistee, MI, Missaukee, MI, Montmorency, MI, Ogemaw, MI, Oscoda, MI, Otsego, MI, Presque Isle, MI, Schoolcraft, MI, Roscommon, MI, Wexford, MI.
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota	Brule, SD, Buffalo, SD, Hughes, SD, Lyman, SD, Stanley, SD.
Lower Elwha Tribal Community	Clallam, WA.
Lower Sioux Indian Community in the State of Minnesota	Redwood, MN, Renville, MN.
Lummi Tribe of the Lummi Reservation	Whatcom, WA.
Makah Indian Tribe of the Makah Indian Reservation	Clallam, WA.
Mashantucket Pequot Indian Tribe	New London, CT.[31]
Mashpee Wampanoag Tribe	Barnstable, MA, Bristol, MA, Norfolk, MA, Plymouth, MA, Suffolk, MA.[32]
Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan	Allegan, MI,[33] Barry, MI, Kalamazoo, MI, Kent, MI, Ottawa, MI.
Menominee Indian Tribe of Wisconsin	Langlade, WI, Menominee, WI, Oconto, WI, Shawano, WI.
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico	Chaves, NM, Lincoln, NM, Otero, NM.
Miccosukee Tribe of Indians	Broward, FL, Collier, FL, Miami-Dade, FL, Hendry, FL.
Minnesota Chippewa Tribe, Minnesota, Bois Forte Band (Nett Lake)	Itasca, MN, Koochiching, MN, St. Louis, MN.
Minnesota Chippewa Tribe, Minnesota, Fond du Lac Band	Carlton, MN, St. Louis, MN.
Minnesota Chippewa Tribe, Minnesota, Grand Portage Band	Cook, MN.
Minnesota Chippewa Tribe, Minnesota, Leech Lake Band	Beltrami, MN, Cass, MN, Hubbard, MN, Itasca, MN.
Minnesota Chippewa Tribe, Minnesota, Mille Lacs Band	Aitkin, MN, Crow Wing, MN,[34] Kanabec, MN, Mille Lacs, MN, Morrison, MN,[35] Pine, MN.
Minnesota Chippewa Tribe, Minnesota, White Earth Band	Becker, MN, Clearwater, MN, Mahnomen, MN, Norman, MN, Polk, MN.
Mississippi Band of Choctaw Indians	Attala, MS, Jasper, MS,[36] Jones, MS, Kemper, MS, Leake, MS, Neshoba, MS, Newton, MS, Noxubee, MS,[37] Scott, MS,[38] Winston, MS.
Mohegan Tribe of Indians of Connecticut	Fairfield, CT, Hartford, CT, Litchfield, CT, Middlesex, CT, New Haven, CT, New London, CT, Tolland, CT, Windham, CT.
Monacan Indian Nation	Amherst, VA, Nelson, VA, Albemarle, VA, Buckingham, VA, Appomattox, VA, Campbell, VA, Bedford, VA, Botetourt, VA, Rockbridge, VA, Augusta, VA, and the independent cities of Lynchburg, VA, Lexington, VA, Buena Vista, VA, Staunton, VA, Waynesboro, VA, and Charlottesville, VA.[39]
Muckleshoot Indian Tribe	King, WA, Pierce, WA.
Nansemond Indian Tribe	The independent cities of Chesapeake, VA, Hampton, VA, Newport News, VA, Norfolk, VA, Portsmouth, VA, Suffolk, VA, and Virginia Beach, VA.[40]
Narragansett Indian Tribe	Washington, RI.[41]
Navajo Nation, Arizona, New Mexico, & Utah	Apache, AZ, Bernalillo, NM, Cibola, NM, Coconino, AZ, Kane, UT, McKinley, NM, Montezuma, CO, Navajo, AZ, Rio Arriba, NM, Sandoval, NM, San Juan, NM, San Juan, UT, Socorro, NM, Valencia, NM.
Nevada	Entire State.[42]
Nez Perce Tribe	Clearwater, ID, Idaho, ID, Latah, ID, Lewis, ID, Nez Perce, ID.
Nisqually Indian Tribe	Pierce, WA, Thurston, WA.
Nooksack Indian Tribe	Whatcom, WA.
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana	Big Horn, MT, Carter, MT,[43] Rosebud, MT.
Northwestern Band of Shoshone Nation	Box Elder, UT,[44] Davis, UT, Salt Lake, UT, Weber, UT.[45]
Nottawaseppi Huron Band of the Pottawatomi, Michigan	Allegan, MI,[46] Barry, MI, Branch, MI, Calhoun, MI, Kalamazoo, MI, Kent, MI, Ottawa, MI.
Oglala Sioux Tribe	Bennett, SD, Cherry, NE, Custer, SD, Dawes, NE, Fall River, SD, Jackson, SD,[47] Mellette, SD, Pennington, SD, Shannon, SD, Sheridan, NE, Todd, SD.
Ohkay Owingeh, New Mexico	Rio Arriba, NM.
Oklahoma	Entire State.[48]
Omaha Tribe of Nebraska	Burt, NE, Cuming, NE, Monona, IA, Thurston, NE, Wayne, NE.
Oneida Nation (previously listed as the Oneida Tribe of Indians of Wisconsin)	Brown, WI, Outagamie, WI.
Oneida Indian Nation (previously listed as the Oneida Nation of New York)	Chenango, NY, Cortland, NY, Herkimer, NY, Madison, NY, Oneida, NY, Onondaga, NY.
Onondaga Nation	Onondaga, NY.
Paiute Indian Tribe of Utah	Iron, UT,[49] Millard, UT, Sevier, UT, Washington, UT.
Pamunkey Indian Tribe	Caroline, VA, Hanover, VA, Henrico, VA, King William, VA, King and Queen, VA, New Kent, VA, and the independent city of Richmond, VA.[50]
Pascua Yaqui Tribe of Arizona	Pima, AZ.[51]
Passamaquoddy Tribe	Aroostook, ME,[52] [53] Hancock, ME,[54] Washington, ME.
Penobscot Nation	Aroostook, ME,[55] Penobscot, ME.
Poarch Band of Creeks	Baldwin, AL,[56] Elmore, AL, Escambia, AL, Mobile, AL, Monroe, AL, Escambia, FL.
Pokagon Band of Pottawatomi Indians, Michigan and Indiana	Allegan, MI,[57] Berrien, MI, Cass, MI, Elkhart, IN, Kosciusko, IN, La Porte, IN, Marshall, IN, St. Joseph, IN, Starke, IN, Van Buren, MI.
Ponca Tribe of Nebraska	Boyd, NE,[58] Burt, NE, Charles Mix, SD, Douglas, NE, Hall, NE, Holt, NE, Knox, NE, Lancaster, NE, Madison, NE, Platte, NE, Pottawatomie, IA, Sarpy, NE, Stanton, NE, Wayne, NE, Woodbury, IA.

Tribe/reservation	County/state
Port Gamble S'Klallam Tribe	Kitsap, WA.
Prairie Band of Pottawatomi Nation	Jackson, KS.
Prairie Island Indian Community in the State of Minnesota	Goodhue, MN.
Pueblo of Acoma, New Mexico	Cibola, NM.
Pueblo of Cochiti, New Mexico	Sandoval, NM, Santa Fe, NM.
Pueblo of Isleta, New Mexico	Bernalillo, NM, Torrance, NM, Valencia, NM.
Pueblo of Jemez, New Mexico	Sandoval, NM.
Pueblo of Laguna, New Mexico	Bernalillo, NM, Cibola, NM, Sandoval, NM, Valencia, NM.
Pueblo of Nambe, New Mexico	Santa Fe, NM.
Pueblo of Picuris, New Mexico	Taos, NM.
Pueblo of Pojoaque, New Mexico	Rio Arriba, NM, Santa Fe, NM.
Pueblo of San Felipe, New Mexico	Sandoval, NM.
Pueblo of San Ildefonso, New Mexico	Los Alamos, NM, Rio Arriba, NM, Sandoval, NM, Santa Fe, NM.
Pueblo of Sandia, New Mexico	Bernalillo, NM, Sandoval, NM.
Pueblo of Santa Ana, New Mexico	Sandoval, NM.
Pueblo of Santa Clara, New Mexico	Los Alamos, NM, Sandoval, NM, Santa Fe, NM.
Pueblo of Taos, New Mexico	Colfax, NM, Taos, NM.
Pueblo of Tesuque, Mexico	Santa Fe, NM.
Pueblo of Zia, New Mexico	Sandoval, NM.
Puyallup Tribe of the Puyallup Reservation	King, WA, Pierce, WA, Thurston, WA.
Quechan Tribe of the Fort Yuma Indian Reservation, Arizona and California	Yuma, AZ, Imperial, CA.
Quileute Tribe of the Quileute Reservation	Clallam, WA, Jefferson, WA.
Quinault Indian Nation	Grays Harbor, WA, Jefferson, WA.
Rapid City, South Dakota	Pennington, SD.[59]
Rappahannock Tribe, Inc	King and Queen County, VA, Caroline County, VA, Essex County, VA, King William County, VA.[60]
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin	Bayfield, WI.
Red Lake Band of Chippewa Indians, Minnesota	Beltrami, MN, Clearwater, MN, Koochiching, MN, Lake of the Woods, MN, Marshall, MN, Pennington, MN, Polk, MN, Roseau, MN.
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota	Bennett, SD, Cherry, NE, Gregory, SD, Lyman, SD, Mellette, SD, Todd, SD, Tripp, SD.
Sac & Fox Nation of Missouri in Kansas and Nebraska	Brown, KS, Richardson, NE.
Sac & Fox Tribe of the Mississippi in Iowa	Tama, IA.
Saginaw Chippewa Indian Tribe of Michigan	Arenac, MI,[61] Clare, MI, Isabella, MI, Midland, MI, Missaukee, MI.
Saint Regis Mohawk Tribe	Franklin, NY, St. Lawrence, NY.
Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.	Maricopa, AZ.
Samish Indian Nation	Clallam, WA,[62] Island, WA, Jefferson, WA, King, WA, Kitsap, WA, Pierce, WA, San Juan, WA, Skagit, WA, Snohomish, WA, Whatcom, WA.
San Carlos Apache Tribe of the San Carlos Reservation, Arizona	Apache, AZ, Cochise, AZ, Gila, AZ, Graham, AZ, Greenlee, AZ, Pinal, AZ.
San Juan Southern Paiute Tribe of Arizona	Coconino, AZ, San Juan, UT.
Santee Sioux Nation, Nebraska	Bon Homme, SD, Knox, NE.
Sauk-Suiattle Indian Tribe	Snohomish, WA, Skagit, WA.
Sault Ste. Marie Tribe of Chippewa Indians, Michigan	Alger, MI,[63] Chippewa, MI, Delta, MI, Luce, MI, Mackinac, MI, Marquette, MI, Schoolcraft, MI.
Seminole Tribe of Florida	Broward, FL, Collier, FL, Miami-Dade, FL, Glades, FL, Hendry, FL.
Seneca Nation of Indians	Alleghany, NY, Cattaraugus, NY, Chautauqua, NY, Erie, NY, Warren, PA.
Shakopee Mdewakanton Sioux Community of Minnesota	Scott, MN.
Shinnecock Indian Nation	Nassau, NY,[64] Suffolk, NY.
Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation	Pacific, WA.
Shoshone-Bannock Tribes of the Fort Hall Reservation	Bannock, ID, Bingham, ID, Caribou, ID, Lemhi, ID,[65] Power, ID.
Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada	The entire state of Nevada, Owyhee, ID.
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota	Codington, SD, Day, SD, Grant, SD, Marshall, SD, Richland, ND, Roberts, SD, Sargent, ND, Traverse, MN.
Skokomish Indian Tribe	Mason, WA.
Skull Valley Band of Goshute Indians of Utah	Tooele, UT.
Snoqualmie Indian Tribe	King, WA,[66] Snohomish, WA, Pierce, WA, Island, WA, Mason, WA.
Sokaogon Chippewa Community, Wisconsin	Forest, WI.
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado	Archuleta, CO, La Plata, CO, Montezuma, CO, Rio Arriba, NM, San Juan, NM.
Spirit Lake Tribe, North Dakota	Benson, ND, Eddy, ND, Nelson, ND, Ramsey, ND.
Spokane Tribe of the Spokane Reservation	Ferry, WA, Lincoln, WA, Stevens, WA.
Squaxin Island Tribe of the Squaxin Island Reservation	Mason, WA.
St. Croix Chippewa Indians of Wisconsin	Barron, WI, Burnett, WI, Pine, MN, Polk, WI, Washburn, WI.
Standing Rock Sioux Tribe of North & South Dakota	Adams, ND, Campbell, SD, Corson, SD, Dewey, SD, Emmons, ND, Grant, ND, Morton, ND, Perkins, SD, Sioux, ND, Walworth, SD, Ziebach, SD.
Stillaguamish Tribe of Indians of Washington	Snohomish, WA.
Stockbridge Munsee Community, Wisconsin	Menominee, WI, Shawano, WI.
Suquamish Indian Tribe of the Port Madison Reservation	Kitsap, WA.
Swinomish Indian Tribal Community	Skagit, WA.
Tejon Indian Tribe	The State of California including Kern, CA.[67]
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota	Dunn, ND, Mercer, ND, McKenzie, ND, McLean, ND, Mountrail, ND, Ward, ND.
Tohono O'odham Nation of Arizona	Maricopa, AZ, Pima, AZ, Pinal, AZ.
Tolowa Dee-ni' Nation (formerly known as Smith River Rancheria of California)	California, Curry, OR.[68]
Tonawanda Band of Seneca	Genesee, NY, Erie, NY, Niagara, NY.
Tonto Apache Tribe of Arizona	Gila, AZ.
Trenton Service Unit, North Dakota and Montana	Divide, ND,[69] McKenzie, ND, Williams, ND, Richland, MT, Roosevelt, MT, Sheridan, MT.
Tulalip Tribes of Washington	Snohomish, WA.
Tunica-Biloxi Indian Tribe	Avoyelles, LA, Rapides, LA.[70]
Turtle Mountain Band of Chippewa Indians of North Dakota	Rolette, ND.
Tuscarora Nation	Niagara, NY.
Upper Mattaponi Tribe	Caroline, VA, Charles City, VA, Essex, VA, Hanover, VA, Henrico, VA, James City, VA, King and Queen, VA, King William, VA, Middlesex, VA, New Kent, VA, Richmond, VA and the independent city of Richmond, VA.[71]

Tribe/reservation	County/state
Upper Sioux Community, Minnesota	Chippewa, MN, Yellow Medicine, MN.
Upper Skagit Indian Tribe	Skagit, WA.
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah	Carbon, UT, Daggett, UT, Duchesne, UT, Emery, UT, Grand, UT, Rio Blanco, CO, Summit, UT, Uintah, UT, Utah, UT, Wasatch, UT.
Ute Mountain Ute Tribe	Apache, AZ, La Plata, CO, Montezuma, CO, San Juan, NM, San Juan, UT.
Wampanoag Tribe of Gay Head (Aquinnah)	Dukes, MA,[72] Barnstable, MA, Bristol, MA, Norfolk, MA, Plymouth, MA, Suffolk, MA.[73]
Washoe Tribe of Nevada & California	The State of Nevada, The State of California except for the counties listed in footnote.
White Mountain Apache Tribe of the Fort Apache Reservation, Arizona	Apache, AZ, Coconino, AZ, Gila, AZ, Graham, AZ, Greenlee, AZ, Navajo, AZ.
Wilton Rancheria, California	The State of California including Sacramento, CA.[74]
Winnebago Tribe of Nebraska	Dakota, NE, Dixon, NE, Monona, IA, Thurston, NE, Wayne, NE, Woodbury, IA.
Yankton Sioux Tribe of South Dakota	Bon Homme, SD, Boyd, NE, Charles Mix, SD, Douglas, SD, Gregory, SD, Hutchinson, SD, Knox, NE.
Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona	Yavapai, AZ.
Yavapai-Prescott Indian Tribe	Yavapai, AZ.
Ysleta Del Sur Pueblo of Texas	El Paso, TX.[75]
Zuni Tribe of the Zuni Reservation, New Mexico	Apache, AZ, Cibola, NM, McKinley, NM, Valencia, NM.

[1] Public Law 100–89, Restoration Act for Ysleta Del Sur and Alabama and Coushatta Tribes of Texas establishes service areas for ''members of the Tribe'' by sections 101(3) and 105(a) for the Pueblo and sections 201(3) and 206(a) respectively.

[2] Entire State of Alaska is included as a CHSDA by regulation (42 CFR 136.22(a)(1)).

[3] Aroostook Band of Micmacs was recognized by Congress on November 26, 1991, through the Aroostook Band of Micmac Settlement Act. Aroostook County, ME, was defined as the SDA.

[4] Special programs have been established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility rather than the eligibility regulations. Historically services have been provided at Brigham City Intermountain School Health Center, Utah (Pub. L. 88–358).

[5] Entire State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura, is designated a CHSDA (25 U.S.C. 1680).

[6] The counties were recognized after the January 1984 CHSDA FRN was published, in accordance with Public Law 103–116, Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993, dated October 27, 1993.

[7] There is no reservation for the Cayuga Nation; the service delivery area consists of those counties identified by the Cayuga Nation

[8] The Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017, Public Law 115–121, officially recognized the Chickahominy Indian Tribe as an Indian Tribe within the meaning of Federal law, and specified an area for the delivery of Federal services. The IHS administratively designated the Tribe's PRCDA, for the purposes of operating a PRC program, consistent with the Congressional intent expressed in the Recognition Act.

[9] The Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017, Public Law 115–121, officially recognized the Chickahominy Indian Tribe—Eastern Division as an Indian Tribe within the meaning of Federal law, and specified an area for the delivery of Federal services. The IHS administratively designated the Tribe's PRCDA, for the purposes of operating a PRC program, consistent with the Congressional intent expressed in the Recognition Act.

[10] Skamania County, WA, has historically been a part of the Yakama Service Unit population since 1979.

[11] In order to carry out the Congressional intent of the Siletz Restoration Act, Public Law 95–195, as expressed in H. Report No. 95–623, at page 4, members of the Confederated Tribes of Siletz Indians of Oregon residing in these counties are eligible for contract health services.

[12] Chelan County, WA, has historically been a part of the Colville Service Unit population since 1970.

[13] Pursuant to Public Law 98–481 (H. Rept. No. 98–904), Coos, Lower Umpqua and Siuslaw Restoration Act, members of the Tribe residing in these counties were specified as eligible for Federal services and benefits without regard to the existence of a Federal Indian reservation.

[14] The Confederated Tribes of Grand Ronde Community of Oregon were recognized by Public Law 98–165 which was signed into law on November 22, 1983, and provides for eligibility in these six counties without regard to the existence of a reservation.

[15] The CHSDA for the Coushatta Tribe of Louisiana was expanded administratively by the Director, IHS, through regulation (42 CFR 136.22(b)) to include city limits of Elton, LA.

[16] Cow Creek Band of Umpqua Tribe of Indians recognized by Public Law 97–391, signed into law on December 29, 1983. House Rept. No. 97–862 designates Douglas, Jackson, and Josephine Counties as a service area without regard to the existence of a reservation. The IHS later administratively expanded the CHSDA to include the counties of Coos, OR, Deschutes, OR, Klamath, OR, and Lane, OR.

[17] The Cowlitz Indian Tribe was recognized in July 2002 as documented at 67 FR 46329, July 12, 2002. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638. The CHSDA was administratively expanded to included Columbia County, OR, Kittitas, WA, and Wahkiakum County, WA, as published at 67884 FR December 21, 2009.

[18] Treasure County, MT, has historically been a part of the Crow Service Unit population.

[19] The counties listed have historically been a part of the Grand Traverse Service Unit population since 1980.

[20] Haskell Indian Health Center has historically been a part of Kansas Service Unit since 1979. Special programs have been established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility rather than the eligibility regulations. Historically services have been provided at Haskell Indian Health Center (H. Rept. No. 95–392).

[21] The PRCDA for the Havasupai Tribe of Arizona was expanded administratively by the Director, IHS, through regulation (42 CFR 136.22(b)) to include Mohave County in the State of Arizona.

[22] CHSDA counties for the Ho-Chunk Nation of Wisconsin were designated by regulation (42 CFR 136.22(a)(5)). Dane County, WI, was added to the reservation by the Bureau of Indian Affairs in 1986.

[23] Public Law 97–428 provides that any member of the Houlton Band of Maliseet Indians in or around the Town of Houlton shall be eligible without regard to existence of a reservation.

[24] The Jena Band of Choctaw Indian was Federally acknowledged as documented at 60 FR 28480, May 31, 1995. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[25] Kickapoo Traditional Tribe of Texas, formerly known as the Texas Band of Kickapoo, was recognized by Public Law 97–429, signed into law on January 8, 1983. The Act provides for eligibility for Kickapoo Tribal members residing in Maverick County without regard to the existence of a reservation.

[26] The Klamath Indian Tribe Restoration Act (Pub. L. 99–398, Sec. 2(2)) states that for the purpose of Federal services and benefits ''members of the tribe residing in Klamath County shall be deemed to be residing in or near a reservation''.

[27] The Koi Nation of Northern California, formerly known as the Lower Lake Rancheria, was reaffirmed by the Secretary of the Bureau of Indian Affairs on December 29, 2000. The counties listed were designated administratively as the SDA, to function as a PRCDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

[28] The Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act recognized the Little River Band of Ottawa Indians and the Little Traverse Bay Bands of Odawa Indians. Pursuant to Public Law 103–324, Sec.4 (b) the counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[29] In Public Law 116–92, that became law on December 20, 2019, Congress federally recognized the Little Shell Tribe of Chippewa Indians of Montana. Consistent with Public Law 116–92, the IHS designated the counties as the PRCDA for the Little Shell Tribe of Chippewa Indians of Montana

[30] The Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act recognized the Little River Band of Ottawa Indians and the Little Traverse Bay Bands of Odawa Indians. Pursuant to Public Law 103–324, Sec.4 (b) the counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[31] Mashantucket Pequot Indian Claims Settlement Act, Public Law 98–134, signed into law on October 18, 1983, provides a reservation for the Mashantucket Pequot Indian Tribe in New London County, CT.

[32] The Mashpee Wampanoag Tribe was recognized in February 2007, as documented at 72 FR 8007, February 22, 2007. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[33] The Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan was recognized in October 1998, as documented at 63 FR 56936, October 23, 1998. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[34] The PRCDA for the Mille Lacs Band of Ojibwe was expanded administratively by the Director, IHS, through regulation (42 CFR 136.22(b)) to include the counties of Crow Wing and Morrison in the State of Minnesota.

[35] The PRCDA for the Mille Lacs Band of Ojibwe was expanded administratively by the Director, IHS, through regulation (42 CFR 136.22(b)) to include the counties of Crow Wing and Morrison in the State of Minnesota.

[36] Members of the Mississippi Band of Choctaw Indians residing in Jasper and Noxubee Counties, MS, are eligible for contract health services; these two counties were inadvertently omitted from 42 CFR 136.22.

[37] Members of the Mississippi Band of Choctaw Indians residing in Jasper and Noxubee Counties, MS, are eligible for contract health services; these two counties were inadvertently omitted from 42 CFR 136.22.

[38] Scott County, MS, has historically been a part of the Choctaw Service Unit population since 1970.

[39] The Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017, Public Law 115–121, officially recognized the Monacan Indian Nation as an Indian Tribe within the meaning of Federal law, and specified an area for the delivery of Federal services. The IHS administratively designated the Tribe's PRCDA, for the purposes of operating a PRC program, consistent with the Congressional intent expressed in the Recognition Act.

[40] The Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017, Public Law 115–121, officially recognized the Nansemond Indian Tribe as an Indian Tribe within the meaning of Federal law, and specified an area for the delivery of Federal services. The IHS administratively designated the Tribe's PRCDA, for the purposes of operating a PRC program, consistent with the Congressional intent expressed in the Recognition Act.

[41] The Narragansett Indian Tribe was recognized by Public Law 95–395, signed into law September 30, 1978. Lands in Washington County, RI, are now Federally restricted and the Bureau of Indian Affairs considers them as the Narragansett Indian Reservation.

[42] Entire State of Nevada is included as a CHSDA by regulation (42 CFR 136.22 (a)(2))

[43] Carter County, MT, has historically been a part of the Northern Cheyenne Service Unit population since 1979.

[44] Land of Box Elder County, Utah, was taken into trust for the Northwestern Band of Shoshone Nation in 1986.

[45] The PRCDA for the Northwestern Band of Shoshone Nation was expanded administratively by the Director, IHS, through regulation (42 CFR 136.22(b)) to include the counties of Davis, Salt Lake, and Weber, in the State of Utah.

[46] The Nottawaseppi Huron Band of the Potawatomi, Michigan, formerly known as the Huron Band of Potawatomi, Inc., was recognized in December 1995, as documented at 60 FR 66315, December 21, 1995. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[47] Washabaugh County, SD, merged and became part of Jackson County, SD, in 1983; both were/are CHSDA counties for the Oglala Sioux Tribe.

[48] Entire State of Oklahoma is included as a CHSDA by regulation (42 CFR 136.22 (a)(3)).

[49] Paiute Indian Tribe of Utah Restoration Act, Public Law 96–227, provides for the extension of services for the Paiute Indian Tribe of Utah to these four counties without regard to the existence of a reservation.

[50] In the **Federal Register** on July 8, 2015 (80 FR 39144), the Pamunkey Indian Tribe was officially recognized as an Indian Tribe within the meaning of Federal law. The counties listed were designated administratively as the PRCDA, for the purposes of operating a PRC program.

[51] Legislative history (H.R. Report No. 95–1021) to Public Law 95–375, Extension of Federal Benefits to Pascua Yaqui Indians, Arizona, expresses congressional intent that lands conveyed to the Pascua Yaqui Tribe of Arizona pursuant to Act of October 8, 1964. (Pub. L. 88–350) shall be deemed a Federal Indian Reservation.

[52] The Maine Indian Claims Settlement Act of 1980 (Pub. L. 96–420; H. Rept. 96–1353) includes the intent of Congress to fund and provide contract health services to the Passamaquoddy Tribe and the Penobscot Nation.

[53] The Passamaquoddy Tribe has two reservations: Indian Township and Pleasant Point. The PRCDA for the Passamaquoddy Tribe at Indian Township, ME, is Aroostook County, ME, Washington County, ME, and Hancock County, ME. The PRCDA for the Passamaquoddy Tribe at Pleasant Point, ME, is Washington County, ME, south of State Route 9, and Aroostook County, ME.

[54] The Passamaquoddy Tribe's counties listed are designated administratively as the SDA, to function as a PRCDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

[55] The Maine Indian Claims Settlement Act of 1980 (Pub. L. 96–420; H. Rept. 96–1353) includes the intent of Congress to fund and provide PRC to the Passamaquoddy Tribe and the Penobscot Nation.

[56] Counties in the Service Unit designated by Congress for the Poarch Band of Creek Indians (see H. Rept. 98–886, June 29, 1984; Cong. Record, October 10, 1984, Pg. H11929).

[57] Public Law 103–323 restored Federal recognition to the Pokagon Band of Potawatomi Indians, Michigan and Indiana, in 1994 and identified counties to serve as the SDA.

[58] The Ponca Restoration Act, Public Law 101–484, recognized members of the Ponca Tribe of Nebraska in Boyd, Douglas, Knox, Madison or Lancaster counties of Nebraska or Charles Mix county of South Dakota as residing on or near a reservation. Public Law 104–109 made technical corrections to laws relating to Native Americans and added Burt, Hall, Holt, Platte, Sarpy, Stanton, and Wayne counties of Nebraska and Pottawatomie and Woodbury counties of Iowa to the Ponca Tribe of Nebraska SDA.

[59] Special programs have been established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility, rather than the eligibility regulations. Historically services have been provided at Rapid City (S. Rept. No. 1154, FY 1967 Interior Approp. 89th Cong. 2d Sess.).

[60] The Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017, Public Law 115–121, officially recognized the Rappahannock Tribe, Inc. as an Indian Tribe within the meaning of Federal law, and specified an area for the delivery of Federal services. The IHS administratively designated the Tribe's PRCDA, for the purposes of operating a PRC program, consistent with the Congressional intent expressed in the Recognition Act.

[61] Historically part of Isabella Reservation Area for the Saginaw Chippewa Indian Tribe of Michigan and the Eastern Michigan Service Unit population since 1979.

[62] The Samish Indian Tribe Nation was Federally acknowledged in April 1996 as documented at 61 FR 15825, April 9, 1996. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[63] CHSDA counties for the Sault Ste. Marie Tribe of Chippewa Indians, Michigan, were designated by regulation (42 CFR 136.22(a)(4)).

[64] The Shinnecock Indian Nation was Federally acknowledged in June 2010 as documented at 75 FR 34760, June 18, 2010. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[65] Lemhi County, ID, has historically been a part of the Fort Hall Service Unit population since 1979.

[66] The Snoqualmie Indian Tribe was Federally acknowledged in August 1997 as documented at 62 FR 45864, August 29, 1997. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[67] On December 30, 2011 the Office of Assistant Secretary-Indian Affairs reaffirmed the Federal recognition of the Tejon Indian Tribe. Kern County, CA, was designated administratively as part of the Tribe's CHSDA in addition to the CHSDA established by Congress for the State of California. Kern County was not covered when Congress originally established the State of California as a CHSDA excluding certain counties including Sacramento County (25 U.S.C. 1680).

[68] The counties listed are designated administratively as the SDA, to function as a PRC SDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

[69] The Secretary acting through the Service is directed to provide contract health services to Turtle Mountain Band of Chippewa Indians that reside in Trenton Service Unit, North Dakota and Montana, in Divide, Mackenzie, and Williams counties in the state of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the state of Montana (Sec. 815, Pub. L. 94–437).

[70] Rapides County, LA, has historically been a part of the Tunica Biloxi Service Unit population since 1982.

[71] The Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017, Public Law 115–121, officially recognized the Upper Mattaponi Tribe as an Indian Tribe within the meaning of Federal law, and specified an area for the delivery of Federal services. The IHS administratively designated the Tribe's PRCDA, for the purposes of operating a PRC program, consistent with the Congressional intent expressed in the Recognition Act.

[72] According to Public Law 100–95, Sec. 12, members of the Wampanoag Tribe of Gay Head (Aquinnah) residing on Martha's Vineyard are deemed to be living on or near an Indian reservation for the purposes of eligibility for Federal services.

[73] The counties listed are designated administratively as the SDA, to function as a PRCDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

[74] The Wilton Rancheria, CA, had Federal recognition restored in July 2009 as documented at 74 FR 33468, July 13, 2009. Sacramento County, CA, was designated administratively as part of the Rancheria's CHSDA in addition to the CHSDA established by Congress for the State of California. Sacramento County was not covered when Congress originally established the State of California as a CHSDA excluding certain counties including Sacramento County (25 U.S.C. 1680).

[75] Public Law 100–89, Restoration Act for Ysleta Del Sur and Alabama and Coushatta Tribes of Texas establishes service areas for ''members of the Tribe'' by sections 101(3) and 105(a) for the Pueblo and sections 201(3) and 206(a) respectively.

[76] The PRCDA for the Hoh Indian Tribe of Washington was expanded administratively by the Director, IHS, through regulation (42 CFR 136.22(b)) to include Clallam, WA.

Roselyn Tso,

Director, Indian Health Service.

[FR Doc. 2023–12042 Filed 6–5–23; 8:45 a.m.]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; HIV-Comorbidities within Areas Relevant to NIDDK.

Date: July 14, 2023.

Time: 2:00 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 Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, Democracy II, Suite 7000A, 6707 Democracy Boulevard, (301) 594–7637, *davila-bloomm@extra.niddk.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: May 31, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–11971 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Cancer Institute Clinical Trials and Translational Research Advisory Committee.

This will be a hybrid meeting held in-person and virtually and will be open to the public as indicated below. Individuals who plan to attend in-person or view the virtual meeting and need special assistance or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: *https://videocast.nih.gov/.*

Name of Committee: National Cancer Institute Clinical Trials and Translational Research Advisory Committee.

Date: July 19, 2023.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: Strategic Discussion of NCI's Clinical and Translational Research Programs.

Place: National Cancer Institute Shady Grove, East Wing, Conference Room TE406/408/410, 9609 Medical Center Drive, Rockville, MD 20850, (Hybrid).

Contact Person: Sheila A. Prindiville, M.D., M.P.H., Director, Coordinating Center for Clinical Trials, National Cancer Institute, National Institutes of Health, 9609 Medical Center Drive, Room 6W136, Rockville, MD 20850, 240–276–6173, *prindivs@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NCI Shady Grove has instituted stringent procedures for entrance into the NCI Shady Grove building. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/ctac/ctac.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: May 31, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–11968 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Office of Minority Health Research Coordination (OMHRC) Research Training and Mentor Programs Applications (National Institute of Diabetes and Digestive and Kidney Diseases)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Ms. Winnie Martinez, Project Officer, 6707 Democracy Blvd., 9th Floor, Bethesda, MD, 20892 or call non-toll-free number (301) 435–2988 or email your request, including your address to: *Winnie.Martinez@nih.gov.*

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on March 13, 2023, page 15423–15424 (88 FR 15423) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an

additional 30 days for public comment. The National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection Title: Office of Minority Health Research Coordination Training and Mentor Programs Applications in use with OMB Control Number 0925–0748, exp., date 8/31/2026 REVISION, National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), National Institutes of Health (NIH).

Need and Use of Information Collection: In 2000, the National Institute of Diabetes and Digestive and Kidney Diseases of the National Institutes of Health established the Office of Minority Health Research Coordination to address the burden of diseases and disorders that disproportionately impact the health of minority populations. One of the major goals of the office is to build and sustain a pipeline of researchers from underrepresented populations in the biomedical, behavioral, clinical, and social sciences, with a focus on NIDDK mission areas. The office accomplishes this goal by administering a variety of programs and initiatives to recruit high school through post-doctoral educational level individuals into OMHRC research training and mentor programs: The Short-Term Research Experience Program to Unlock Potential (STEP–UP), the Diversity Summer Research Training Program (DSRTP) for Undergraduate Students, Network of Minority Health Research Investigators (NMRI), the NIH/National Medical Association (NMA) Academic Career Fellow Travel Awards, and the NIH/National Hispanic Medical Association (NHMA) Academic Career Fellow Travel Awards. Identification of participants to matriculate into the program and initiatives comes from applications and related forms hosted through the NIDDK website. The proposed information collection activity is necessary in order to determine the eligibility and quality of potential awardees for traineeship in these programs and to evaluate the effectives of the OMHRC programs in achieving their missions and goals.

OMB approval is requested for three (3) years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 1649.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Short-Term Research Experience Program to Unlock Potential (STEP–UP) Application.	Individuals/Households	600	1	1	600
STEP–UP Student Feedback Form	Individuals/Households	175	1	15/60	44
STEP–UP Participant Survey Form	Private Sector	2,200	1	5/60	183
Diversity Summer Research Training Program (DSRTP) Feedback Form.	Individuals/Households	14	1	20/60	5
Network of Minority Health Research Investigators (NMRI) Enrollment Form.	Private Sector	200	1	15/60	50
NMRI Evaluation Form Day 1	Private Sector	120	1	10/60	20
NMRI Evaluation Form Day 2	Private Sector	120	1	10/60	20
NMRI Evaluation Form Day 3	Private Sector	120	1	10/60	20
NMRI Survey Form	Private Sector	800	1	30/60	400
NMRI Mentor-Mentee Agreement Form.	Private Sector	100	1	30/60	50
NIH/National Medical Association (NMA) Academic Career Fellow Travel Awards Application.	Private Sector	200	1	20/60	67
NIH/NMA Feedback Form	Private Sector	40	1	30/60	20
NIH/NMA Academic Career Development Workshop Contact Information and Feedback Form.	Private Sector	1,000	1	5/60	83
NIH/National Hispanic Medical Association (NHMA) Academic Career Fellow Travel Awards Application.	Private Sector	200	1	20/60	67
NIH/NHMA Feedback Form	Private Sector	40	1	30/60	20
Total			5,929		1,649

Dated: May 31, 2023.

Melbourne L. Bull Jr.,

NIDDK Project Clearance Liaison, Office of Management and Policy Analysis, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health.

[FR Doc. 2023–11912 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; Conference Grants Review Meeting.

Date: July 6, 2023.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1073, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: M. Lourdes Ponce, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1073, Bethesda, MD 20892, (301) 435–0810, *lourdes.ponce@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: June 1, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–12087 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; R13 Conference Grant Review.

Date: July 18, 2023.

Time: 11:00 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W542, Rockville, Maryland 20850 (Virtual Meeting).

Contact Person: Biman Chandra Paria, Ph.D., Scientific Review Officer, Program Coordination and Referral Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W542, Rockville, Maryland 20850, 240–858–3814, *pariab@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Diet, Lipid Metabolism, and Cancer.

Date: July 19, 2023.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W602, Rockville, Maryland 20850 (Virtual Meeting).

Contact Person: Delia Tang, M.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W602, Rockville, Maryland 20850, 240–276–6456, *tangd@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Program Project (P01) Review SEP–E.

Date: July 19, 2023.

Time: 12:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W126, Rockville, Maryland 20850 (Virtual Meeting).

Contact Person: Mukesh Kumar, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W126, Rockville, Maryland 20850, 240–276–6611, *mukesh.kumar3@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; U01 Collaborative Research SEP.

Date: July 27, 2023.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W102, Rockville, Maryland 20850 (Virtual Meeting).

Contact Person: Shakeel Ahmad, Ph.D., Branch Chief, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W102, Rockville, Maryland 20850, 240–276–6442, *ahmads@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: May 31, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–11973 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; AD sequencing.

Date: July 10, 2023.

Time: 12:30 p.m. to 4:30 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: Nijaguna Prasad, Ph.D., Scientific Review Officer, National Institute on Aging, Scientific Review Branch, Gateway Building, 7201 Wisconsin Avenue Suite: 2W200, Bethesda, MD 20892, (301) 496–9667 *prasadnb@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: May 31, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–11969 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Respiratory Sciences.

Date: June 26–27, 2023.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Crystal City, 2399 Jefferson Davis Hwy., Arlington, VA 22202.

Contact Person: Imoh S. Okon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301–347–8881, *imoh.okon@nih.gov.*

Name of Committee: Center for Scientific Review, Special Emphasis Panel; Small Business: Drug Discovery for Aging, Neuropsychiatric and Neurologic Disorders.

Date: June 27–28, 2023.

Time: 8:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn by Marriott, Bethesda Downtown, 7335 Wisconsin Ave. Bethesda, MD 20814.

Contact Person: Kathryn Partlow, Ph.D. Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1016D, Bethesda, MD 20892, (301) 594–2138, *partlowkc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Drug Discovery Involving the Nervous System.

Date: June 27–28, 2023.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, 7400 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Lai Yee Leung, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1011D, Bethesda, MD 20892, (301) 827–8106, *leungl2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Academic Industrial Partnerships for Translation of Medical Technologies.

Date: June 27–28, 2023.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Steven Anthony Ripp, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3010, *steven.ripp@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: The Cardiovascular and Hematological Sciences.

Date: June 27–28, 2023.

Time: 9:00 a.m. to 9:00 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: Dmitri V. Gnatenko, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867–5309, *gnatenkod2@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics in Biomaterials, Nanotechnology, and Drug Delivery.

Date: June 27, 2023.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jingwu Xie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–8625, *jingwu.xie@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–22–180 Maximizing Investigators' Research Award (R35—Clinical Trial Optional).

Date: June 27–28, 2023.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Robert O'Hagan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (240) 909–6378, *ohaganr2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Musculoskeletal, Rehabilitation and Skin Sciences.

Date: June 28–29, 2023.

Time: 8:30 a.m. to 9:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Crystal City, 1480 Crystal Drive, Arlington, VA 22202.

Contact Person: Carmen Bertoni, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 805B, Bethesda, MD 20892, (301) 867–5309, *bertonic2@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neural Oxidative Metabolism and Death Study Section.

Date: June 28–29, 2023.

Time: 9:00 a.m. to 9:00 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: Christine Jean DiDonato, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1014J, Bethesda, MD 20892, (301) 435–1042, *didonatocj@csr.nih.gov.*

Name of Committee: Infectious Diseases and Immunology B Integrated Review Group; Bacterial-Host Interactions Study Section (BHI).

Date: June 28–29, 2023.

Time: 9:30 a.m. to 9:00 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: Uma Basavanna, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–1398, *uma.basavanna@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

Date: June 28–29, 2023.

Time: 9:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mufeng Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–5653, *limuf@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Sensory and Motor Neurosciences, Cognition and Perception.

Date: June 28–29, 2023.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: John N. Stabley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–0566, *stableyjn@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Analytics and Statistics for Population Research Panel A Study Section.

Date: June 28–29, 2023.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Hybrid Meeting).

Contact Person: Victoriya Volkova, Ph.D., DVM, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 594–7781, *volkovav2@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 1, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–12084 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, Notice of Charter Renewal

In accordance with title 41 of the U.S. Code of Federal Regulations, section 102–3.65(a), notice is hereby given that the Charter for the Advisory Committee to the Director, National Institutes of Health, was renewed for an additional two-year period on May 31, 2023.

It is determined that the Advisory Committee to the Director, National Institutes of Health, is in the public interest in connection with the performance of duties imposed on the National Institutes of Health by law, and that these duties can best be performed through the advice and counsel of this group.

Inquiries may be directed to Claire Harris, Director, Office of Federal Advisory Committee Policy, Office of the Director, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, Maryland 20892 (Mail code 4875), Telephone (301) 496–2123, or *harriscl@mail.nih.gov.*

Dated: May 31, 2023.

David W Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–11966 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Community Partnerships to Advance Science for Society (ComPASS): Coordination Center.

Date: June 27, 2023.

Time: 12:00 p.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Aubrey Spriggs Madkour, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000C, Bethesda, MD 20892, (301) 594–6891, *madkouras@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Biobehavioral Mechanisms of Emotion, Stress and Health Study Section.

Date: June 28–29, 2023.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Brittany L. Mason-Mah, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000A, Bethesda, MD 20892, (301) 594–3163, *masonmahbl@mail.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Chemical Synthesis and Biosynthesis Study Section (CSB).

Date: June 28–29, 2023.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shan Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Bethesda, MD 20892, (301) 496–4390, *shan.wang@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Metabolism and Reproductive Sciences.

Date: June 28, 2023.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Victoria Martinez Virador, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, Md 20892, 301–594–4703, *victoria.virador@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biological Targets for Mental Illness.

Date: June 28, 2023.

Time: 5:00 p.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Brittany L Mason-Mah, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000A, Bethesda, MD 20892, (301) 594–3163, *masonmahbl@mail.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Imaging Technology Development Study Section.

Date: June 29–30, 2023.

Time: 8:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Guo Feng Xu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892, (301) 237–9870, *xuguofen@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Enhancing the Use of the All of Us Research Program's Data (R21).

Date: June 29, 2023.

Time: 8:00 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Katherine M Malinda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, (301) 435–0912, *malindakm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Medical Imaging.

Date: June 29–30, 2023.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Krystyna H. Szymczyk, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–4198, *szymczykk@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cell Signaling and Molecular Endocrinology Study Section.

Date: June 29–30, 2023.

Time: 8:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Latha Malaiyandi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812Q, Bethesda, MD 20892, (301) 435–1999, *malaiyandilm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neuroscience AREA Grant Applications.

Date: June 29, 2023.

Time: 9:30 a.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: Myongsoo Matthew Oh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1011F, Bethesda, MD 20892, (301) 435–1042, *ohmm@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 31, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–11970 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA Fellowship Review Panel.

Date: June 22, 2023.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Luis Espinoza, Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2109, Bethesda, MD 20892, (301) 443–8599, *espinozala@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.273, Alcohol Research Programs, National Institutes of Health, HHS)

Dated: May 31, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–11974 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: SBIR/STTR Commercialization Readiness Pilot (CRP) Program.

Date: June 27–28, 2023.

Time: 9:30 a.m. to 5:30 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: Allen B. Richon, Ph.D., BS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7892, Bethesda, MD 20892, (240) 760–0517, *allen.richon@nih.hhs.gov.*

Name of Committee: Applied Immunology and Disease Control Integrated Review Group; Drug Discovery and Molecular Pharmacology A Study Section.

Date: June 29–30, 2023.

Time: 8:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Bidyottam Mittra, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Bethesda, MD 20892, (301) 435–0000, *bidyottam.mittra@nih.gov.*

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Tumor Host Interactions Study Section.

Date: June 29–30, 2023.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Angela Y. Ng, Ph.D., MBA, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 710–C, MSC 7806, Bethesda, MD 20892, (301) 435–1715, *nga@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Digestive System Host Defense, Microbial Interactions and Immune and Inflammatory Disease Study Section.

Date: June 29–30, 2023.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Capitol, 550 C Street SW, Washington, DC 20024.

Contact Person: Aiping Zhao, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 2188, Bethesda, MD 20892–7818, (301) 435–0682, *zhaoa2@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Hepatobiliary Pathophysiology Study Section.

Date: June 29–30, 2023.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Jianxin Hu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2156 Bethesda, MD 20892, 301–827–4417, *jianxinh@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Maximizing Investigators' Research Award B Study Section.

Date: June 29–30, 2023.

Time: 9:00 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Monaco, 700 F Street NW, Washington, DC 20001.

Contact Person: Sudha Veeraraghavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7846 Bethesda, MD 20892, (301) 827–5263, *sudha.veeraraghavan@nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genomics, Computational Biology and Technology Study Section.

Date: June 29–30, 2023.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesdan Hotel, Tapestry Collection by Hilton, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Methode Bacanamwo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2200 Bethesda, MD 20892, 301–827–7088, *methode.bacanamwo@nih.gov.*

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Cellular and Molecular Immunology—B Study Section.

Date: June 29–30, 2023.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Liying Guo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812 Bethesda, MD 20892, (301) 827–7728, *lguo@mail.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Neurological, Mental and Behavioral Health Study Section.

Date: June 29–30, 2023.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Allison Kurti, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007J, Bethesda, MD 20892, (301) 594–1814, *kurtian@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Molecular Cancer Diagnosis and Classification Study Section.

Date: June 29–30, 2023.

Time: 9:15 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Lawrence Ka-Yun Ng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 20892, 301–435–1719, *ngkl@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 31, 2023.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–11965 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Community Level Interventions for Firearm and Related Violence, Injury and Mortality Prevention.

Date: June 28, 2023.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: David E. Pollio, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1006F, Bethesda, MD 20892, (301) 594–4002, *polliode@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Biophysical, Physiological, Pharmacological and Bioengineering Neuroscience.

Date: June 29–30, 2023.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency, Bethesda, One Metro Center, 7400 W Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jennifer Kielczewski, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–1042, *jennifer.kielczewski@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Health Services and Systems.

Date: June 29–30, 2023.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Michael J. McQuestion, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, Bethesda, MD 20892, 301–480–1276, *mike.mcquestion@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Biomaterials, Delivery, and Nanotechnology.

Date: June 29–30, 2023.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: David R. Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301–435–2902, *filpuladr@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Addressing the Impact of Structural Racism and Discrimination on Minority Health and Health Disparities.

Date: June 29, 2023.

Time: 2:30 p.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shahrzad Mavandadi, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–496–4792, *shahrzad.mavandadi@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Grants to Enhance the Use of the All of Us Research Program's Data (R03).

Date: June 30, 2023.

Time: 8:00 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Katherine M. Malinda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, (301) 435–0912, *malindakm@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 1, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–12082 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung and Blood Institute; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Heart, Lung, and Blood Institute Special Emphasis Panel.

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 Heart, Lung, and Blood Institute Special Emphasis Panel; Training Programs for Institutions that Promote Diversity (T32).

Date: July 10, 2023.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Zhihong Shan, Ph.D., MD, Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 205–J, Bethesda, MD 20892, (301) 827–7085, *zhihong.shan@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Physician Scientist Transition to Independence in Blood Science (R00).

Date: July 12, 2023.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Susan Wohler Sunnarborg, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National, Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208–Z, Bethesda, MD 20892, (301) 827–7987, *susan.sunnarborg@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NIH Support for Conferences and Scientific Meetings (R13).

Date: July 18, 2023.

Time: 12:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Fungai Chanetsa, Ph.D., MPH, Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 206–B, Bethesda, MD 20817, (301) 402–9394, *fungai.chanetsa@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Program for Inclusion and Diversity Among Individuals Engaged in Health Related Research (PRIDE) R25 and U24.

Date: July 24, 2023.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Fungai Chanetsa, Ph.D., MPH, Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 206–B, Bethesda, MD 20817, (301) 402–9394, *fungai.chanetsa@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; R35 OIA Review Meeting.

Date: July 26–27, 2023.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Hybrid).

Contact Person: Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 209–B, Bethesda, MD 20892, (301) 827–7953, *kristen.page@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; SBIR Phase IIB Small Market and Bridge Awards (R44).

Date: July 27, 2023.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Manoj K. Valiyaveettil, Ph.D., Scientific Review Officer, Blood & Vascular Branch, Office Scientific Review, Division of Extramural Research Activities (DERA), National Institute of Health, National Heart, Lung, and Blood Institute, Bethesda, MD 20817, (301) 402–1616, *manoj.valiyaveettil@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: June 1, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–12038 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Cellular and Molecular Biology of Neurodegeneration Study Section, June 22, 2023, 8:30 a.m. to June 23, 2023, 5:00 p.m. at the Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102, which was published in the **Federal Register** on May 24, 2023, 88 FR 33619, Doc 2023–11074.

This meeting is being amended to change the end time from 5:00 p.m. to 7:00 p.m. The meeting is closed to the public.

Dated: June 1, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–12086 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Pathway to Independence Awards (K99/R00, K22).

Date: June 27, 2023.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: David W. Miller, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Bethesda, MD 20892–9608, 301–443–9734, *millerda@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: May 31, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–11975 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; Advancing Genomic Medicine Research.

Date: July 6, 2023.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, 3100, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, 3100, Bethesda, MD 20892, (301) 402–8739, *pozzattr@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: June 1, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–12088 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities.

Date: June 27–28, 2023.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Santanu Banerjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2106, Bethesda, MD 20892, (301) 435–5947, *banerjees5@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: May 31, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–12039 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Advisory Committee to the Director, National Institutes of Health, June 8, 2023, 9:00 a.m. to June 9, 2025, 3:00 p.m., National Institutes of Health, Building 1, Wilson Hall, One Center Drive, Bethesda, MD 20892 which was published in the **Federal Register** on May 19, 2023, FR Doc 2023–10689, 88 FR 32235.

This notice is being amended to change the meeting format from Hybrid to Virtual in addition to the meeting start and end times. The open session meeting on June 8, 2023 will now be held from 10:00 a.m. to 5:00 p.m. instead of from 9:00 a.m. to 4:45 p.m. The closed session on June 8, 2023 will be held from 5:10 p.m.–5:45 p.m. instead of from 4:55 p.m. to 5:30 p.m. The open session meeting on June 9, 2023 will now be held from 10:30 a.m. to 4:30 p.m. instead of from 9:00 a.m. to 3:00 p.m. The meeting is partially closed to the public.

Dated: May 31, 2023.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–11967 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; CTSA RC2 High Impact Specialized Innovation Programs Review Meeting.

Date: September 7, 2023.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1080, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jing Chen, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1080, Bethesda, MD 20892, *chenjing@mail.nih.gov*.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; Rare Disease Review Meeting.

Date: September 22, 2023.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1080, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jing Chen, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1080, Bethesda, MD 20892, *chenjing@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: June 1, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–12085 Filed 6–5–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7070–N–28]

30-Day Notice of Proposed Information Collection: Emergency Housing Vouchers and Stability Vouchers; OMB Control No.: 2577–0297

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) to reinstate the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: Comments Due Date: July 6, 2023.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Interested persons are also invited to submit comments regarding this proposal by name and/or OMB Control Number and can be sent to: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410–5000 or email at *PaperworkReductionActOffice@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov,* telephone 202–402–3400. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on March 24, 2023 at 88 FR 17865.

A. Overview of Information Collection

Title of Information Collection: Emergency Housing Voucher and Stability Voucher Data Collection.

OMB Approval Number: OMB: 2577–0297.

Type of Request: Reinstatement of expired data collection.

Form Number: HUD Financial Forms, HUD–52681–B.

Description of the need for the information and proposed use:

This is a reinstatement of emergency PRA 2577–0297 which will then be discontinued. The data collected within this PRA has been absorbed by another collection 2577–0282.

The Housing Choice Voucher (HCV) Program was recently appropriated $43,439,000 for a new homeless voucher program in the Fiscal Year 2021 appropriation and $5,000,000,000 for Emergency Housing Vouchers in the American Rescue Plan of 2021. For both of these new voucher types it is necessary to have the ability to monitor and track the expenses and lease-up of these new vouchers to ensure utilization and appropriate program oversight. Without this data collection it will be impossible to recapture and reallocate unused vouchers per congressional mandate.

Overall, the Housing Choice Voucher program has the need to collect leasing and expenditure data from Public Housing Agencies (PHAs) on a monthly basis to determine utilization for these vouchers as well as apply cash management principles for funds accounting. Further, HUD needs to collect this leasing and expenditure information in an expedited manner to ensure that HUD can follow the congressional directive to ''revoke and redistribute any unleased vouchers and associated funds, including administrative costs to other public housing agencies.''

As a byproduct of the COVID–19 National Emergency, the American Rescue Plan of 2021 was enacted on March 11, 2021. The American Rescue Plan mandates that the Emergency Housing Vouchers must be allocated to the PHAs within 60 days of enactment. With this infusion of $5,000,000,000 in new vouchers it is essential for HUD to have the ability to collect leasing and expenditure information on these new vouchers to provide transparency and accountability to the American public.

In total, the ''Emergency Housing Voucher and Housing Stability Voucher Data Collection'' is anticipated to contain 20 fields. This data must be reported to HUD on a monthly basis once vouchers are allocated to the PHAs.

Respondents: Public Housing Authorities receiving voucher awards of Emergency Housing Vouchers and/or Housing Stability Vouchers.

ESTIMATION OF BURDEN HOURS:

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Financial Form	700	12	8,400	1	8,400	$34	$285,600

Our burden estimate for the number of respondents is based the number of PHAs that have received EHV awards as well as PHAs that will receive Stability Vouchers. It is assumed that PHAs will submit data monthly which is used to calculate ''responses per annum''. This number is multiplied by the burden hours per response to arrive at an annual estimate of burden hours. This is then multiplied by median average wage of a ''Management Analyst'' according to the Bureau of Labor Statistics for 2021 to arrive at a total annual cost.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

(5) Ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Colette Pollard,

Department Reports Management Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2023–12063 Filed 6–5–23; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX23MR00G74E400; OMB Control Number 1028–NEW]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Nonindigenous Aquatic Species eDNA Data and Metadata Submission Forms

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), we, the U.S. Geological Survey (USGS) are proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before July 6, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection request (ICR) should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–NEW in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Matthew Neilson by email at *mneilson@usgs.gov,* or by telephone at (352) 264–3519. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on September 14, 2021, (86 FR 51181). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the

agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How the agency might minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Abstract: More than 6,500 nonindigenous species are now established in the United States, posing risks to native species, valued ecosystems, and human and wildlife health. These invasive species extract a huge cost, an estimated $120 billion per year, to mitigate their harmful impacts. The current annual environmental, economic, and health-related costs of invasive species exceed those of all other natural disasters combined.

Through its Invasive Species Program (*http://www.usgs.gov/ecosystems/invasive_species/*), the USGS plays an important role in Federal efforts to combat invasive species in natural and semi-natural areas through early detection and assessment of newly established invaders; monitoring of invading populations; and improving understanding of the ecology of invaders and factors in the resistance of habitats to invasion. The USGS provides the tools, technology, and information supporting efforts to prevent, contain, control, and manage invasive species nationwide. To meet user needs, the USGS also develops methods for compiling and synthesizing accurate and reliable data and information on invasive species for inclusion in a distributed and integrated web-based information system.

As part of the USGS Invasive Species Program, the Nonindigenous Aquatic Species (NAS) database (*http://nas.er.usgs.gov/*) functions as a repository and clearinghouse for occurrence information on nonindigenous aquatic species from across the United States. It contains locality information on approximately 1,300 species of vertebrates, invertebrates, and vascular plants introduced since 1850. Taxa include foreign species as well as those native to North America that have been transported outside of their natural range. The NAS website provides immediate access to new occurrence records through a real-time interface with the NAS database. Visitors to the website can use a set of predefined queries to obtain lists of species according to state or hydrologic basin of interest. Fact sheets, distribution maps, and information on new occurrences are continually posted and updated. Dynamically generated species distribution maps show the spatial accuracy of the locations reported, population status, and links to more information about each report.

Environmental DNA (eDNA) comprises genetic material that has been sloughed, excreted, or otherwise released into the environment and can be detected in water, soil, and air. For aquatic organisms, this includes skin, excrement, mucus, saliva, blood, and gametes. Collection of environmental samples can be screened for the presence of eDNA, allowing for the detection of low-density organisms before detectability by traditional sampling methods. The combination of traditional specimen sightings and eDNA detections can provide more complete species distribution records and significantly improve the ability to respond quickly to new invasions as part of an early detection rapid response (EDRR) system. Working with interagency eDNA experts, the NAS database has used a consensus method to identify and develop community data standards for integrating eDNA detection data.

Title of Collection: Nonindigenous Aquatic Species eDNA Data and Metadata Submission Forms.

OMB Control Number: 1028–NEW.

Form Number: None.

Type of Review: New.

Respondents/Affected Public: Federal, State, and local government employees; university research personnel.

Total Estimated Number of Annual Respondents: We estimate approximately 25 total respondents per year.

Total Estimated Number of Annual Responses: We estimate approximately 35 responses per year.

Estimated Completion Time per Response: We estimate a total of 90 minutes (1.5 hours) per response.

Total Estimated Number of Annual Burden Hours: We estimate a total of 52.5 annual hours.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct, or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Lynn Copeland,

Wetland and Aquatic Research Center Director.

[FR Doc. 2023–12017 Filed 6–5–23; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_AZ_FRN_MO4500168371 AZA–38291]

Notice of Withdrawal Application and Opportunity for a Public Meeting for the Prescott National Forest/ Hassayampa River, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Forest Service (USFS) has filed an application with the Bureau of Land Management (BLM) requesting that the Secretary of the Interior withdraw 3,739 acres of National Forest System (NFS) lands located within the Prescott National Forest from location and entry under the U.S. mining laws, and from leasing under the mineral and geothermal leasing laws, for a 20-year term, subject to valid existing rights. The purpose of the withdrawal requested is to protect the Hassayampa River Riparian Corridor, located in Yavapai County, Arizona, from potential adverse impacts from mining, mineral, and geothermal leasing. Publication of this notice temporarily segregates the lands for up to two years, initiates a 90-day public comment period, and announces to the public an opportunity to request a public meeting on the withdrawal application.

DATES: Comments and requests for a public meeting must be received by September 5, 2023.

ADDRESSES: All comments or requests for a public meeting should be sent to

the BLM Arizona State Office, 1 North Central Avenue, Suite 800, Phoenix, AZ 85004; faxed to (602) 417–9452; or sent by email to *BLM_AZ_Withdrawal_Comments@blm.gov.* The BLM will not consider comments via telephone calls.

FOR FURTHER INFORMATION CONTACT: Michael Ouellett, Realty Specialist, BLM Arizona State Office, telephone (602) 417–9561, email at *mouellett@blm.gov;* or you may contact the BLM office at the address noted above. 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 will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The USFS requests the 20-year term withdrawal to protect the Hassayampa River riparian corridor located on NFS lands. The subject lands are located within the Prescott National Forest. This request is for a new withdrawal encompassing 1,677.25 acres of NFS lands previously withdrawn by Public Land Order (PLO) No. 7414 (expired October 11, 2019), and an additional 2,061.75 acres of this riparian corridor that the USFS has identified as also needing protection.

The following described NFS lands are the subject of the USFS's withdrawal application and are temporarily segregated for a period of up to two years from location and entry under the U.S. mining laws, and from leasing under the mineral and geothermal leasing laws, subject to valid existing rights. The lands remain open to such uses as may be made on NFS lands:

Gila and Salt River Meridian, Arizona

T. 12½ N., R. 2 W.,
- Sec. 19, lots 5 and 6, and M.S. No. 2835;
- Sec. 20, lots 1 thru 4;
- Sec. 21, lots 1 thru 4, SE¼SW¼, and S½SE¼;
- Sec. 22, lots 1 thru 4, and S½SW¼;
- Sec. 23, lot 4;
- Sec. 26, lot 4, lots 8 thru 17, and M.S. No. 4051, excepting that portion of M.S. No. 4051 within M.S. No. 3986, and that portion of Tract No. 0059, recorded in Book 96 of land surveys, Page 73, in the official records of Yavapai County, Arizona.
- Sec. 27, lots 1 thru 6, W½NW¼, and M.S. No. 4051;
- Sec. 28, N½NE¼, NE¼NW¼;
- Sec. 30, lots 1, 2, 4, 6 thru 8, S½NE¼, SE¼SW¼, W½SE¼, and M.S. No. 2835;
- Sec. 35, lots 2, 3, 9, and M.S. No. 2648, except that portion of M.S. No. 2648, as excepted in the Warranty Deed to the U.S.A., recorded in Book 1051, Pages 550–553, in the official records of Yavapai County, Arizona.

T. 13 N., R. 2 W.,
- Sec. 28, lots 13, 16, 18, and 21;
- Sec. 31, lot 20, excepting M.S. No. 2025;
- Sec. 32, lots 5 thru 7 and lots 10 thru 20;
- Sec. 33, lots 2 thru 6 and lots 9 thru 16;
- Sec. 34, lot 18;
- Sec. 35, lot 15.

T. 12½ N., R. 3 W.,
- Sec. 23, lot 1, 2, those portions lying easterly and southerly of a line which lies 300 feet easterly and southerly of and parallel with the centerline of Arizona State Highway No. 89, per Public Land Order No. 1556 of November 19, 1957, and lot 5;
- Sec. 24, lot 5;
- Sec. 25, lots 4 and 5, SE¼SW¼, NE¼SE¼, and S½SE¼, excepting M.S. No. 4056;
- Sec. 36, lots 1, 2, 6, 7 and 8, and NE¼SE¼.

The areas described aggregate 3,739 acres.

The use of a right-of-way, interagency agreement, or cooperative agreement would not provide adequate protection of the specified lands.

No additional water rights are needed to fulfill the purpose of this requested withdrawal.

There are no suitable alternative sites since the requested withdrawal area is for the protection of the unique natural resources of the Hassayampa River riparian corridor.

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.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the requested withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the requested withdrawal must submit a written request to the BLM Arizona State Director no later than September 5, 2023. If the authorized officer determines that a public meeting will be held, a notice of the time, date, and place will be published in the **Federal Register** and a local newspaper at least 30 days before the scheduled date of the meeting.

For a period until June 5, 2025 the lands will be segregated as specified above unless the application is denied or canceled.

This application will be processed in accordance with the regulations at 43 CFR 2300.

Authority: 43 U.S.C. 1714(b)(1) and 43 CFR 2310.3–1.

Raymond Suazo,

State Director.

[FR Doc. 2023–11998 Filed 6–5–23; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNMP01000 L12200000.PM0000 234L1109AF]

Notice of Temporary Closure of Rob Jaggers Campground

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of temporary closure.

SUMMARY: Notice is hereby given that a temporary closure will be in effect on public lands administered by the Bureau of Land Management (BLM) Roswell Field Office during the American Endurance Ride Conference's official permitted endurance horseback riding events.

DATES: The closure dates will be in effect from 8 a.m. on July 7, 2023, through 10 a.m., July 16, 2023, Mountain Time.

ADDRESSES: This temporary closure order will be posted in the BLM Roswell Field Office, 2909 West 2nd Street, Roswell, NM 88201. Maps of the affected area and other documents associated with this temporary closure are available at Roswell Field Office.

FOR FURTHER INFORMATION CONTACT: Chuck Schmidt, Field Manager, Roswell Field Office, telephone (575) 627–0224, email: *cschmidt@blm.gov;* or Warren Kasper, National Conservation Area Manager, telephone (575) 808–9611, email: *wkasper@blm.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The temporary closure affects the Rob Jaggers Campground within the Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, New Mexico. This action is being taken to help ensure public safety during the American Endurance Ride Conference's

official permitted endurance horseback riding events.

The BLM will post temporary closure signs at main entry points to this area.

This event is authorized on public land under a special recreation permit, in conformance with the BLM Roswell Resource Management Plan and the Fort Stanton-Snowy River Cave National Conservation Area Management Plan. Under the authority of section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)), 43 CFR 8360.0–7, and 43 CFR 8364.1, the BLM will enforce the following temporary closure and restrictions within the Rob Jaggers Campground.

Description of Closed Area

Areas subject to this temporary closure include all 20 acres of public lands situated within the interior of the Rob Jaggers Campground. All areas within the boundary of the Campground are closed to public entry during the temporary closure from July 7 to July 16, 2023.

Exceptions to Closure

The temporary closure does not apply to Federal, State, and local officers and employees in the performance of their official duties; members of organized rescue or firefighting forces in the performance of their official duties; persons with written authorization for the period of the event from the BLM; and designated officials, participants, crews, or persons operating on their behalf.

Enforcement

Any person who violates the temporary closure may be tried before a United States magistrate and fined in accordance with 18 U.S.C. 3571, imprisoned no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.0–7, or both. In accordance with 43 CFR 8365.1–7, state or local officials may also impose penalties for violations of state law.

Effect of Closure

The entire Rob Jaggers Campground area as described above, and in the time period as described above, is temporarily closed to all public use, including pedestrian use, campers, and vehicles, unless affiliated with American Endurance Ride Conference use, and as specifically excepted as described above.

Authority: 43 CFR 8364.1.

Charles Schmidt,

BLM Roswell Field Manager.

[FR Doc. 2023–11982 Filed 6–5–23; 8:45 am]

BILLING CODE 4331–23–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

Submission of Information Collections Under the Paperwork Reduction Act

AGENCY: National Indian Gaming Commission, Interior.

ACTION: Second notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Indian Gaming Commission (NIGC or Commission) is announcing its submission, concurrently with the publication of this notice or soon thereafter, of the following information collection requests to the Office of Management and Budget (OMB) for review and approval. The Commission is seeking comments on the renewal of information collections for the following activities: compliance and enforcement actions under the Indian Gaming Regulatory Act as authorized by OMB Control Number 3141–0001; tribal gaming ordinance approvals, background investigations, and issuance of licenses as authorized by OMB Control Number 3141–0003; National Environmental Policy Act submissions as authorized by OMB Control Number 3141–0006; and issuance to tribes of certificates of self-regulation for class II gaming as authorized by OMB Control Number 3141–0008. These information collections expire on June 30, 2023, with the exception of OMB Control Number 3141–000, which expires on May 31, 2023.

DATES: The OMB has up to 60 days to approve or disapprove the information collection requests, but may respond after 30 days. Therefore, public comments should be submitted to OMB by no later than July 6, 2023 in order to be assured of consideration.

ADDRESSES: Submit comments directly to OMB's Office of Information and Regulatory Affairs, Attn: Policy Analyst/Desk Officer for the National Indian Gaming Commission. Comments can also be emailed to *OIRA_Submission@omb.eop.gov*, include reference to ''NIGC PRA Renewals'' in the subject line.

FOR FURTHER INFORMATION CONTACT: For further information, including copies of the proposed collections of information and supporting documentation, contact Tim Osumi by email at *tim.osumi@nigc.gov,* or by telephone at (202) 632–7054; or by at fax (202) 632–7066 (not toll-free numbers). You may also review these information collection requests by going to <*http://www.reginfo.gov*> (Information Collection Review, Currently Under Review, Agency: National Indian Gaming Commission).

SUPPLEMENTARY INFORMATION:

I. Abstract

The gathering of this information is in keeping with the purposes of the Indian Gaming Regulatory Act of 1988 (IGRA or the Act), Public Law 100–497, 25 U.S.C. 2701, *et seq.,* which include: providing a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments; ensuring that the Indian tribe is the primary beneficiary of the gaming operation; and declaring that the establishment of independent federal regulatory authority for gaming on Indian lands, the establishment of federal standards for gaming on Indian lands, and the establishment of the Commission, are necessary to meet congressional concerns regarding gaming and to protect such gaming as a means of generating tribal revenue. 25 U.S.C. 2702. The Act established the Commission and laid out a comprehensive framework for the regulation of gaming on Indian lands.

II. Data

Title: Indian Gaming Compliance and Enforcement.

OMB Control Number: 3141–0001.

Brief Description of Collection: Although IGRA places primary responsibility with the tribes for regulating their gaming activities, 25 U.S.C. 2706(b) directs the Commission to monitor class II gaming conducted on Indian lands on a continuing basis. Amongst other actions necessary to carry out the Commission's statutory duties, the Act authorizes the Commission to access and inspect all papers, books, and records relating to gross revenues of a gaming operation. The Act also requires tribes to provide the Commission with annual independent audits of their gaming operations, including audits of all contracts in excess of $25,000. 25 U.S.C. 2710(b)(2)(C), (D); 2710(d)(1)(A)(ii). The Act also authorizes the Commission to ''promulgate such regulations and guidelines as it deems appropriate to implement'' IGRA. 25 U.S.C. 2706(b)(10). Part 571 of title 25, Code of

Federal Regulations, implements these statutory requirements.

Section 571.7(a) requires Indian gaming operations to keep/maintain permanent books of account and records sufficient to establish the amount of gross and net income, deductions and expenses, receipts and disbursements, and other relevant financial information. Section 571.7(c) requires that these records be kept for at least five years. Under § 571.7(b), the Commission may require a gaming operation to submit statements, reports, accountings, and specific records that will enable the NIGC to determine whether or not such operation is liable for fees payable to the Commission (and in what amount). Section 571.7(d) requires a gaming operation to keep copies of all enforcement actions that a tribe or a state has taken against the operation.

Section 571.12 requires tribes to prepare comparative financial statements covering all financial activities of each class II and class III gaming operation on the tribe's Indian lands, and to engage an independent certified public accountant to provide an annual audit of the financial statements of each gaming operation. Section 571.13 requires tribes to prepare and submit to the Commission two paper copies or one electronic copy of the financial statements and audits, together with management letter(s) and other documented auditor communications and/or reports as a result of the audit, setting forth the results of each fiscal year. The submission must be sent to the Commission within 120 days after the end of the fiscal year of each gaming operation, including when a gaming operation changes its fiscal year or when gaming ceases to operate. Section 571.14 requires tribes to reconcile quarterly fee reports with audited financial statements and to keep/maintain this information to be available to the NIGC upon request in order to facilitate the performance of compliance audits.

This information collection is mandatory and allows the Commission to fulfill its statutory responsibilities under IGRA to regulate gaming on Indian lands.

Respondents: Indian tribal gaming operations.

Estimated Number of Respondents: 720.

Estimated Annual Responses: 1,440.

Estimated Time per Response: Depending on the type of information collection, the range of time can vary from 4 burden hours to 476 burden hours for one item.

Frequency of Responses: Depending on the type of information collection, it can be quarterly or annually.

Estimated Total Annual Burden Hours on Respondents: 126,720.

Estimated Total Non-Hour Cost Burden: $38,376,960.

Title: Approval of Class II and Class III Ordinances, Background Investigations, and Gaming Licenses.

OMB Control Number: 3141–0003.

Brief Description of Collection: The Act sets standards for the regulation of gaming on Indian lands, including requirements for the approval or disapproval of tribal gaming ordinances. Specifically, § 2705(a)(3) requires the NIGC Chair to review all class II and class III tribal gaming ordinances. Section 2710 sets forth the specific requirements for the tribal gaming ordinances, including the requirement that there be adequate systems in place to cause background investigations to be conducted on individuals in key employee and primary management official (PMO) positions (§ 2710(b)(2)(F)(i)); and to provide two prompt notifications to the Commission, one notification containing the results of the background investigations before the issuance of any gaming licenses, and the other one of the issuance of such gaming licenses to key employees and PMOs (§ 2710(b)(2)(F)(ii)). In addition, § 2710(d)(2)(D)(ii) requires tribes who have, at their sole discretion, revoked any prior class III ordinance or resolution, to submit a notice of such revocation to the NIGC Chair. The Act also authorizes the Commission to ''promulgate such regulations and guidelines as it deems appropriate to implement'' IGRA. 25 U.S.C. 2706(b)(10). Parts 519, 522, 556, and 558 of title 25, Code of Federal Regulations, implement these statutory requirements.

Sections 519.1 and 519.2 require a tribe, management contractor, and a tribal operator to designate an agent for service of process, and § 522.2(g) requires it to be submitted by written notification to the Commission. Section 522.2(a) requires a tribe to submit a copy of an ordinance or resolution certified as authentic, and that meets the approval requirements in 25 CFR 522.5(b) or 522.7. Sections 522.11 and 522.12 require tribes to submit, respectively, an ordinance for the licensing of individually owned gaming operations other than those operating on September 1, 1986, and for the licensing of individually owned gaming operations operating on September 1, 1986. Section 522.3(a) requires a tribe to submit an amendment to an ordinance or resolution within 15 days after adoption of such amendment.

Section 522.2(b)–(h) requires tribes to submit to the Commission: (i) A copy of the procedures to conduct or cause to be conducted background investigations on key employees and primary management officials and to ensure that key employees and primary management officials are notified of their rights under the Privacy Act; (ii) a copy of the procedures to issue tribal licenses to primary management officials and key employees; (iii) When an ordinance or resolution concerns class III gaming, a copy of any approved tribal-state compact or class III procedures as prescribed by the Secretary that are in effect at the time the ordinance or amendment is passed; (iv) A copy of the procedures for resolving disputes between the gaming public and the tribe or the management contractor; (v) Identification of the entity that will take fingerprints and a copy of the procedures for conducting a criminal history check. Such a criminal history check shall include a check of criminal history records information maintained by the Federal Bureau of Investigation; and (vi) Indian lands or tribal gaming regulations or environmental and public health and safety documentation that the Chair may request in the Chair's discretion. Section 522.3(a) requires a tribe to submit any amendment to these submissions within 15 days after adoption of such amendment. Section 522.13(a) requires a tribe to submit to the Commission a copy of an authentic ordinance revocation or resolution.

Section 556.4 requires tribes to mandate the submission of the following information from applicants for key employee and PMO positions: (i) full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written); (ii) currently and for the previous five years: Business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers; (iii) the names and current addresses of at least three personal references; (iv) current business and personal telephone numbers; (v) a description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses; (vi) a description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses; (vii) the name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit

related to gaming, whether or not such license or permit was granted; (viii) for each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any; (ix) for each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition; (x) for each criminal charge in the past 10 years that is not otherwise listed, the criminal charge, the name and address of the court, and the date and disposition; (xi) the name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted; (xii) a photograph; and (xiii) fingerprints. Sections 556.2 and 556.3, respectively, require tribes to place a specific Privacy Act notice on their key employee and PMO applications, and to warn applicants regarding the penalty for false statements by also placing a specific false statement notice on their applications.

Sections 556.6(a) and 558.3(e) require tribes to keep/maintain the individuals' complete application files, investigative reports, and eligibility determinations during their employment and for at least three years after termination of their employment. Section 556.6(b)(1) requires tribes to create and maintain an investigative report on each background investigation that includes: (i) the steps taken in conducting a background investigation; (ii) the results obtained; (iii) the conclusions reached; and (iv) the basis for those conclusions. Section 556.6(b)(2) requires tribes to submit, no later than 60 days after an applicant begins work, a notice of results of the applicant's background investigation that includes: (i) the applicant's name, date of birth, and Social Security number; (ii) the date on which the applicant began or will begin work as a key employee or PMO; (iii) a summary of the information presented in the investigative report; and (iv) a copy of the eligibility determination.

Section 558.3(b) requires a tribe to notify the Commission of the issuance of PMO and key employee licenses within 30 days after such issuance. Section 558.3(d) requires a tribe to notify the Commission if the tribe does not issue a license to an applicant, and requires it to forward copies of its eligibility determination and notice of results to the Commission for inclusion in the Indian Gaming Individuals Record System. Section 558.4(e) requires a tribe, after a gaming license revocation hearing, to notify the Commission of its decision to revoke or reinstate a gaming license within 45 days of receiving notification from the Commission that a specific individual in a PMO or key employee position is not eligible for continued employment.

These information collections are mandatory and allow the Commission to carry out its statutory duties.

Respondents: Indian tribal gaming operations.

Estimated Number of Respondents: 1,524.

Estimated Annual Responses: 225,484.

Estimated Time per Response: Depending on the type of information collection, the range of time can vary from 0.7 burden hour to 23 burden hours for one item.

Frequency of Response: Varies.

Estimated Total Annual Burden Hours on Respondents: 489,089.

Estimated Total Non-Hour Cost Burden: $3,264,177.

Title: NEPA Compliance.

OMB Control Number: 3141–0006.

Brief Description of Collection: The National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.,* and the Council on Environmental Quality's (CEQ) implementing regulations, require federal agencies to prepare (or cause to be prepared) environmental documents for agency actions that may have a significant impact on the environment. Under NEPA, an Environmental Assessment (EA) must be prepared when the agency action cannot be categorically excluded, or the environmental consequences of the agency action will not result in a significant impact or the environmental impacts are unclear and need to be further defined. An Environmental Impact Statement (EIS) must be prepared when the agency action will likely result in significant impacts to the environment.

Amongst other actions necessary to carry out the Commission's statutory duties, the Act requires the NIGC Chair to review and approve third-party management contracts that involve the operation of tribal gaming facilities. 25 U.S.C. 2711. The Commission has taken the position that the NEPA process is triggered when a tribe and a potential contractor seek approval of a management contract. Normally, an EA or EIS and its supporting documents are prepared by an environmental consulting firm and submitted to the Commission by the tribe. In the case of an EA, the Commission independently evaluates the NEPA document, verifies its content, and assumes responsibility for the accuracy of the information contained therein. In some cases, this may be memorialized in a Supplemental Information Report. In the case of an EIS, the Commission directs and is responsible for the preparation of the NEPA document, but the tribe or potential contractor is responsible for paying for the preparation of the document. The information collected includes, but is not limited to, maps, charts, technical studies, correspondence from other agencies (federal, tribal, state, and local), and comments from the public. These information collections are mandatory and allow the Commission to carry out its statutory duties.

Respondents: Tribal governing bodies, management contractors.

Estimated Number of Respondents: 3.

Estimated Annual Responses: 3.

Estimated Time per Response: Depending on whether the response is an EA or an EIS, the range of time can vary from 2 burden hours to 16 burden hours for one item.

Frequency of Response: Varies.

Estimated Total Annual Burden Hours on Respondents: 20.5.

Estimated Total Non-Hour Cost Burden: $494,132.

Title: Issuance of Certificates of Self-Regulation to Tribes for Class II Gaming.

OMB Control Number: 3141–0008.

Brief Description of Collection: The Act sets the standards for the regulation of Indian gaming, including a framework for the issuance of certificates of self-regulation for class II gaming operations to tribes that meet certain qualifications. Specifically, 25 U.S.C. 2710(c) authorizes the Commission to issue a certificate of self-regulation if it determines that a tribe has: (i) conducted its gaming activity in a manner that has resulted in an effective and honest accounting of all revenues and a reputation for safe, fair, and honest operation of the activity, and has been generally free of evidence of criminal or dishonest activity; (ii) conducted its gaming operation on a fiscally and economically sound basis; (iii) conducted its gaming activity in compliance with the IGRA, NIGC regulations and the tribe's gaming ordinance and gaming regulations; (iv) adopted and is implementing adequate systems for the accounting of all revenues from the gaming activity, for the investigation, licensing, and monitoring of all employees of the gaming activity, for the investigation, enforcement, and prosecution of violations of its gaming ordinance and regulations, and for the prosecution of criminal or dishonest activity or referring of such activity for

prosecution. The Act also authorizes the Commission to ''promulgate such regulations and guidelines as it deems appropriate to implement'' IGRA. 25 U.S.C. 2706(b)(10). Part 518 of title 25, Code of Federal Regulations, implements these statutory requirements.

Section 518.3(e) requires a tribe's gaming operation(s) and the tribal regulatory body (TRB) to have kept all records needed to support the petition for self-regulation for the three years immediately preceding the date of the petition submission. Section 518.4 requires a tribe petitioning for a certificate of self-regulation to submit the following to the Commission, accompanied by supporting documentation: (i) two copies of a petition for self-regulation approved by the tribal governing body and certified as authentic; (ii) a description of how the tribe meets the eligibility criteria in § 518.3; (iii) a brief history of each gaming operation, including the opening dates and periods of voluntary or involuntary closure(s); (iv) a TRB organizational chart; (v) a brief description of the criteria that individuals must meet before being eligible for employment as a tribal regulator; (vi) a brief description of the process by which the TRB is funded, and the funding level for the three years immediately preceding the date of the petition; (vii) a list of the current regulators and TRB employees, their complete resumes, their titles, the dates that they began employment, and if serving limited terms, the expiration date of such terms; (viii) a brief description of the accounting system(s) at the gaming operation that tracks the flow of the gaming revenues; (ix) a list of the gaming activity internal controls at the gaming operation(s); (x) a description of the recordkeeping system(s) for all investigations, enforcement actions, and prosecutions of violations of the tribal gaming ordinance or regulations, for the three-year period immediately preceding the date of the petition; and (xi) the tribe's current set of gaming regulations, if not included in the approved tribal gaming ordinance. Section 518.10 requires each Indian gaming tribe that has been issued a certificate of self-regulation to submit to the Commission the following information by April 15th of each year following the first year of self-regulation, or within 120 days after the end of each gaming operation's fiscal year: (i) an annual independent audit; and (ii) a complete resume for all TRB employees hired and licensed by the tribe subsequent to its receipt of a certificate of self-regulation.

Submission of the petition and supporting documentation is voluntary. Once a certificate of self-regulation has been issued, the submission of certain other information is mandatory.

Respondents: Tribal governments.

Estimated Number of Respondents: 11.

Estimated Annual Responses: 11.

Estimated Time per Response: Depending on the information collection, the range of time can vary from 1 burden hour to 202 burden hours for one item.

Frequency of Responses: One per year.

Estimated Total Annual Burden Hours on Respondents: 257.

Estimated Total Non-Hour Cost Burden: $203,825.

III. Request for Comments

Regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act, require that interested members of the public have an opportunity to comment on an agency's information collection and recordkeeping activities. *See* 5 CFR 1320.8(d). To comply with the public consultation process, the Commission previously published its 60-day notice of its intent to submit the above-mentioned information collection requests to OMB for approval. *See* 88 FR 20182 (April 5, 2023). The Commission did not receive any comments in response to that notice and request for comments.

The Commission will submit the preceding requests to OMB to renew its approval of the information collections. The Commission is requesting a three-year term of approval for each of these information collection and recordkeeping activities.

You are again invited to comment on these collections concerning: (i) whether the collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (ii) the accuracy of the agency's estimates of the burdens (including the hours and cost) of the proposed collections of information, including the validity of the methodologies and assumptions used; (iii) ways to enhance the quality, utility, and clarity of the information to be collected; (iv) ways to minimize the burdens of the information collections on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or forms of information technology.

If you wish to comment in response to this notice, you may send your comments to the office listed under the **ADDRESSES** section of this notice by July 6, 2023.

Comments submitted in response to this second notice will be summarized and become a matter of public record. The NIGC will not request nor sponsor a collection of information, and you need not respond to such a request, if there is no valid OMB Control Number.

Dated: May 23, 2023.

Christinia Thomas,

Deputy Chief of Staff.

[FR Doc. 2023–11368 Filed 6–5–23; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–CR–NPS0035688; PPWOCRADP3, PCU00RP15.R50000 234P104215 (223); OMB Control Number 1024–0038]

Agency Information Collection Activities; Procedures for State, Tribal, and Local Government Historic Preservation Programs & Management of Historic Preservation Fund Grants

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 to revise a currently approved information collection.

DATES: Interested persons are invited to submit comments on or before August 7, 2023.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to NPS Information Collection Clearance Officer (ADIR–ICCO), National Park Service, 12201 Sunrise Valley Drive, (MS–242) Reston, VA 20191 (mail); or to *phadrea_ponds@nps.gov* (email). Please reference Office of Management and Budget (OMB) Control Number 1024–0038 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR contact Seth Tinkham, Grants Management Specialist, State, Tribal, Local, Plans & Grants Division at *STLPG@nps.gov* (email); or at 202–354–2020 (phone). Please reference OMB Control Number 1024–0038 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.

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), all information collections require approval under the PRA.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected.

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: This collection is authorized by Section 101(b) of the National Historic Preservation Act, as amended (54 U.S.C. 302301), which specifies the role of States, Tribes, and local governments in the Historic Preservation Program (HPP). This information collection has an impact on State, Tribal, and local governments that wish to participate formally with the National Park Service in the HPP. Information is also requested to meet grant management and monitoring of responsibilities for States, Tribes, local government, and other eligible grant recipients under 54 U.S.C. 300101 *et seq.* and 2 CFR 200.

Each year Congress directs the NPS to use part of the annual appropriation from the Historic Preservation Fund (HPF) for the State grant program and the Tribal grant programs to assist States and Tribes in carrying out their statutory role in the HPP. Through competitive grant programs, Congress also directs NPS to provide financial assistance to a variety of eligible grant recipients to support the broad cultural resource mandates of the National Historic Preservation Act and for other purposes.

We use these information collections to manage our statutory partnerships and for managing grants (usually to those same partners). We are requesting to update the name of this collection from ''*Procedures for State, Tribal, and Local Government Historic Preservation Programs*'' to ''*Procedures for State, Tribal, and Local Government Historic Preservation Programs & Management of Historic Preservation Fund Grants.*'' This change is to clarify our roles in managing our statutory partnerships and competitive (project) grants and formula grants.

The information from this collection is required to determine if State, Tribal, and local governments meet minimum standards and requirements for participation in the HPP and to meet program-specific requirements as well as government-wide requirements for Federal grant programs. This revision will seek approval for new collections to support competitive (project) grants, clarify collection requirements for formula grants, and reduce one collection related to the HPP.

Due to an unprecedented funding increase, we anticipate an increase in the number of applicants and awarded grants. We are requesting approval for the 10 new forms (listed below). The forms will enable us to prudently manage, monitor, track, and steward federal funding resources and our investment in the nation's historic resources and collections.

- *Interim Progress Report Worksheet* (applies to all project grants): This worksheet will provide an organized and systematic way for grant recipients to provide a performance progress report that relates grant-supported project work to expenditures. The report also assists with tracking grantee compliance with award terms and conditions related to environmental and historic resource protection laws.
- *Final Report Worksheet* (applies to all project grants): This worksheet will be used to reconcile the proposed project budget with actual expenditures, including final verification that grantee administrative and indirect costs expenditures did not exceed the statutory maximum. The worksheet also describes grant-assisted accomplishments and serves as the final performance report. Finally, the worksheet gathers data on the impact of the grant award.
- *Project Image Form* (applies to all project grants): This form is used to gather representative photographs, prints, drawings, or other visual depictions of the historic resources impacted by the project. Project images are used to depict damage to or illustrate areas needing repair in historic resources.
- *Budget Narrative* (applies to all project grants): This form will provide a standardized way for applicants to relate budget data depicted in aggregate on the SF–424A and/or SF–424C to specific work items. The data in the budget narrative are used to perform an initial price/cost analysis as part of assessing the reasonability of project budgets as well as compliance with program funding limitations.
- *Project Description Worksheet* (applies to all project grants): This worksheet will be used in the merit review selection process to rank and select projects for funding. The project description worksheet will be used by applicants to describe their project, relate project work to the specific grant program, and demonstrate the reasonableness of project budgets and staff qualifications.
- *Emergency Supplemental Historic Preservation Fund Grant Final Report Worksheet* (applies to the named grant program only): Due to the funding requirements and program goals for the Emergency Supplemental Historic Preservation Fund grants, a program-specific final report worksheet is required. This worksheet will require grantees to describe the full scope of grant-assisted disaster recovery operations and provide vital feedback to improve the delivery of federal financial assistance post-disaster.
- *National Register Eligibility Worksheet* (applies only to grant

applications for development/construction work): For those grant programs which support project work on resources that are listed in, or eligible for listing in, the National Register of Historic Places, this worksheet will be used to document the name of the resource(s) as listed or determined eligible for listing. Additionally, this worksheet records the National Register listing number (called NRIS) for listed resources. This worksheet is necessary to determine whether the proposed project work is eligible for funding.

- *Subgrant project description* (applies to Paul Bruhn Historic Revitalization Subgrant Program and Emergency Supplemental Historic Preservation Fund grants only): The information collected will include the scope of work, name and address of subgrantee, subgrant budget, and subgrant final accomplishments. This information is required as part of prime recipient monitoring, to assist with review and compliance with environmental and historic resource protections laws, and to record expenditures of prime award funding bypass through entities.
- *National Environmental Policy Act (NEPA) screening worksheet* (applies to all grants): NEPA screening worksheet data are used to assess the environmental impact of grant and subgrant assisted work.
- *Project information submittals for National Historic Landmarks or World Heritage Sites* (applies to all grants): Information submitted under this collection is used to meet statutory requirements for the protection of this nation's most valuable historic resources. Specifically, this project information is analyzed for compliance with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation.

We are proposing to discontinue the HPF Online Closeout/EOY (State Sources of Non-federal Matching Share Report).

The NPS uses the information collected to ensure compliance with the National Historic Preservation Act, as well as government-wide grant requirements issued and implemented through 43 CFR 12 and 2 CFR 200.

Title of Collection: Procedures for State, Tribal, and Local Government Historic Preservation Programs & Management of Historic Preservation Fund Grants.

OMB Control Number: 1024–0038.

Form Number: NPS Forms 10–2060 through 10–2065.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: State, Tribal, local governments, and grant applicants or recipients who wish to participate formally in the National Historic Preservation Program and/or who wish to apply for or receive Historic Preservation Fund grant assistance.

Total Estimated Number of Annual Responses: 47,908.

Estimated Completion Time per Response: Varies from 10 minutes to 40 hours depending on activity.

Total Estimated Number of Annual Burden Hours: 44,640.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Information Collection Clearance, Officer, National Park Service.

[FR Doc. 2023–12070 Filed 6–5–23; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1340]

Certain Electronic Devices, Semiconductor Devices, and Components Thereof; Notice of Commission Determination Not To Review an Initial Determination To Withdraw the Complaint and Terminate the Investigation With Respect to the Remaining Respondents; Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 28) terminating the investigation with respect to the remaining respondents due to withdrawal of the complaint. This investigation is hereby terminated.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On November 14, 2022, the Commission instituted this investigation based on a complaint, as amended, filed on behalf of Bell Semiconductor, LLC of Bethlehem, Pennsylvania (''Bell''). 87 FR 68192–93 (Nov. 14, 2022). The complaint, as amended and supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, sale for importation, or sale in the United States after importation of certain electronic devices, semiconductor devices, and components thereof that infringe one or more asserted claims of U.S. Patent Nos. 7,231,626 and 7,260,803. *Id.* at 68193. The complaint alleges that a domestic industry exists. *Id.* at 68192.

The Commission's notice of investigation names as respondents SMC Networks, Inc. of Irvine, California (''SMC''); Acer, Inc. of New Taipei City, Taiwan and Acer America Corporation of San Jose, California (collectively, ''Acer''); NXP Semiconductors, N.V. of Eindhoven, Netherlands, NXP B.V. of Eindhoven, Netherlands, and NXP USA, Inc. of Austin, Texas (collectively, ''NXP''); Micron Technology, Inc. of Boise, Idaho (''Micron''); NVIDIA Corporation of Santa Clara, California (''NVIDIA''); Advanced Micro Devices, Inc. of Santa Clara, California (''AMD''); Infineon Technologies AG of Neubiberg, Germany and Infineon Technologies America Corp. of Milpitas, California (''Infineon''); Motorola Mobility LLC of Chicago, Illinois (''Motorola''); and Western Digital Technologies, Inc. of San Jose, California (''WDT''). The Office of Unfair Import Investigations (''OUII'') is also participating as a party in this investigation. *Id.* at 68193.

On March 16, 2023, the Commission terminated the investigation with respect to Micron, NVIDIA, AMD, Infineon, Motorola, and WDT based on two settlement agreements. Order No. 15 (Feb. 14, 2023), *unreviewed by* Comm'n Notice (March 16, 2023). On April 19, 2023, the Commission

terminated the investigation with respect to Acer based on withdrawal of the complaint. Order No. 24 (March 30, 2023), *unreviewed by* Comm'n Notice (April 19, 2023). On May 30, 2023, the Commission terminated the investigation with respect to SMC due to withdrawal of the complaint. Order No. 27 (April 27, 2023), *unreviewed by* Comm'n Notice (May 30, 2023).

On May 8, 2023, Bell filed an unopposed motion to withdraw the complaint and terminate the investigation and suspend the procedural schedule with respect to the remaining NXP respondents, pursuant to Commission Rule 210.21(a) (19 CFR 210.21(a)). On May 9, 2023, OUII filed a response in support of Bell's motion.

On May 9, 2023, the presiding ALJ issued the subject ID (Order No. 28) granting the motion, terminating the investigation as to NXP, and terminating the investigation in its entirety. The ALJ ordered suspension of the procedural schedule with respect to NXP pending final disposition by the Commission. The ID finds that the motion meets the requirements of Commission Rule 210.21(a), in that there are no other agreements, written or oral, express or implied, between Bell and SMC concerning the subject matter of the investigation. Order No. 28 at 1. The ALJ further found no extraordinary circumstances that would prevent granting the requested motion. *Id.* at 2.

No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID. Accordingly, NXP is terminated from this investigation, and this investigation is hereby terminated.

The Commission vote for this determination took place on May 31, 2023.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 1, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023–11993 Filed 6–5–23; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–847 and 849 (Fourth Review)]

Carbon and Alloy Seamless Standard, Line, and Pressure Pipe From Japan and Romania

Determination

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the existing antidumping duty order on large-diameter carbon and alloy seamless standard, line, and pressure pipe from Japan and the antidumping duty orders on small-diameter carbon and alloy seamless standard, line, and pressure pipe from Japan and Romania would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on October 3, 2022 (87 FR 59779) and determined on January 6, 2023 that it would conduct expedited reviews (88 FR 20909, April 6, 2023).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on May 31, 2023. The views of the Commission are contained in USITC Publication 5427 (May 2023), entitled *Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Japan and Romania: Investigation Nos. 731–TA–847 and 849 (Fourth Review).*

By order of the Commission.

Issued: May 31, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023–11929 Filed 6–5–23; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–442 and 731–TA–1095–1096 (Third Review)]

Lined Paper School Supplies From China and India; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty and countervailing duty orders on lined paper school supplies from China and India would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: May 8, 2023.

FOR FURTHER INFORMATION CONTACT: (Caitlyn Hendricks -(202) 205–2058), 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 this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On May 8, 2023, the Commission determined that the domestic interested party group response to its notice of institution (88 FR 6787, February 1, 2023) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.[1] Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

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 and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the reviews has been placed in the nonpublic record, and will be made available to persons on the

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

Administrative Protective Order service list for these reviews on July 5, 2023. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in the reviews. Comments are due on or before July 13, 2023, and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by July 13, 2023. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

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: May 31, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023–11988 Filed 6–5–23; 8:45 am]

BILLING CODE 7020–02–P

[2] The Commission has found the responses submitted on behalf of the Association of American School Paper Suppliers, ACCO Brands USA LLC, Norcom, Inc., and Top Flight, Inc., to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–690–691 and 731–TA–1619–1627 (Preliminary)]

Paper Shopping Bags From Cambodia, China, Colombia, India, Malaysia, Portugal, Taiwan, Turkey, and Vietnam; Institution of Anti-Dumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–690–691 and 731–TA–1619–1627 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of certain paper shopping bags from Cambodia, China, Colombia, India, Malaysia, Portugal, Taiwan, Turkey, and Vietnam, provided for in subheadings 4819.30.00 and 4819.40.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of China and Government of India. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by July 17, 2023. The Commission's views must be transmitted to Commerce within five business days thereafter, or by July 24, 2023.

DATES: May 31, 2023.

FOR FURTHER INFORMATION CONTACT: Andres Andrade (202–205–2078), 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 investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on May 31, 2023, by the Coalition for Fair Trade in Shopping Bags, a coalition including Novolex Holdings, LLC, Charlotte, North Carolina, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Pittsburgh, Pennsylvania.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than the petitioner) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19

U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Office of Investigations will hold an in-person staff conference in connection with the preliminary phase of these investigations beginning at 9:30 a.m. on Wednesday, June 21, 2023. Requests to appear at the conference should be emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before June 16, 2023. Please provide an email address for each conference participant in the email. Information on conference procedures, format, and participation will be available on the Commission's Daily Calendar. A nonparty who has testimony that may aid the Commission's deliberations may request permission to participate by submitting a short statement.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Written submissions.—As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before June 26, 2023, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than noon on June 20, 2023. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. appendix 3; or (ii) by U.S. Government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: June 1, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023–11994 Filed 6–5–23; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–388–389, and 391 and 731–TA–817, 818, and 821 (Fourth Review)]

Cut-to-Length Carbon-Quality Steel Plate (CTL Plate) From India, Indonesia, and South Korea; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty and countervailing duty orders on cut-to-length carbon-quality steel plate (CTL plate) from India, Indonesia, and South Korea would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: May 8, 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 this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On May 8, 2023, the Commission determined that the domestic interested party group response to its notice of institution (88 FR 6781, February 1, 2023) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.[1] Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

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 and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the reviews has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for these reviews on July 19, 2023. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

notice of institution,[2] and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in the reviews. Comments are due on or before July 27, 2023 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by July 27, 2023. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

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: June 1, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023–12074 Filed 6–5–23; 8:45 am]

BILLING CODE 7020–02–P

[2] The Commission has found the responses submitted on behalf of Cleveland-Cliffs, Inc., SSAB Enterprises, LLC, and Nucor Corporation, domestic producers of CTL plate, to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Bankruptcy Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Bankruptcy Rules will hold a meeting in a hybrid format with remote attendance options on September 14, 2023 in Washington, DC. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *https://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: September 14, 2023.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: May 31, 2023.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2023–11947 Filed 6–5–23; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Civil Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Civil Rules will hold a meeting in a hybrid format with remote attendance options on October 17, 2023 in Washington, DC. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *https://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: October 17, 2023.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: May 31, 2023.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2023–11945 Filed 6–5–23; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Appellate Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Appellate Rules will hold a meeting in a hybrid format with remote attendance options on October 19, 2023 in Washington, DC. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *https://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: October 19, 2023.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: May 31, 2023.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2023–11944 Filed 6–5–23; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Evidence Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Evidence Rules will hold a meeting in a hybrid format with remote attendance options on October 27, 2023 in Minneapolis, MN. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *https://www.uscourts.gov/rules-policies/*

records-and-archives-rules-committees/agenda-books.

DATES: October 27, 2023.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: May 31, 2023.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2023–11946 Filed 6–5–23; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Criminal Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Criminal Rules will hold a meeting in a hybrid format with remote attendance options on October 26, 2023 in Minneapolis, MN. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *https://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: October 26, 2023.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: May 31, 2023.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2023–11948 Filed 6–5–23; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—ASTM International

Notice is hereby given that, on February 21, 2023, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), ASTM International (''ASTM'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ASTM has provided an updated list of current, ongoing ASTM activities originating between December 14, 2022, and February 13, 2023, designated as Work Items. A complete listing of ASTM Work Items, along with a brief description of each, is available at *http://www.astm.org.*

On September 15, 2004, ASTM filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 10, 2004 (69 FR 65226).

The last notification was filed with the Department on December 22, 2022. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 25, 2023 (88 FR 4847).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations Antitrust Division.

[FR Doc. 2023–12037 Filed 6–5–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

National Institute of Corrections

Advisory Board; Notice of Meeting

This notice announces a forthcoming meeting of the National Institute of Corrections (NIC) Advisory Board.

Name of the Committee: NIC Advisory Board.

General Function of the Committee: To aid the National Institute of Corrections in developing long-range plans, advise on program development, and recommend guidance to assist NIC's efforts in the areas of training, technical assistance, information services, and policy/program development assistance to Federal, state, and local corrections agencies.

Date and Time: 12:30 p.m. ET–2:00 p.m. ET on Friday, June 23, 2023 (approximate times).

Location: Virtual.

Contact Person: Leslie LeMaster, Designated Federal Official, National Institute of Corrections, 320 First Street NW, Room 901–3, Washington, DC 20534. To contact Ms. LeMaster, please call (202) 305–5773 or *llemaster@bop.gov.*

Agenda: On June 23, 2023, the Advisory Board will: (1) receive a brief Agency Report from the NIC Director (A), and (2) review and discuss recent NIC Need Assessment Report. Time for questions and counsel from the Board is built into the agenda.

Procedure: On Friday, June 23, 2023, 12:30 p.m.–2:00 p.m. the meeting is open to the public. Interested persons may request to attend virtually, and present data, information, or views, in writing in advance, on issues pending before the committee. Such requests must be made to the contact person on or before June 20, 2023. Written presentations from the public will be scheduled between approximately 1:55 p.m.–2:00 p.m. on June 23, 2023. Time allotted for each written comment may be limited. Those who wish to make a formal written comment should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the nature of the written comment before June 20, 2023.

Closed Committee Deliberations: No closed session is scheduled for June 23, 2023.

General Information: NIC welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Leslie LeMaster at least 7 days in advance of the meeting. Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Leslie S. LeMaster,

Designated Federal Official, National Institute of Corrections.

[FR Doc. 2023–12072 Filed 6–5–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

216th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 216th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held on July 17–19, 2023.

On Monday, July 17, 2023, the meeting will begin at 1:00 p.m. and end at approximately 4:30 p.m. (ET). On Tuesday, July 18, 2023, the meeting will begin at 8:30 a.m. and end at approximately 5:00 p.m. (ET), with a one-hour break for lunch. On Wednesday, July 19, 2023, the meeting will begin at 8:30 a.m. and end at approximately 3:00 p.m. (ET), with a one-hour break for lunch.

The three-day meeting will take place at the U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210 in Room 6, C5320. The meeting will also be accessible via teleconference and some participants, as well as members of the public, may elect to attend virtually. Instructions for public teleconference access will be available on the ERISA Advisory Council's web page at *https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/erisa-advisory-council* approximately one week prior to the meeting.

On July 17 and July 19, the purpose of the open meeting is for Advisory Council members to hear testimony from invited witnesses on the following topics: (1) Long-Term Disability Benefits and Mental Health Disparity, and (2) Recordkeeping in the Electronic Age. Descriptions of these topics, once finalized, will be available on the ERISA Advisory Council's web page at *https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/erisa-advisory-council.*

On July 18, the purpose of the open meeting is for the Department of Labor to consult with the Advisory Council on section 2509.95–1 of title 29, Code of Federal Regulations (relating to the fiduciary standards under the Employee Retirement Income Security Act of 1974 when selecting an annuity provider for a defined benefit pension plan), as required by Section 321 of the SECURE 2.0 Act of 2022, signed into law on December 29, 2022, as Division T of the Consolidated Appropriations Act, 2023, H.R. 2617, as amended.

Organizations or members of the public wishing to submit a written statement on any of the matters before the Advisory Council may do so on or before Monday, July 10, 2023, to Christine Donahue, Executive Secretary, ERISA Advisory Council. Statements should be transmitted electronically as an email attachment in text or pdf format to *donahue.christine@dol.gov.* Statements transmitted electronically that are included in the body of the email will not be accepted. Relevant statements received on or before Monday, July 10, 2023, will be included in the record of the meeting and made available through the EBSA Public Disclosure Room. No deletions, modifications, or redactions will be made to the statements received as they are public records. *Warning:* Do not include any personally identifiable or confidential business information that you do not want publicly disclosed.

Individuals or representatives of organizations interested in addressing the ERISA Advisory Council at the public meeting must submit a written request to the Executive Secretary on or before Monday, July 10, 2023, via email to *donahue.christine@dol.gov.* Requests to address the Council must include: (1) the name, title, organization, address, email address, and telephone number of the individual who would appear; (2) if applicable, the name of the organization(s) whose views would be represented; and (3) a concise summary of the statement that would be presented. Each individual or organization will be given 10 minutes to address the Council and should be prepared to answer questions regarding their written and oral statements. An agenda for the meeting, including a schedule of testimony from invited witnesses and a schedule of members of the public who will address the Council, will be posted on the ERISA Advisory Council's web page at *https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/erisa-advisory-council* no later than July 13, 2023. The number of public commenters that address the Council may be limited based on the number of requests that are received. In that event, the broadest array of viewpoints on all aspects of the matters under consideration by the Advisory Council will be represented and all written statements received will be included in the public record.

Individuals who need special accommodations should contact the Executive Secretary on or before Monday, July 10, 2023, via email to *donahue.christine@dol.gov* or by telephoning (202) 693–8641.

For more information about the meeting, contact the Executive Secretary at the address or telephone number above.

Signed at Washington, DC, this 30th day of May, 2023.

Lisa M. Gomez,

Assistant Secretary, Employee Benefits Security Administration.

[FR Doc. 2023–11939 Filed 6–5–23; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL SCIENCE FOUNDATION

Committee Management; Notice of Establishment

The Chief Operating Officer of the National Science Foundation has determined that the establishment of the following committees: Advisory Committee for Technology, Innovation and Partnerships (#84684), Proposal Review Panel for Innovation and Technology Ecosystems (#84685), Proposal Review Panel for Translational Impacts (#84683), are necessary and in the public interest in connection with the performance of the duties imposed upon the National Science Foundation (NSF) by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: Advisory Committee for Technology, Innovation and Partnerships (#84684).

Nature/Purpose: Advisory Committee for Technology, Innovation and Partnerships—The CHIPS and Science Act establishes a technology, innovation, and partnerships directorate at the National Science Foundation (NSF). This legislation tasks the TIP Directorate with developing a roadmap to guide investment decisions in use-inspired and translational research, working towards the goal of advancing U.S. competitiveness in the identified key technology focus areas and addressing the identified societal, national, and geostrategic challenges. Investments would be in use-inspired research, translation of research results to impact, and education, training, and development of talent in the key technology areas and national, societal, and geostrategic challenges.

Name of Committee: Proposal Review Panel for Innovation and Technology Ecosystems (#84685).

Nature/Purpose: Proposal Review Panel for Innovation and Technology Ecosystems will advise the National Science Foundation (NSF) on the merit of proposals requesting financial support for use-inspired and translational research as well as

workforce development in key technology focus and societal and economic challenge areas, innovation ecosystems, public and private partnerships, and other activities supported by Division of Innovation and Technology Ecosystems (ITE) within the Directorate for Technology, Innovation and Partnerships.

Name of Committee: Proposal Review Panel for Translational Impacts (#84683).

Nature/Purpose: Proposal Review Panel for Translational Impacts will advise the National Science Foundation (NSF) on the merit of proposals requesting financial support for translational research and technology development, entrepreneurial education, and other activities supported by the Division of Translational Impacts (TI) within the Directorate for Technology, Innovation and Partnerships.

Responsible NSF Official: Erwin Gianchandani, Assistant Director, Directorate for Technology, Innovation and Partnerships, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314. Telephone: 703/292–7009

Dated: June 1, 2023.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2023–12093 Filed 6–5–23; 8:45 am]

BILLING CODE 7555–01–P

RAILROAD RETIREMENT BOARD

Sunshine Act Meetings

TIME AND DATE: 9:00 a.m., June 14, 2023.

PLACE: Members of the public wishing to attend the meeting must submit a written request at least 24 hours prior to the meeting to receive dial-in information. All requests must be sent to *SecretarytotheBoard@rrb.gov.*

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

- Office of Legislative Affairs Update
- Appeals Update
- Wisconsin Central Update

CONTACT PERSON FOR MORE INFORMATION: Stephanie Hillyard, Secretary to the Board, (312) 751–4920.

Authority: 5 U.S.C. 552b.

Dated: June 2, 2023.

Stephanie Hillyard,

Secretary to the Board.

[FR Doc. 2023–12135 Filed 6–2–23; 11:15 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97630; File No. SR–CBOE–2023–028]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule

May 31, 2023.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 19, 2023, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule to modify the fee for the SPX (and SPXW) Floor Market-Maker Tier Appointment Fee.[3]

By way of background, Exchange Rule 5.50(g)(2) provides that the Exchange may establish one or more types of tier appointments and Exchange Rule 5.50(g)(2)(B) provides such tier appointments are subject to such fees and charges the Exchange may establish. In 2010, the Exchange established the SPX Tier Appointment and adopted an initial fee of $3,000 per Market-Maker trading permit, per month.[4] The SPX (and SPXW) Tier Appointment fee for Floor Market-Makers currently applies to any Market-Maker that executes any contracts in SPX and/or SPXW on the trading floor.[5] The Exchange now seeks to increase the fee for the SPX/SPXW Floor Market-Maker Tier Appointment from $3,000 per Market-Maker Floor Trading Permit to $5,000 per Market-Maker Floor Trading Permit.

In connection with the proposed change, the Exchange also proposes to update Footnote 24 in the Fees Schedule, as well as remove the reference to Footnote 24 in the Market-Maker Tier Appointment Fee Table. By way of background, in June 2020, the Exchange adopted Footnote 24 to describe pricing changes that would apply for the duration of time the Exchange trading floor was being operated in a modified manner in

[3] The Exchange initially filed the proposed fee change, among other changes, on June 1, 2022 (SR–CBOE–2022–026). On June 10, 2022, the Exchange withdrew that filing and submitted SR–CBOE–2022–029. On August 5, 2022, the Exchange withdrew that filing and submitted SR–CBOE–2022–042. On September 26, 2022, the Exchange withdrew that filing and submitted SR–CBOE–2022–050 to address the proposed fee change relating to the SPX/SPXW Floor Market-Maker Tier Appointment Fee. On November 23, 2022, the Exchange advised of its intent to withdraw that filing and submitted SR–CBOE–2022–060. On January 20, 2023, the Exchange withdrew SR–CBOE–2022–060 and submitted SR–CBOE–2023–008. On March 21, 2023, the Exchange withdrew SR–CBOE–2023–008 and submitted SR–CBOE–2023–016. On May 19, 2023, the Exchange withdrew SR–CBOE–2023–016 and submitted this proposal. No comment letters were received in connection with any of the foregoing rule filings.

[4] *See* Securities Exchange Act Release No. 62386 (June 25, 2010), 75 FR 38566 (July 2, 2010) (SR–CBOE–2010–060).

[5] The Exchange notes that the fee is not assessed to a Market-Maker Floor Permit Holder who only executes SPX (including SPXW) options transactions as part of multi-class broad-based index spread transactions. *See* Cboe Options Fees Schedule, Market-Maker Tier Appointment Fees, Notes.

connection with the COVID–19 pandemic.[6] Among other changes, Footnote 24 provided that the monthly fee for the SPX/SPXW Floor Market-Maker Tier Appointment Fee was to be increased to $5,000 per Trading Permit from $3,000 per Trading Permit. As the Exchange now proposes to maintain the $5,000 rate on a permanent basis (*i.e.,* regardless of whether the Exchange is operating in a modified state due to COVID–19 pandemic), the Exchange proposes to eliminate the reference to the SPX/SPXW Floor Market-Maker Tier Appointment Fee in Footnote 24.[7]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the section 6(b)(5) [9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the section 6(b)(5) [10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with section 6(b)(4) of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange operates in a highly competitive environment. On May 21, 2019, the SEC Division of Trading and Markets issued non-rulemaking fee filing guidance titled ''Staff Guidance on SRO Rule Filings Relating to Fees'' (''Fee Guidance''), which provided, among other things, that in determining whether a proposed fee is constrained by significant competitive forces, the Commission will consider whether there are reasonable substitutes for the product or service that is the subject of a proposed fee.[11] As described in further detail below, the Exchange believes substitutable products [12] are in fact available to market participants, including in the Over-the-Counter (OTC) markets. Indeed, there are currently 16 registered options exchanges that trade options, with a 17th options exchange expected to launch in 2023. Based on publicly available information, no single options exchange has more than 15% of the market share as of January 19, 2023.[13] Further, low barriers to entry mean that new exchanges may rapidly and inexpensively enter the market and offer additional substitute platforms to further compete with the Exchange and the products it offers, including exclusively listed products as discussed further below. For example, there are 3 exchanges that have been added in the U.S. options markets in the last 5 years (*i.e.,* Nasdaq MRX, LLC, MIAX Pearl, LLC, and MIAX Emerald LLC) and one additional options exchange that is expected to launch in 2023 (*i.e.,* MEMX LLC).

The Exchange believes that competition in the marketplace constrains the ability of exchanges to charge supracompetitive fees for access to its products exclusive to that market (''proprietary products''). Notably, just as there is no regulatory requirement to become a member of any one options exchange, there is also no regulatory requirement for any market participant to participate on the Exchange in any particular capacity, including as a Market Maker, nor trade any particular product. Additionally, there is no requirement that any Exchange create or indefinitely maintain any particular product.[14] The Exchange also highlights that market participants may trade an exchange's proprietary products through a third-party without directly or indirectly connecting to the exchange. Further, market participants, including Market-Makers, may trade the Exchange's products, including proprietary products, on or off the Exchange's trading floor (*i.e.,* all products are available both electronically and via open outcry on the Exchange's trading floor). Particularly, market participants are not obligated to trade on the Exchange's trading floor and therefore a market participant, including Market-Makers, can choose to trade a product electronically instead of on the Exchange's trading floor at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Indeed, the Exchange notes that only one Market-Maker TPH trades SPX exclusively on the floor. The Exchange notes that nothing precludes such TPH from also deciding to trade SPX electronically. Rather, what products a market participant chooses to trade, and the manner in which they choose to do so, is ultimately determined by factors relevant and specific to each market participant, including its business model and associated costs.

Additionally, market participants may trade any options product, including proprietary products, in the unregulated Over-the-Counter (OTC) [15] markets for which there is no requirement for fees related to those markets to be public. Given the benefits offered by trading options on a listed exchange, such as increased market transparency and heightened contra-party creditworthiness due to the role of the Options Clearing Corporation as issuer and guarantor, the Exchange generally seeks to incentivize market participants to trade options on an exchange, which further constrains fees that an Exchange may assess. Market participants may also access other exchanges to trade other similar or competing proprietary or multi-listed products. Alternative

[6] *See* Securities Exchange Act Release No. 89189 (June 30, 2020), 85 FR 40344 (July 6, 2020) (SR–CBOE–2020–058).

[7] The Exchange notes that since its transition to a new trading floor facility on June 6, 2022, it has not been operating in a modified manner. As such Footnote 24 (*i.e.,* the modified fee changes it describes) does not currently apply.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

[11] *See* Chairman Jay Clayton, Statement on Division of Trading and Markets Staff Fee Guidance, June 12, 2019. The Fee Guidance also recognized that ''products need to be substantially similar but not identical to be substitutable.''

[12] A substitute, or substitutable good, in economics and consumer theory refers to a product or service that consumers see as essentially the same or similar-enough to another product. *See https://www.investopedia.com/terms/s/substitute.asp.*

[13] *See* Cboe Global Markets U.S. Options Market Volume Summary (March 17, 2023), available at *https://markets.cboe.com/us/options/market_statistics/.*

[14] If an option class is open for trading on another national securities exchange, the Exchange may delist such option class immediately. For proprietary products, the Exchange may determine to not open for trading any additional series in that option class; may restrict series with open interest to closing transactions, provided that, opening transactions by Market-Makers executed to accommodate closing transactions of other market participants and opening transactions by TPH organizations to facilitate the closing transactions of public customers executed as crosses pursuant to and in accordance with Rule 6.74(b) or (d) may be permitted; and may delist the option class when all series within that class have expired. *See* Cboe Rule 4.4, Interpretations and Policies .11.

[15] Derivatives that are functionally identical to the Exchange's exclusively-listed options, including SPX, can be traded on the OTC market.

products to the Exchange's proprietary products may include other options products, including options on ETFs or options futures, as well as particular ETFs or futures. Particularly, exclusively listed SPX options (*i.e.,* a proprietary product) may compete with the following products traded on other markets: multiply-listed SPY options (options on the ETF that replicates performance of the S&P 500), E-mini S&P 500 Options (options on futures), and E-Mini S&P 500 futures (futures on index). Indeed, as a practical matter, investors utilize SPX and SPY options and their respective underlying instruments and futures to gain exposure to the same benchmark index: the S&P 500.

Notably, the Commission itself has affirmed that notwithstanding the exclusive nature of SPX options, alternatives to this product exist in the marketplace. For example, in approving a PM-settled S&P 500 cash settled contract (''SPXPM'') on its affiliate exchange Cboe C2 Exchange, Inc. (which product was later transferred to the Exchange), the Commission stated that it ''recognizes the potential impact on competition resulting from the inability of other options exchanges to list and trade SPXPM. In acting on this proposal, however, the Commission has balanced the potentially negative competitive effects with the countervailing positive competitive effects of C2's proposal. The Commission believes that the availability of SPXPM on the C2 exchange will enhance competition by providing investors with an additional investment vehicle, in a fully-electronic trading environment, through which investors can gain and hedge exposure to the S&P 500 stocks. Further, this product could offer a competitive alternative to other existing investment products that seek to allow investors to gain broad market exposure. Also, we note that it is possible for other exchanges to develop or license the use of a new or different index to compete with the S&P 500 index and seek Commission approval to list and trade options on such index.'' [16]

The economic equivalence of SPX and SPY options was further acknowledged and cited as a basis for the elimination of position limits for SPY options across the industry not long after the Commission's findings above in 2011.[17] Moreover, other exchanges have acknowledged that SPY options are considered to be an economic equivalent to SPX options.[18]

Additionally, in connection with a proposed amendment to the National Market System Plan Governing the Consolidated Audit Trail (''CAT NMS Plan'') the Commission again discussed the existence of competition in the marketplace generally, and particularly for exchanges with unique business models.[19] Similar to, and consistent with, its findings in approving SPXPM, the Commission recognized that while some exchanges may have a unique business model that is not currently offered by competitors, a competitor could create similar business models if demand were adequate, and if a competitor did not do so, the Commission believes it would be likely that new entrants would do so if the exchange with that unique business model was otherwise profitable.[20] Accordingly, although the Exchange may have proprietary products not offered by other competitors, not unlike unique business models, a competitor could create similar products to an existing proprietary product if demand were adequate. As an illustration of this point, MIAX created its exclusive product SPIKES specifically to compete against VIX options, another product exclusive to the Exchange.[21]

The Commission has also acknowledged competition with respect to OTC products. For example, in its proposal to eliminate position and exercise limits for broad-based index options, the Exchange had noted that ''[i]nvestors who trade listed options on the [Exchange] are placed at a serious disadvantage in comparison to the OTC market where index options and other types of index based derivatives (*e.g.,* forwards and swaps) are not subject to position and exercise limits. Member firms continue to express concern to the Exchange that position limits on [Exchange] products are an impediment to their business and that they have no choice but to move their business to the OTC market where position limits are not an issue.'' [22] In approving the Exchange's proposal to eliminate position and exercise limits for certain broad-based index options, including SPX, on a two-year pilot basis, the Commission stated that ''the index options and other types of index-based derivatives (*e.g.,* forwards and swaps) are not subject to position and exercise limits in the OTC market. The Commission believes that eliminating position and exercise limits for the SPX . . . options on a two-year pilot basis will better allow [the Exchange] to compete with the OTC market.'' [23]

The Exchange is not aware of any changes in the market that make the Commission's foregoing findings and assertions relating to competition for SPX and exclusively listed products generally any less true today. In fact, competitive forces within the market have resulted in an expansion of products. For example, in recent years, the exchange-traded fund (''ETF'') industry has experienced significant growth and diversification. ETFs that hold options have become increasingly popular. There are several examples of ETFs that hold SPX options and others that hold SPY options, as both types of options may offer investors different benefits. Accordingly, if a market participant views the Exchange's proprietary products, including SPX and SPXW, as more or less attractive than the competition they can and do switch between substantially similar products. Despite having economic differences, substitute products have significant similarities and may have characteristics that cause investors to find those products to beneficial to SPX options (*e.g.,* strike availability, settlement, liquidity, tax reasons, product size). As such, the Exchange is subject to competition and does not possess anti-competitive pricing power,

[16] *See* Securities Exchange Act Release No. 65256 (September 2, 2011), 76 FR 55969 (September 9, 2011) (SR–C2–2011–008). The Exchanges notes SPXPM was later transferred to the Exchange, where it currently remains listed. *See* Securities Exchange Act Release No. 68888 (February 8, 2013), 78 FR 10668 (February 14, 2013) (SR–CBOE–2012–120).

[17] *See, e.g.,* Securities Exchange Act Release No. 67936 (September 27, 2012), 77 FR 60491 (October 3, 2012) (SR–BOX–2012–013). *See also* Securities Exchange Act Release No. 67999 (October 5, 2012), 77 FR 62295 (October 12, 2012) (SR–Phlx–2012–122).

[18] NYSE Euronext, on behalf of its subsidiary options exchanges, NYSE Arca Inc. and NYSE Amex LLC, commented on a Nasdaq OMX PHLX LLC (''PHLX'') proposal to increase the position limits for SPY options, noting ''. . . when a contract that is considered by many to be economically equivalent to SPY options—namely SPX options . . .'' *See* (*http://www.sec.gov/comments/sr-phlx-2011-58/phlx201158-1.pdf*).

[19] *See* Securities Exchange Act Release No. 86901 (September 9, 2019), 84 FR 48458 (September 13, 2019) (File No. S7–13–19).

[20] *Id.*

[21] MIAX has described SPIKES options as ''designed specifically to compete head-to-head against Cboe's proprietary VIX® product.'' *See* MIAX Press Release, SPIKES Options Launched on MIAX, February 21, 2019, *available at https://www.miaxoptions.com/sites/default/files/press_release-files/MIAX_Press_Release_02212019.pdf.*

[22] *See* Securities Exchange Act Release No. 40158 (July 1, 1998), 63 FR 37153 (July 9, 1998) (SR–CBOE–1998–23).

[23] *See* Securities Exchange Act Release No. 40969 (January 22, 1999), 64 FR 4911 (February 1, 1999) (SR–CBOE–1998–23). The pilot program that was originally allowed for the elimination of position and exercise limits of SPX was approved on a permanent basis in 2001. *See* Securities Exchange Act Release No. 44994 (November 2, 2001), 66 FR 55722 (October 26, 2001) (SR–CBOE–2001–22).

even with its offering of proprietary products such as SPX.

The Exchange also believes the proposed fee is reasonable as the Exchange believes it remains commensurate with the value of operating as a Market-Maker on the Exchange's trading floor in the SPX pit. For example, the Exchange recently transitioned from its previous trading floor, which it had occupied since the 1980s, to a brand new, modern and upgraded trading floor facility. The Exchange believes customers continue to find value in open outcry trading and rely on the floor for price discovery and the deep liquidity provided by floor Market-Makers. The build out of a new modern trading floor reflects the Exchange's commitment to open outcry trading and focus on providing the best possible trading experience for its customers, including Market-Makers. For example, the new trading floor provides a state-of-the-art environment and technology and more efficient use of physical space, which the Exchange believes better reflects and supports the current trading environment. The Exchange also believes the new infrastructure provides a cost-effective, streamlined, and modernized approach to floor connectivity. For example, the new trading floor has more than 330 individual kiosks, equipped with top-of-the-line technology, that enable floor participants to plug in and use their devices with greater ease and flexibility. The new trading floor provided by the Exchange also provides floor Market-Makers with more space and increased capacity to support additional floor-based traders on the trading floor. Moreover, the new trading floor is conveniently located across the street from the LaSalle trading floor, which resulted in minimal disruption to TPH floor participants, many of whom have office space nearby, including in the same facility in which the trading floor is located. The Exchange believes the new location, which was also home to the Exchange's original trading floor in the 1970s and early 1980s, is also able to support robust trading floor infrastructure as it currently hosts several banks, trading firms and even trading floors (*i.e.,* trading floors for the Chicago Mercantile Exchange and BOX Options Market). The Exchange also believes the relocation to the new trading floor resulted in a streamlined and simplified trading floor and facility fee structure, as further described in the Exchange's proposal to amend certain facility fees in connection with the new trading floor.[24]

The Exchange further believes the proposal to increase the fee is reasonable as the Exchange has provided further value to Market-Makers by expanding the suite of SPX products available to Market-Makers on the trading floor since 2010 when the SPX (and SPXW) Floor Market-Maker Tier Appointment fee was first adopted. For example, in 2013, the Exchange began listing SPXPM.[25] In 2016, the Exchange began listing SPX Weekly options with Monday and Wednesday expirations.[26] Most recently in 2022, the Exchange added SPX Weekly options with Tuesday and Thursday expirations.[27] The introduction of these products means SPX options now have an available expiration every trading day of the week, thereby providing Floor Market-Makers with additional opportunities to trade SPX and greater trading flexibility as compared to 2010. Moreover, average daily volume (ADV) in SPX has increased nearly 30%. Therefore, increasing the price to trade SPX on the trading floor is consistent with the simple law of supply and demand—demand to trade SPX options has increased (as evidenced by the ADV increase), and therefore the Exchange is proposing to increase the price to trade these options. Additionally, the notional ADV in SPX has increased over 380% on the trading floor since July 2010 when the fee was first adopted. Given this significant increase in the cost of an SPX option contract, compared to the SPX Tier Appointment Fee, it is cheaper to trade SPX options on the trading floor than it was in 2010 when the fee was first adopted.[28]

To demonstrate the value the Exchange believes Marker-Makers find transacting with SPX on the trading floor (notwithstanding the proposed fee change), Market-Maker presence on the new trading floor in SPX and SPXW has actually increased. Particularly, as of December 30, 2022, there are 12 additional Market-Makers trading SPX and SPXW on the trading floor as compared to May 2022 (which was the month prior to the proposed fee change being implemented on a permanent basis and transition to the new trading floor).[29] Further, in June 2022, the month in which the proposed fee change took effect on the new trading floor on a permanent basis, there were 5 additional Market-Makers trading SPX and SPXW on the trading Floor as compared to May 2022. Further, as of December 30, 2022, there are 4 additional Market-Makers trading SPX and SPXW on the trading floor as compared to March 2020, which was the last month the Exchange assessed $3,000 for the SPX and SPXW Floor Market Maker Tier Appointment fee. The Exchange believes the increasing SPX and SPXW Market-Maker presence on the trading floor since the last time the Exchange assessed $3,000 for the SPX and SPXW Floor Market Maker Tier Appointment fee (*i.e.,* March 2020) and since the time the current proposal was submitted (*i.e.,* June 2020) speaks not only to the value Market-Makers find in participating as a Market-Maker in SPX and SPXW on the (new and improved) trading floor, but also to the reasonableness of the fee. Moreover, as established above, if a Market-Maker viewed trading SPX and SPXW as less attractive than competitive products, including those described above, they can switch between such similar products and choose not to remain as a Market-Maker trading SPX and SPX on the trading floor. As such, the Exchange is subject to competition and does not possess anti-competitive pricing power, even with its offering of proprietary products such as SPX.

Moreover, as noted above, market participants are not obligated to trade on the Exchange's trading floor and therefore a market participant, including Market-Makers, can choose to trade a product electronically instead of on the Exchange's trading floor at any time and for any reason, including due to an assessment of the reasonableness of fees

[24] *See* Securities Exchange Act Release No. 96001 (October 6, 2022), 87 FR 62129 (October 13, 2022) (SR–CBOE–2022–049).

[25] *See* Securities Exchange Act Release No. 68888 (February 8, 2013), 78 FR 10668 (February 14, 2013) (SR–CBOE–2012–120).

[26] *See* Securities Exchange Act Release No. 76909 (January 14, 2016), 81 FR 3512 (January 21, 2016) (SR–CBOE–2015–106). *See also* Securities Exchange Act Release No. 78531 (August 10, 2016), 81 FR 54643(August 16, 2016) (SR–CBOE–2016–146).

[27] *See* Securities Exchange Act Release No. 94682 (April 12, 2022), 87 FR 22993 (April 18, 2022) (CBOE–2022–005).

[28] On December 31, 2010, the S&P 500 Index closed at 1,257.64, making the notional value of one SPX contract $125,764 on that date. On March 20, 2023, the S&P 500 Index closed at 3,951.57, making the notional value of one SPX contract $395,157 on that date. Therefore, based on the cost of the SPX Floor Market Maker Tier Appointment fee of $3,000 in 2010 and $5,000 in 2023, it is cheaper per SPX contract despite the higher fee ($0.0239 ($3,000/$125,764) v. $0.0127 ($5,000/$393,157)). Consistent with basic economic principles, if the value of a good increases, it is reasonable for the price of that good to also increase.

[29] As noted above, the Exchange has been assessing $5,000 for the SPX and SPXW Floor Market Maker Tier Appointment fee since June 2020 as the Exchange was operating in a modified state until its transition to the new trading floor in June 2022, at which time the Exchange submitted this proposal to make such increase permanent.

charged. In particular, as of January 2023, SPX and SPXW open outcry volume accounted for approximately 26% of total SPX and SPXW volume (*i.e.,* approximately 74% is traded electronically). Accordingly, Market-Makers may continue to choose to trade SPX and SPXW electronically should they deem fees associated with trading on the trading floor as unreasonable, further demonstrating that the Exchange is constrained from imposing unreasonable and supracompetitive fees. The Exchange notes this applies to all SPX Market-Makers, even a Market-Maker who may currently not participate electronically and only trades SPX in open outcry. Should any Market-Maker find the costs for executing SPX in open outcry unreasonable based on its business model and needs, such Market-Maker could instead elect to execute SPX solely electronically (or choose to trade other competing products). Accordingly, the Exchange believes that SPX Floor Market-Makers that continue to participate in open outcry trading find value in doing so.

The Exchange finally believes its proposal to increase the SPX (and SPXW) Floor Market-Maker Tier Appointment fee is reasonable because the proposed amount is not significantly higher than was previously assessed (and is the same amount that has been assessed under Footnote 24 for the last two years). Additionally, the Exchange believes its proposal to increase the fee is reasonable as the fee amount has not been increased since it was adopted over 12 years ago in July 2010.[30] Particularly, since its adoption 12 years ago, there has been notable inflation. Indeed, the dollar has had an average inflation rate of 2.6% per year between 2010 and today, producing a cumulative price increase of approximately 37% inflation since 2010, when the SPX and SPXW Floor Market-Maker Tier Appointment was first adopted.[31] Additionally, for nearly ten years, Market-Makers were only subject to the original rate that was adopted in 2010 (*i.e.,* $3,000) notwithstanding an average inflation rate of 2.64% per year. The Exchange acknowledges its proposed fee exceeds 37%. However, the Exchange believes such increase is reasonable given many Market-Makers for nearly 10 years did not have to pay increased fees notwithstanding yearly inflation. For example, by not increasing the fee each year to correspond to the average per year inflation rate of 2.6%, Market-Makers trading SPX on the trading floor since 2011 through 2020 (when then Exchange originally increased the fee due to the COVID–19 pandemic) have saved nearly $10,000. The Exchange therefore believes that proposing a fee in excess of the cumulative 37% inflation rate is still reasonable, especially when considered in conjunction with all of the additional and further rationale discussed above. The Exchange is also unaware of any standard that suggests any fee proposal that exceeds a yearly or cumulative inflation rate is unreasonable.

The proposed change is also equitable and not unfairly discriminatory as it applies to all Market-Makers that trade SPX on the trading floor uniformly. The Exchange believes it's reasonable equitable and not unfairly discriminatory to increase the SPX/SPXW floor Market-Maker Tier Appointment fee and not the SPX/SPXW electronic Market-Maker Tier Appointment fee, as Floor Market-Makers are not subject to other costs that electronic Market-Makers are subject to. For example, while all Floor Market-Makers automatically have an appointment to trade open outcry in all classes traded on the Exchange and at no additional cost per appointment, electronic Market-Makers must select an appointment in a class (such as SPX) to make markets electronically and such appointments are subject to fees under the Market-Maker Electronic Appointments Sliding Scale.[32]

The Exchange lastly notes that it is not required by the Exchange Act, nor any other rule or regulation, to undertake a cost-of-service or rate-making approach with respect to fee proposals. Moreover, Congress's intent in enacting the 1975 Amendments to the Act was to enable competition—rather than government order—to determine prices. The principal purpose of the amendments was to facilitate the creation of a national market system for the trading of securities. Congress intended that this ''national market system evolve through the interplay of *competitive forces* as unnecessary regulatory restrictions are removed.'' [33] Other provisions of the Act confirm that intent. For example, the Act provides that an exchange must design its rules ''to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.'' [34] Likewise, the Act grants the Commission authority to amend or repeal ''[t]he rules of [an] exchange [that] impose any burden on competition not necessary or appropriate in furtherance of the purposes of this chapter.'' [35] In short, the promotion of free and open competition was a core congressional objective in creating the national market system.[36] Indeed, the Commission has historically interpreted that mandate to promote competitive forces to determine prices whenever compatible with a national market system. Accordingly, the Exchange believes it has met its burden to demonstrate that its proposed fee change is reasonable and consistent with the immediate filing process chosen by Congress, which created a system whereby market forces determine access fees in the vast majority of cases, subject to oversight only in particular cases of abuse or market failure. Lastly, and importantly, the Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for the proposed fee would be so complicated that it could not be done practically.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule changes will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes would be applied in the same manner to all Floor Market-Makers that trade SPX (and/or SPXW). As noted above, the Exchange believes it's reasonable to increase the SPX/SPWX Tier Appointment Fee for only Floor Market-Makers only as opposed to electronic Market-Makers, because electronic Market-Makers are subject to costs Floor Market-Makers are not, such as the fees under Market-Maker EAP Appointments Sliding Scale.

[30] *See* Securities Exchange Act Release No. 62386 (June 25, 2010), 75 FR 38566 (July 2, 2010) (SR–CBOE–2010–060).

[31] *See https://www.officialdata.org/us/inflation/2010?amount=1.*

[32] *See* Cboe Options Rules 5.50(a) and (e). *See also* Cboe Options Fees Schedule, Market-Maker EAP Appointments Sliding Scale.

[33] *See* H.R. Rep. No. 94–229, at 92 (1975) (Conf. Rep.) (emphasis added)

[34] 15 U.S.C. 78f(b)(5).

[35] 15 U.S.C. 78f(8).

[36] *See also* 15 U.S.C. 78k–l(a)(1)(C)(ii) (purposes of Exchange Act include to promote ''fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets''); Order, 73 FR at 74781 (''The Exchange Act and its legislative history strongly support the Commission's reliance on competition, whenever possible, in meeting its regulatory responsibilities for overseeing the SROs and the national market system.'').

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule changes apply only to a fee relating to a product exclusively listed on the Exchange. Additionally, the Exchange operates in a highly competitive market. In addition to Cboe Options, TPHs have numerous alternative venues that they may participate on (which, as described above, list products that compete with SPX options) and direct their order flow, including 15 other options exchanges (four of which also maintain physical trading floors), as well as off-exchange venues, where competitive products are available for trading. Based on publicly available information, no single options exchange has more than 15% of the market share of executed volume of options trades.[37] Therefore, no exchange possesses significant pricing power in the execution of option order flow. Moreover, as discussed above, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [38] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission*, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[39] Accordingly, the Exchange does not believe its proposed changes to the incentive programs impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on 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 [40] and paragraph (f) of Rule 19b–4 [41] 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. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*.—Please include File Number SR–CBOE–2023–028 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–CBOE–2023–028.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2023–028 and should be submitted on or before June 27, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[42]

Sherry R. Haywood,

Assistant Secretary.

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[37] *See* Cboe Global Markets, U.S. Options Market Volume Summary by Month (January 19, 2023), available at *http://markets.cboe.com/us/options/market_share/.*

[38] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[39] *NetCoalition* v. *SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[40] 15 U.S.C. 78s(b)(3)(A).

[41] 17 CFR 240.19b–4(f).

[42] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97624; File No. SR–Phlx–2023–07]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Make Permanent Certain P.M.-Settled Pilots

May 31, 2023.

I. Introduction

On February 23, 2023, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule

[1] 15 U.S.C. 78s(b)(1).

19b–4 thereunder,[2] a proposed rule change to make permanent the pilot program to permit the listing and trading of options based on 1/100 the value of the Nasdaq-100 Index (''XND'') and the Exchange's nonstandard expirations pilot program (collectively, the ''Programs''). The proposed rule change was published for comment in the **Federal Register** on March 2, 2023.[3] On April 7, 2023, pursuant to Section 19(b)(2) of the Exchange Act,[4] 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.[5] On May 11, 2023, the Exchange submitted Amendment No. 1 to the proposed rule change (''Amendment No. 1'').[6] The Commission has received no comment letters on the proposed rule change. The Commission is publishing this notice to solicit comments on Amendment No. 1 from interested persons, and is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[7] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 1

The Exchange proposes to make permanent two pilot programs: (1) the Exchange's nonstandard expirations pilot program (''Nonstandard Pilot''), and (2) the Exchange's pilot to permit the listing and trading of options based on 1/100 the value of the Nasdaq-100 Index (''XND Pilot''). The Nonstandard Pilot permits the Exchange to open P.M.-settled options on broad-based indexes that expire (1) on the last day of the trading month (''EOM expirations'') and (2) on any Monday, Wednesday, or Friday (other than the third Friday-of-the-month or days that coincide with an end-of-month (''EOM'') expiration) and, with respect to options on the Nasdaq-100 Index (''NDX'') and XND options, any Tuesday or Thursday (other than days that coincide with the third Friday-of-the-month or an EOM expiration). The XND Pilot permits the listing of XND options, which are European-style and cash-settled, and have a contract multiplier of 100. The contract specifications for XND options mirror those of the NDX options contract listed on the Exchange, except that XND options are based on 1/100 of the value of the Nasdaq-100 Index, and are P.M.-settled pursuant to Options 4A, Section 12(a)(5) of the Phlx Rules.

In December 2017, the Commission approved the Nonstandard Pilot on a pilot basis.[8] In April 2021, the Commission approved the XND Pilot on a pilot basis.[9] In approving both Programs, the Commission noted its concern about the potential impact on the market at expiration for the underlying component stocks for a P.M.-settled, cash-settled index options.[10] However, the Commission also recognized the potential impact was unclear.[11] The Commission approved the Programs on a pilot basis to allow the Exchange and the Commission to monitor for and assess any potential for adverse market effects.[12] The Nonstandard Pilot was extended on multiple occasions, including recently, and is set to expire on November 6, 2023.[13] Similarly, the XND Pilot was extended on multiple occasions and is set to expire on November 6, 2023.[14]

In order to facilitate assessment of the Programs, the Exchange committed to provide the Commission with data and analysis for each pilot.[15] Among other things, the Exchange committed to provide an annual report containing an analysis of volume, open interest and trading patterns.[16] In addition, for series that exceed certain minimum open interest parameters, the annual report provides analysis of index price volatility and, if needed, share trading activity.[17] The Exchange also provides monthly data to the Commission and makes public on its website the data and analysis previously submitted to the Commission in connection with the Programs and will continue to make public any data or analysis it submits under the Programs while the Programs are still in effect.[18]

As set forth more fully in the Notice, the Exchange concludes that P.M.-settled index option expirations are unlikely to cause any disruptive effect on the market.[19] The Exchange further concludes there is no evidence that XND options contract that are P.M.-settled would result in reduced trading activity or degradation in market quality of the A.M.-settled index options.[20] In order to support its overall assessment of the Program, the Exchange provides an empirical assessment of the impact of P.M.-settled NDX options on options market quality and examines market capacity around the market close.[21] The Exchange also includes an assessment of a study conducted at the direction of the staff of the Commission's Division of Economic and Risk Analysis.[22]

The Exchange's analysis presents data that the introduction of P.M.-settlement corresponds to an increase in options trading tied to the Nasdaq-100 Index. The Exchange notes within its analysis that it seems unlikely that the introduction of XND option contracts had a significant impact on the market quality of the full-sized Nasdaq-100 Index option contracts.[23] The Exchange observed a consistent decrease in relative quoted spread from 2017 to 2022 for NDX options. When the Exchange compared the spread trend of NDX monthly contracts to that of QQQ monthly contracts, the Exchange states that the results suggest that there is gradual decrease in both the NDX

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 96980 (February 24, 2023), 88 FR 13161 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 97260, 88 FR 22498 (April 13, 2023). The Commission designated May 31, 2023, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change.

[6] In Amendment No. 1, the Exchange inserts two footnotes and amends a sentence in order to further clarify parts of the empirical analysis performed by the Exchange. Amendment No. 1 is available at: *https://www.sec.gov/comments/sr-phlx-2023-07/srphlx202307.htm.*.

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 82341 (December 15, 2017), 82 FR 60651 (December 21, 2017) (SR–Phlx–2017–79) (''Nonstandard Approval Order'').

[9] *See* Securities Exchange Act Release No. 91524 (April 9, 2021), 86 FR 19909 (April 15, 2021) (SR–Phlx–2021–07) (''XND Approval Order'').

[10] *See* Nonstandard Approval Order, *supra* note 8, at 60653 and XND Approval Order, *supra* note 9, at 19911. *See also* Securities Exchange Act Release Nos. 64599 (June 3, 2011), 76 FR 33798, 33801–02 (June 9, 2011) (order instituting proceedings to determine whether to approve or disapprove a proposed rule change to allow the listing and trading of SPXPM options); 65256 (September 2, 2011), 76 FR 55969, 55970–76 (September 9, 2011) (order approving proposed rule change to establish a pilot program to list and trade SPXPM options); and 68888 (February 8, 2013), 78 FR 10668, 10669 (February 14, 2013) (order approving the listing and trading of SPXPM on CBOE).

[11] *See* XND Approval Order, *supra* note 9, at 19909.

[12] *See* Nonstandard Approval Order, *supra* note 8, at 60653, XND Approval Order, supra note 9, at 19911.

[13] *See* Securities Exchange Act Release No. 97385 (April 26, 2023), 88 FR 27549 (May 2, 2023) (SR–Phlx–2023–13) (''Programs Extension'').

[14] *See* Programs Extension, *supra* note 13.

[15] *See* XND Approval Order, *supra* note 12, at 19910–19911 and Nonstandard Approval Order, *supra* note 8, at 60652–60653.

[16] *See* Notice, *supra* note 3, at 13175.

[17] *See* Notice, *supra* note 3, at 13175.

[18] *See* Programs Extension, *supra* note 13, at 27549–27550.

[19] *See* Notice, *supra* note 3, at 13163.

[20] *See* Notice, *supra* note 3, at 13163.

[21] *See* Notice, *supra* note 3, at 13162–13169, 13173–13176.

[22] *See* Notice, *supra* note 3, at 13163.

[23] The Exchange states that given that the size of the market (measured in volume) for XND options volume is small compared to that of other P.M.-settled NDX options, the Exchange believes the introduction of XND option contracts is unlikely to adversely impact the market quality of A.M.-settled NDX options. *See* Amendment No. 1, *supra* note 6.

monthly contracts spread and the QQQ contracts spread during the sample period.[24]

The Exchange also considered whether the move from A.M.-settlement to P.M.-settlement for Friday NDX weekly expirations led to changes in spreads for those contracts.[25] The Exchange states that it sees no evidence of deterioration of spreads associated with the introduction of P.M.-settled products.[26]

The Exchange provides analysis on market capacity around the market close, and concludes that the equity closing auctions have grown to be substantial liquidity events that are much larger than the opening auctions, and would therefore be better suited for handling the excess liquidity demand created by index options settlement.[27] The Exchange believes the expiration of P.M.-settled options would not adversely affect the options market or the underlying cash equities market.[28]

Lastly, the Exchange states that it has sufficient systems capacity to handle P.M.-settled options on broad-based indexes with nonstandard expirations dates and has not encountered any issues or adverse market effects as a result of listing them.[29]

III. Proceedings To Determine Whether To Approve or Disapprove SR–Phlx–2023–07, as Modified by Amendment No. 1, and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [30] to determine whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change to inform the Commission's analysis of whether to approve or disapprove the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[31] the Commission is providing notice of the grounds for disapproval under consideration. As described above, the Exchange has proposed to make permanent: (1) a pilot program that permits the listing and trading of P.M.-settled Weekly Expirations and EOM expirations and, (2) a pilot program that permits the listing and trading of P.M.-settled XND options. The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the proposed rule change's consistency with the Act, and in particular, Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.[32]

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their data, views, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change, as modified by Amendment No. 1, is consistent with Sections 6(b)(5) or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of data, views, and arguments, the Commission will consider, pursuant to Rule 19b–4 under the Act,[33] any request for an opportunity to make an oral presentation.[34]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved by June 27, 2023. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by July 11, 2023. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, in addition to any other comments they may wish to submit about the proposed rule change.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2023–07 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–Phlx–2023–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from

[24] *See* Notice, *supra* note 3 at 13175–13176.

[25] *See* Notice, *supra* note 3 at 13170–13173. The Exchange used a regression analysis to test whether the spread of NDX contracts changed after the introduction of P.M.-settled index options. *See id.* at 13171. In Amendment No. 1, the Exchange clarifies that the *Post* variable in its regression model is meant to capture the effect of the introduction of Friday P.M.-settled NDX options expirations (on all but the third-Friday of the month) that occurred in January 2018. *See* Amendment No. 1, *supra* note 6.

[26] *See* Notice, *supra* note 3 at 13173–13176.

[27] See *id.* at 13176.

[28] See *id.*

[29] See *id.*

[30] 15 U.S.C. 78s(b)(2)(B).

[31] *Id.*

[32] 15 U.S.C. 78f(b)(5).

[33] 17 CFR 240.19b–4.

[34] Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (Jun. 4, 1975), grants to the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number SR–Phlx–2023–07 and should be submitted by June 27, 2023. Rebuttal comments should be submitted by July 11, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–11920 Filed 6–5–23; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97626; File No. SR–ISE–2023–08]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Make Permanent Certain P.M.-Settled Pilots

May 31, 2023.

I. Introduction

On February 23, 2023, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to make permanent the pilot program to permit the listing and trading of options based on ⅕ the value of the Nasdaq-100 Index (''NQX'') and the Exchange's nonstandard expirations pilot program (collectively, the ''Programs''). The proposed rule change was published for comment in the **Federal Register** on March 2, 2023.[3] On April 7, 2023, pursuant to Section 19(b)(2) of the Exchange Act,[4] 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.[5] On May 11, 2023, the Exchange submitted Amendment No. 1 to the proposed rule change (''Amendment No. 1'').[6] The Commission has received no comment letters on the proposed rule change. The Commission is publishing this notice to solicit comments on Amendment No. 1 from interested persons, and is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [7] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 1

The Exchange proposes to make permanent two pilot programs: (1) the Exchange's nonstandard expirations pilot program (''Nonstandard Pilot''), and (2) the Exchange's pilot to permit the listing and trading of options based on ⅕ the value of the Nasdaq-100 Index (''NQX Pilot''). The Nonstandard Pilot permits the Exchange to open P.M.-settled options on broad-based indexes that expire (1) on the last day of the trading month (''EOM expirations'') and (2) on any Monday, Wednesday, or Friday (other than the third Friday-of-the-month or days that coincide with an end-of-month (''EOM'') expiration) and, with respect to options on the Nasdaq-100 Index (''NDX'') and NQX options, any Tuesday or Thursday (other than days that coincide with the third Friday-of-the-month or an EOM expiration). The NQX Pilot permits the listing of NQX options, which are European-style and cash-settled, and have a contract multiplier of 100. The contract specifications for NQX options mirror those of the NDX options contract listed on the Exchange, except that NQX options are based on ⅕ of the value of the Nasdaq-100 Index, and are P.M.-settled pursuant to Options 4A, Section 12(a)(6) of the ISE Rules.

In February 2018, the Commission approved the Nonstandard Pilot on a pilot basis.[8] In March 2018, the Commission approved the NQX Pilot on a pilot basis.[9] In approving both Programs, the Commission noted its concern about the potential impact on the market at expiration for the underlying component stocks for a P.M.-settled, cash-settled index options.[10] However, the Commission also recognized the potential impact was unclear.[11] The Commission approved the Programs on a pilot basis to allow the Exchange and the Commission to monitor for and assess any potential for adverse market effects.[12] The Nonstandard Pilot was extended on multiple occasions and is set to expire on November 6, 2023.[13] Similarly, the NQX Pilot was extended on multiple occasions, including recently, and is set to expire on November 6, 2023.[14]

In order to facilitate assessment of the Programs, the Exchange committed to provide the Commission with data and analysis for each pilot.[15] Among other things, the Exchange committed to provide an annual report containing an analysis of volume, open interest and trading patterns.[16] In addition, for series that exceed certain minimum open interest parameters, the annual report provides analysis of index price volatility and, if needed, share trading activity.[17] The Exchange also provides monthly data to the Commission and makes public on its website the data and analysis previously submitted to the Commission in connection with the Programs and will continue to make public any data or analysis it submits under the Programs while the Programs are still in effect.[18]

As set forth more fully in the Notice, the Exchange concludes that P.M.-settled index option expirations are

[35] 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 96979 (February 24, 2023), 88 FR 13182 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 97261, 88 FR 22509 (April 13, 2023). The Commission designated May 31, 2023, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change.

[6] In Amendment No. 1, the Exchange inserts two footnotes and amends a sentence in order to further clarify parts of the empirical analysis performed by the Exchange. Amendment No. 1 is available at: *https://www.sec.gov/comments/sr-ise-2023-08/srise202308.htm*.

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 82612 (February 1, 2018), 83 FR 5470 (February 7, 2018) (SR–ISE–2017–111) (''Nonstandard Approval Order'').

[9] *See* Securities Exchange Act Release No. 82911 (March 20, 2018), 83 FR 12966 (March 26, 2018) (SR–ISE–2017–106) (''NQX Approval Order'').

[10] *See* Nonstandard Approval Order, *supra* note 8, at 5472 and NQX Approval Order, *supra* note 9, at 12967. *See also* Securities Exchange Act Release Nos. 64599 (June 3, 2011), 76 FR 33798, 33801–02 (June 9, 2011) (order instituting proceedings to determine whether to approve or disapprove a proposed rule change to allow the listing and trading of SPXPM options); 65256 (September 2, 2011), 76 FR 55969, 55970–76 (September 9, 2011) (order approving proposed rule change to establish a pilot program to list and trade SPXPM options); and 68888 (February 8, 2013), 78 FR 10668, 10669 (February 14, 2013) (order approving the listing and trading of SPXPM on CBOE).

[11] *See* NQX Approval Order, *supra* note 9, at 12967.

[12] *See* Nonstandard Approval Order, *supra* note 8, at 5472–73, NQX Approval Order, *supra* note 9, at 12967.

[13] *See* Securities Exchange Act Release No. 97386 (April 26, 2023), 88 FR 27545 (May 2, 2023) (SR–ISE–2023–09) (''Programs Extension'').

[14] *See* Programs Extension, *supra* note 13.

[15] *See* NQX Approval Order, *supra* note 9, at 12967 and Nonstandard Approval Order, *supra* note 8, at 5472.

[16] *See* NQX Approval Order, *supra* note 9, at 12966–12967 and Nonstandard Approval Order, *supra* note 8, at 5471–5472.

[17] *See* NQX Approval Order, *supra* note 9, at 12967 and Nonstandard Approval Order, *supra* note 8, at 5472.

[18] *See* Programs Extension, *supra* note 13, at 27546–27547.

unlikely to cause any disruptive effect on the market.[19] The Exchange further concludes there is no evidence that NQX options contract that are P.M.-settled would result in reduced trading activity or degradation in market quality of the A.M.-settled index options.[20] In order to support its overall assessment of the Program, the Exchange provides an empirical assessment of the impact of P.M.-settled NDX options on options market quality and examines market capacity around the market close.[21] The Exchange also includes an assessment of a study conducted at the direction of the staff of the Commission's Division of Economic and Risk Analysis.[22]

The Exchange's analysis presents data that the introduction of P.M.-settlement corresponds to an increase in options trading tied to the Nasdaq-100 Index. The Exchange notes within its analysis that it seems unlikely that the introduction of NQX contracts had a significant impact on the market quality of the full-sized Nasdaq-100 Index option contracts.[23] The Exchange observed a consistent decrease in relative quoted spread from 2017 to 2022 for NDX options. When the Exchange compared the spread trend of NDX monthly contracts to that of QQQ monthly contracts, the Exchange states that the results suggest that there is gradual decrease in both the NDX monthly contracts spread and the QQQ contracts spread during the sample period.[24]

The Exchange also considered whether the move from A.M.-settlement to P.M.-settlement for Friday NDX weekly expirations led to changes in spreads for those contracts.[25] The Exchange states that it sees no evidence of deterioration of spreads associated with the introduction of P.M.-settled products.[26]

The Exchange provides analysis on market capacity around the market close, and concludes that the equity closing auctions have grown to be substantial liquidity events that are much larger than the opening auctions, and would therefore be better suited for handling the excess liquidity demand created by index options settlement.[27] The Exchange believes the expiration of P.M.-settled options would not adversely affect the options market or the underlying cash equities market.[28]

Lastly, the Exchange states that it has sufficient systems capacity to handle P.M.-settled options on broad-based indexes with nonstandard expirations dates and has not encountered any issues or adverse market effects as a result of listing them.[29]

III. Proceedings To Determine Whether To Approve or Disapprove SR–ISE–2023–08, as Modified by Amendment No. 1, and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[30] to determine whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change to inform the Commission's analysis of whether to approve or disapprove the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[31] the Commission is providing notice of the grounds for disapproval under consideration. As described above, the Exchange has proposed to make permanent: (1) a pilot program that permits the listing and trading of P.M.-settled Weekly Expirations and EOM expirations and, (2) a pilot program that permits the listing and trading of P.M.-settled NQX options. The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the proposed rule change's consistency with the Act, and in particular, Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.[32]

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their data, views, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change, as modified by Amendment No. 1, is consistent with Sections 6(b)(5) or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of data, views, and arguments, the Commission will consider, pursuant to Rule 19b–4 under the Act,[33] any request for an opportunity to make an oral presentation.[34]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved by June 27, 2023. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by July 11, 2023. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, in addition to any other comments they may wish to submit about the proposed rule change.

Comments may be submitted by any of the following methods:

[19] *See* Notice, *supra* note 3, at 13184.

[20] *See id.*

[21] *See* Notice, *supra* note 3, at 13183.

[22] *See* Notice, *supra* note 3, at 13184–13190, 13194–13197.

[23] The Exchange notes that given that the size of the market (measured in volume) for NQX options volume is small compared to that of other P.M.-settled NDX options, the Exchange believes the introduction of NQX option contracts is unlikely to adversely impact the market quality of A.M.-settled NDX options.

[24] *See* Notice, *supra* note 3 at 13192.

[25] *See* Notice, *supra* note 3 at 13194. The Exchange used a regression analysis to test whether the spread of NDX contracts changed after the introduction of P.M.-settled index options. *See id.* at 13192. In Amendment No. 1, the Exchange clarifies that the *Post* variable in its regression model is meant to capture the effect of the introduction of Friday P.M.-settled NDX options expirations (on all but the third-Friday of the month) that occurred in January 2018. *See* Amendment No. 1, *supra* note 6.

[26] *See* Notice, *supra* note 3 at 13194.

[27] *See* Notice, *supra* note 3 at 13194–13197.

[28] *See id.*

[29] *See id.*

[30] 15 U.S.C. 78s(b)(2)(B).

[31] *Id.*

[32] 15 U.S.C. 78f(b)(5).

[33] 17 CFR 240.19b–4.

[34] Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (Jun. 4, 1975), grants to the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISE–2023–08 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–ISE–2023–08. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number SR–ISE–2023–08 and should be submitted by June 27, 2023. Rebuttal comments should be submitted by July 11, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–11921 Filed 6–5–23; 8:45 am]

BILLING CODE 8011–01–P

[35] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97629; File No. SR–FINRA–2022–031]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt FINRA Rules 6151 (Disclosure of Order Routing Information for NMS Securities) and 6470 (Disclosure of Order Routing Information for OTC Equity Securities)

On November 16, 2022, the Financial Industry Regulatory Authority Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt rules regarding the disclosure of order routing information for NMS securities and OTC equity securities. The proposed rule change was published for comment in the **Federal Register** on December 6, 2022.[3] On January 18, 2023, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to March 6, 2023.[4] On March 3, 2023, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[5]

Section 19(b)(2) of the Act [6] provides that, after initiating 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 proposed rule change was published for notice and comment in the **Federal Register** on December 6, 2022.[7] June 4, 2023 is 180 days from that date, and August 3, 2023 is 240 days from that date. The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change and its comments. Accordingly, the Commission, pursuant to section 19(b)(2) of the Act,[8] designates August 3, 2023 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–FINRA–2022–031).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–11924 Filed 6–5–23; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 96415 (November 30, 2022), 87 FR 74672 (December 6, 2022). Comments on the proposed rule change are available at: *https://www.sec.gov/comments/sr-finra-2022-031/srfinra2022031.htm.*

[4] *See* Securities Exchange Act Release No. 96699, 88 FR 4260 (January 24, 2023).

[5] *See* Securities Exchange Act Release No. 97039, 88 FR 14653 (March 9, 2023).

[6] 15 U.S.C. 78s(b)(2).

[7] *See* Notice, *supra* note 3.

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97627; File No. SR–BX–2023–014]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Fees for Field-Programmable Gate Array Technology as an Optional Delivery Mechanism for BX TotalView

May 31, 2023.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 23, 2023, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to set fees for the purchase of field-programmable gate array (''FPGA'') technology as an

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

optional delivery mechanism for BX TotalView.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/bx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to establish a fee schedule for the purchase of field-programmable gate array (''FPGA'') technology as an optional delivery mechanism for BX TotalView. This follows a recently-filed proposal to offer FPGA technology as an optional delivery mechanism for BX TotalView.[3]

FPGA

FPGA is a hardware-based delivery mechanism that utilizes an integrated circuit that is programmed to reduce ''jitter''—a technical term of art referring to the deviation in amplitude, phase timing or width of a signal pulse in a digital signal—that will allow data to be processed in a more predictable, or ''deterministic,'' fashion. Higher levels of determinism means less variable queuing, which improves the predictability of data transfer, particularly during times of peak market activity.

The benefits of determinism depend on the use case of the customer—in general, customers that process larger amounts of data at higher frequencies seek a greater degree of determinism—as well as the specific system architecture used by the customer.

Among customers that seek a higher degree of determinism, the benefits of FPGA technology varies, as FPGA technology is one possible solution, among a catalog of possible solutions, for increasing the consistency and predictability of message throughput over the course of the trading day. Some customers are able to adequately control jitter without using FPGA technology; other customers address jitter using specialized software, coding or other design solutions in conjunction with FPGA; still others use FPGA alone. The specific choice depends on a complex analysis of the customer's information technology systems in the context of their particular use cases.

FPGA is a broadly-available, commonly-used type of programmable circuit that can be modified to suit different use cases. It is used in a wide spectrum of industries, including the consumer electronics, automotive, and aerospace, as well as in a variety of industrial applications. It is not unique to the financial services industry,[4] or to Nasdaq.

FPGA technology has been offered by the Nasdaq Stock Exchange for over a decade, and the Nasdaq Options Market for nearly as long,[5] and has been cited by the SEC as an example of a technology useful in the distribution of market data products.[6]

The Exchange proposes to offer FPGA technology in conjunction with the Exchange's depth of book feed, BX TotalView. BX TotalView is a real-time market data product that provides full order depth using a series of order messages to track the life of customer orders in the BX market, as well as trade data for BX executions and administrative messages such as Trading Action messages, Symbol Directory, and Event Control messages.[7]

Proposed Fees

BX proposes internal distribution fees of $3,500 per month and external distribution fees of $350 for FPGA hardware; customers that elect to use FPGA hardware for both internal and external distribution will pay both fees.[8] These fees are in addition to Market Data Distributor Fees,[9] fees for BX TotalView,[10] and other fees for Distribution Models.[11] Customers that elect to receive BX depth of book data without using FPGA technology will pay no fee in addition to the underlying fees listed above.

The proposed fees are substantially lower than FPGA fees for the Nasdaq exchange, which are set at $25,000 per Distributor for internal only distribution, $2,500 for external only, and $27,500 for internal and external distribution.[12] The difference is based, in part, on a comparison of peak activity at the two exchanges. As noted above, high levels of determinism are particularly valuable during periods of peak activity.

Although there is considerable variation in the number of messages at various peaks, as well as the duration of peak activity, the proposed fees are roughly comparable to the differences in average peak activity at the BX exchange relative to the Nasdaq exchange. Exchange staff have also discussed the proposed fees with customers, and believe, based on those discussions and their own business judgment, that the proposed fees fairly reflect the value of FPGA technology for the BX exchange. A number of customers provisionally agree with this assessment, and have indicated that they are interested in testing it.

[3] *See* SR–BX–2023–011 (''A proposal to offer field-programmable gate array ('FPGA') technology as an optional delivery mechanism for BX TotalView.''), available at *https://listingcenter.nasdaq.com/rulebook/BX/rulefilings.* A proposal to establish a fee schedule for the use of FPGA technology for the Phlx exchange is being filed concurrently with this proposal.

[4] *See, e.g.,* Contrive Datum Insights, ''Field-Programmable Gate Array (FPGA) Market is expected to reach around USD 22.10 Billion by 2030, Grow at a CAGR of 15.12% during Forecast Period 2023 to 2030,'' (February 21, 2023), available at *https://www.globenewswire.com/en/news-release/2023/02/21/2612772/0/en/Field-Programmable-Gate-Array-FPGA-Market-Is-Expected-To-Reach-around-USD-22-10-Billion-by-2030-Grow-at-a-CAGR-Of-15-12-during-Forecast-Period-2023-To-2030-Data-By-Contrive-Datum-I.html* (describing the general size and state of the FPGA market in 2023).

[5] *See* Securities Exchange Act Release No. 67297 (June 28, 2012), 77 FR 39752 (July 5, 2012) (SR–Nasdaq–2012–063) (introducing FPGA technology); *see also* Nasdaq Data News 2012–13, available at *http://www.nasdaqtrader.com/TraderNews.aspx?id=dn2012-13* (introducing TotalView FPGA service as of August 1, 2012); Securities Exchange Act Release No. 74745 (April 16, 2015), 80 FR 22588 (April 22, 2015) (SR–Nasdaq–2015–035) (establishing FPGA for the Nasdaq Options Market); The Nasdaq Stock Market LLC Rules, Equity 7, Section 126(c) (Hardware-Based Delivery of Nasdaq Depth data).

[6] *See* Securities Exchange Act Release No. 90610, 86 FR 18596, 18647 (April 9, 2021) (File No. S7–03–20) (listing field programmable gate array services as an example of a technological innovation that could be employed by competing consolidators as part of the Market Data Infrastructure rule).

[7] *See* Nasdaq BX, Inc. Rules, Equity 7, Section 123 (BX TotalView); *see also* Securities Exchange Act Release No. 59307 (January 28, 2009), 74 FR 6069 (February 4, 2009) (establishing fees for BX TotalView).

[8] The difference in amount for external and external distribution reflects Nasdaq's experience that the Exchange's FPGA hardware is best employed at the point of ingestion, as the utility of FPGA technology falls as the data moves farther from the source.

[9] *See* Nasdaq BX, Inc. Rules, Equity 7, Section 119.

[10] *See Id.,* Section 123.

[11] *See Id.,* Section 126.

[12] *See* The Nasdaq Stock Market LLC Rules, Equity 7 (Pricing Schedule), Section 126(c) (Hardware-based delivery of Nasdaq depth data).

No other exchange currently offers FPGA technology as a separate service in conjunction with the delivery of a proprietary data feed, and therefore there are no other fees for comparison. If BX is incorrect in its determination that the proposed fees reflect the underlying value of FPGA technology, customers will not purchase the product. FPGA technology is not necessary for a customer to ingest and process depth of book information, and those customers that seek a higher degree of determinism have a number of options at their disposal to reduce jitter without using FPGA.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[14] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed changes to the pricing schedule are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for order flow, which constrains its pricing determinations. The fact that the market for order flow is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .'' [15]

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention to determine prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues, and also recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [16]

Congress directed the Commission to ''rely on 'competition, whenever possible, in meeting its regulatory responsibilities for overseeing the SROs and the national market system.' '' [17] As a result, the Commission has historically relied on competitive forces to determine whether a fee proposal is equitable, fair, reasonable, and not unreasonably or unfairly discriminatory. ''If competitive forces are operative, the self-interest of the exchanges themselves will work powerfully to constrain unreasonable or unfair behavior.'' [18] Accordingly, ''the existence of significant competition provides a substantial basis for finding that the terms of an exchange's fee proposal are equitable, fair, reasonable, and not unreasonably or unfairly discriminatory.'' [19] In its 2019 guidance on fee proposals, Commission staff indicated that they would look at factors beyond the competitive environment, such as cost, only if a ''proposal lacks persuasive evidence that the proposed fee is constrained by significant competitive forces.'' [20]

Substitutes for FPGA Technology

No customer is required to purchase FPGA technology for either legal or technological reasons—even a customer that seeks to reduce jitter.[21] Indeed, a majority of Nasdaq depth customers are not concerned with jitter because they do not process information at sufficiently high speeds for jitter to become a concern. These customers can continue to ingest BX TotalView as they do now.

Customers searching for greater determinism have an array of options for optimizing their systems. The benefits of selecting any particular option depend on a number of factors, including, but not limited to, the design of the customer's information system architecture, how its computer code is written, the types of hardware it uses to process information, and the cost of each option.

To illustrate the choice faced by exchange customers, consider the decisions made by the two consolidated data processors, the UTP and CTA Plans, two different systems that use dissimilar means to achieve an optimal solution. Both perform the same task—combining quotes and trades from all U.S. exchanges into a consolidated data feed with relatively low jitter. Yet only one processor—the CTA Plan—uses FPGA hardware, while the other—the UTP Plan—does not.

This is because the UTP Plan's design, coding and hardware achieve the desired level of determinism without FPGA technology. The CTA Plan, by contrast, elected to incorporate FPGA technology into its system design. Notwithstanding these different design decisions, both plans achieve broadly similar levels of performance. FPGA technology is therefore not essential to addressing jitter, but rather is one option among many to address the issue.

Market data customers face an array of choices to optimize determinism, much like the UTP and CTA Plans. For example, a customer may purchase and deploy its own FPGA hardware, without purchasing the proposed FPGA technology service from the Exchange, *after* receiving data from the Exchange. Another customer may find use of the Exchange's FPGA technology, which lowers the level of jitter prior to the customer's receipt of the data, to be a better fit for its system architecture. The solution chosen will vary based on the needs and design choices of the customer.

The experience of the Nasdaq exchange in offering FPGA technology shows that customers sensitive to jitter often avail themselves of substitutes for FPGA technology, a decision that can change over time. Over the past decade, a total of 21 current or potential users of FPGA technology—all of which required high degrees of determinism—substituted FPGA with an alternative solution. Six of these customers were in the process of developing and testing FPGA hardware but ultimately decided not to purchase it before completing this process. The remaining 15 customers purchased FPGA technology, only to

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] *See NetCoalition,* 615 F.3d at 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[16] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[17] *See NetCoalition,* 615 F.3d at 534–35; *see also* H.R. Rep. No. 94–229 at 92 (1975) (''[I]t is the intent of the conferees that the national market system evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed.'').

[18] *See* Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74,770 (December 9, 2008) (SR–NYSEArca–2006–21).

[19] *Id.*

[20] *See* U.S. Securities and Exchange Commission, ''Staff Guidance on SRO Rule filings Relating to Fees'' (May 21, 2019), available at *https://www.sec.gov/tm/staff-guidance-sro-rule-filings-fees.*

[21] Not all customers of depth of book information process at sufficiently high speeds for jitter to become a concern. Neither FPGA hardware nor its substitutes are required to ingest depth of book information.

cancel it after using it. Because all of these customers continued to utilize the underlying data, these cancelations demonstrate that FPGA technology is an optional service, even for those customers that seek to reduce jitter.

Moreover, as noted above, no other exchange currently offers FPGA technology in conjunction with their proprietary data feeds as a separate service, notwithstanding the fact that it is a widely available technology, providing further evidence that customers have multiple options at their disposal to address jitter.

The Exchange is aware of no systematic differences among market participants that choose to use or not to use FPGA technology. Jitter is a potential issue for any intensive user of market data, including banks, high-frequency trading firms, and hedge funds, yet not all of these customers purchase FPGA technology. The determining factor is not the type of customer, but rather the compatibility of FPGA technology with the customer's specific systems architecture and technical requirements, which can and do change over time as systems are modified, replaced or updated.

For all of these reasons, customers can discontinue the use of FPGA technology at any time, or decide not to purchase it, for any reason, including the level of fees.

Customers that choose not to purchase FPGA technology are not impacted by the proposal.

The proposed fees will be available to all customers on a non-discriminatory basis, and therefore are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

This Proposal, a response to customer demand, is a product of a competitive marketplace. To date, lower levels of peak activity at the BX Exchange relative to the Nasdaq exchange have been associated with low levels of customer interest in this product. Recently, however, BX has heard from customers interested in using FPGA technology for BX TotalView. To address this customer demand, and to drive liquidity to the BX Exchange by making it a more attractive trading venue, BX has decided to offer this product.

Approval of this Proposal will further promote competition by providing market participants additional choices in the transmission of depth of book data.

Nothing in the Proposal burdens inter-market competition (the competition among self-regulatory organizations) because approval of the Proposal does not impose any burden on the ability of other exchanges to compete. As noted above, FPGA technology is generally available and any exchange has the ability to offer it if it so chooses.

Nothing in the Proposal burdens intra-market competition (the competition among consumers of exchange data) because FPGA technology is available to any customer under the same fee schedule as any other customer, and any market participant that wishes to purchase FPGA technology can do so on a non-discriminatory basis.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[22]

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: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2023–014 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–BX–2023–014. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number SR–BX–2023–014, and should be submitted on or before June 27, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–11922 Filed 6–5–23; 8:45 am]

BILLING CODE 8011–01–P

[22] 15 U.S.C. 78s(b)(3)(A)(ii).

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97628; File No. SR–Phlx–2023–21]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Fees for Field-Programmable Gate Array Technology as an Optional Delivery Mechanism for PSX TotalView

May 31, 2023.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 23, 2023, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to—Proposed Rule Change to set fees for the purchase of field-programmable gate array (''FPGA'') technology as an optional delivery mechanism for PSX TotalView.

While these amendments are effective upon filing, the Exchange has designated the proposed amendments to be operative on June 1, 2023.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to establish a fee schedule for the purchase of field-programmable gate array (''FPGA'') technology as an optional delivery mechanism for PSX TotalView. This follows a recently-filed proposal to offer FPGA technology as an optional delivery mechanism for PSX TotalView.[3]

FPGA

FPGA is a hardware-based delivery mechanism that utilizes an integrated circuit that is programmed to reduce ''jitter''—a technical term of art referring to the deviation in amplitude, phase timing or width of a signal pulse in a digital signal—that will allow data to be processed in a more predictable, or ''deterministic,'' fashion. Higher levels of determinism means less variable queuing, which improves the predictability of data transfer, particularly during times of peak market activity.

The benefits of determinism depend on the use case of the customer—in general, customers that process larger amounts of data at higher frequencies seek a greater degree of determinism—as well as the specific system architecture used by the customer.

Among customers that seek a higher degree of determinism, the benefits of FPGA technology varies, as FPGA technology is one possible solution, among a catalog of possible solutions, for increasing the consistency and predictability of message throughput over the course of the trading day. Some customers are able to adequately control jitter without using FPGA technology; other customers address jitter using specialized software, coding or other design solutions in conjunction with FPGA; still others use FPGA alone. The specific choice depends on a complex analysis of the customer's information technology systems in the context of their particular use cases.

FPGA is a broadly-available, commonly-used type of programmable circuit that can be modified to suit different use cases. It is used in a wide spectrum of industries, including the consumer electronics, automotive, and aerospace, as well as in a variety of industrial applications. It is not unique to the financial services industry,[4] or to Nasdaq.

FPGA technology has been offered by the Nasdaq Stock Exchange for over a decade, and the Nasdaq Options Market for nearly as long,[5] and has been cited by the SEC as an example of a technology useful in the distribution of market data products.[6]

The Exchange proposes to offer FPGA technology in conjunction with the Exchange's depth of book feed, PSX TotalView. PSX TotalView is a real-time market data product that provides full order depth using a series of order messages to track the life of customer orders in the PSX market, as well as trade data for PSX executions and administrative messages such as Trading Action messages, Symbol Directory, and Event Control messages.[7]

Proposed Fees

Phlx proposes internal distribution fees of $3,500 per month and external distribution fees of $350 for FPGA hardware; customers that elect to use FPGA hardware for both internal and external distribution will pay both fees.[8]

[3] *See* SR–Phlx–2023–18 (''A proposal to offer field-programmable gate array ('FPGA') technology as an optional delivery mechanism for PSX TotalView.''), available at *https://listingcenter.nasdaq.com/assets/rulebook/Phlx/filings/SR-Phlx-2023-18.pdf.* A proposal to establish a fee schedule for the use of FPGA technology for the BX exchange is being filed concurrently with this proposal.

[4] *See, e.g.,* Contrive Datum Insights, ''Field-Programmable Gate Array (FPGA) Market is expected to reach around USD 22.10 Billion by 2030, Grow at a CAGR of 15.12% during Forecast Period 2023 to 2030,'' (February 21, 2023), available at *https://www.globenewswire.com/en/news-release/2023/02/21/2612772/0/en/Field-Programmable-Gate-Array-FPGA-Market-Is-Expected-To-Reach-around-USD-22-10-Billion-by-2030-Grow-at-a-CAGR-Of-15-12-during-Forecast-Period-2023-To-2030-Data-By-Contrive-Datum-I.html* (describing the general size and state of the FPGA market in 2023).

[5] *See* Securities Exchange Act Release No. 67297 (June 28, 2012), 77 FR 39752 (July 5, 2012) (SR-Nasdaq-2012–063) (introducing FPGA technology); *see also* Nasdaq Data News 2012–13, available at *http://www.nasdaqtrader.com/TraderNews.aspx?id=dn2012-13* (introducing TotalView FPGA service as of August 1, 2012); Securities Exchange Act Release No. 74745 (April 16, 2015), 80 FR 22588 (April 22, 2015) (SR-Nasdaq-2015–035) (establishing FPGA for the Nasdaq Options Market); The Nasdaq Stock Market LLC Rules, Equity 7, Section 126(c) (Hardware-Based Delivery of Nasdaq Depth data).

[6] *See* Securities Exchange Act Release No. 90610, 86 FR 18596, 18647 (April 9, 2021) (File No. S7–03–20) (listing field programmable gate array services as an example of a technological innovation that could be employed by competing consolidators as part of the Market Data Infrastructure rule).

[7] *See* Nasdaq Phlx LLC Rules, Equity 7 (Pricing Schedule), Section 3 (Nasdaq PSX Fees), PSX TotalView; *see also* Securities Exchange Act Release No. 62876 (September 9, 2010), 75 FR 56624 (September 16, 2010) (SR-Phlx-2010–120) (introducing PSX TotalView as a product).

[8] The difference in amount for external and external distribution reflects Nasdaq's experience that the Exchange's FPGA hardware is best employed at the point of ingestion, as the utility of FPGA technology falls as the data moves farther from the source.

These fees are in addition to Market Data Distributor Fees [9] and fees for PSX TotalView.[10] Customers that elect to receive PSX TotalView without using FPGA technology will pay no fee in addition to the underlying fees listed above.

The proposed fees are substantially lower than FPGA fees for the Nasdaq exchange, which are set at $25,000 per Distributor for internal only distribution, $2,500 for external only, and $27,500 for internal and external distribution.[11] The difference is based, in part, on a comparison of peak activity at the two exchanges. As noted above, high levels of determinism are particularly valuable during periods of peak activity.

Although there is considerable variation in the number of messages at various peaks, as well as the duration of peak activity, the proposed fees are roughly comparable to the differences in average peak activity for Phlx equity products relative to the Nasdaq exchange. Exchange staff have also discussed the proposed fees with customers, and believe, based on those discussions and their own business judgment, that the proposed fees fairly reflect the value of FPGA technology for the Phlx equity exchange. A number of customers provisionally agree with this assessment, and have indicated that they are interested in testing it.

No other exchange currently offers FPGA technology as a separate service in conjunction with the delivery of a proprietary data feed, and therefore there are no other fees for comparison. If Phlx is incorrect in its determination that the proposed fees reflect the underlying value of FPGA technology, customers will not purchase the product. FPGA technology is not necessary for a customer to ingest and process depth of book information, and those customers that seek a higher degree of determinism have a number of options at their disposal to reduce jitter without using FPGA.

2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act,[12] in general, and furthers the objectives of sections 6(b)(4) and 6(b)(5) of the Act,[13] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed changes to the pricing schedule are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for order flow, which constrains its pricing determinations. The fact that the market for order flow is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .'' [14]

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention to determine prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues, and also recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [15]

Congress directed the Commission to ''rely on 'competition, whenever possible, in meeting its regulatory responsibilities for overseeing the SROs and the national market system.' '' [16] As a result, the Commission has historically relied on competitive forces to determine whether a fee proposal is equitable, fair, reasonable, and not unreasonably or unfairly discriminatory. ''If competitive forces are operative, the self-interest of the exchanges themselves will work powerfully to constrain unreasonable or unfair behavior.'' [17] Accordingly, ''the existence of significant competition provides a substantial basis for finding that the terms of an exchange's fee proposal are equitable, fair, reasonable, and not unreasonably or unfairly discriminatory.'' [18] In its 2019 guidance on fee proposals, Commission staff indicated that they would look at factors beyond the competitive environment, such as cost, only if a ''proposal lacks persuasive evidence that the proposed fee is constrained by significant competitive forces.'' [19]

Substitutes for FPGA Technology

No customer is required to purchase FPGA technology for either legal or technological reasons—even a customer that seeks to reduce jitter.[20] Indeed, a majority of Nasdaq depth customers are not concerned with jitter because they do not process information at sufficiently high speeds for jitter to become a concern. These customers can continue to ingest PSX TotalView as they do now.

Customers searching for greater determinism have an array of options for optimizing their systems. The benefits of selecting any particular option depend on a number of factors, including, but not limited to, the design of the customer's information system architecture, how its computer code is written, the types of hardware it uses to process information, and the cost of each option.

To illustrate the choice faced by exchange customers, consider the decisions made by the two consolidated data processors, the UTP and CTA Plans, two different systems that use dissimilar means to achieve an optimal solution. Both perform the same task—combining quotes and trades from all U.S. exchanges into a consolidated data feed with relatively low jitter. Yet only one processor—the CTA Plan—uses FPGA hardware, while the other—the UTP Plan—does not.

This is because the UTP Plan's design, coding and hardware achieve the desired level of determinism without

[9] *See* Nasdaq Phlx LLC Rules, Equity 7, Section 3, Market Data Distributor Fees.

[10] *See id.,* PSX TotalView.

[11] *See* The Nasdaq Stock Market LLC Rules, Equity 7 (Pricing Schedule), Section 126(c) (Hardware-based delivery of Nasdaq depth data).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4) and (5).

[14] *See NetCoalition,* 615 F.3d at 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca-2006–21)).

[15] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[16] *See NetCoalition,* 615 F.3d at 534–35; *see also* H.R. Rep. No. 94–229 at 92 (1975) (''[I]t is the intent of the conferees that the national market system evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed.'').

[17] *See* Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74,770 (December 9, 2008) (SR–NYSEArca-2006–21).

[18] *Id.*

[19] *See* U.S. Securities and Exchange Commission, ''Staff Guidance on SRO Rule filings Relating to Fees'' (May 21, 2019), available at *https://www.sec.gov/tm/staff-guidance-sro-rule-filings-fees.*

[20] Not all customers of depth of book information process at sufficiently high speeds for jitter to become a concern. Neither FPGA hardware nor its substitutes are required to ingest depth of book information.

FPGA technology. The CTA Plan, by contrast, elected to incorporate FPGA technology into its system design. Notwithstanding these different design decisions, both plans achieve broadly similar levels of performance. FPGA technology is therefore not essential to addressing jitter, but rather is one option among many to address the issue.

Market data customers face an array of choices to optimize determinism, much like the UTP and CTA Plans. For example, a customer may purchase and deploy its own FPGA hardware, without purchasing the proposed FPGA technology service from the Exchange, *after* receiving data from the Exchange. Another customer may find use of the Exchange's FPGA technology, which lowers the level of jitter prior to the customer's receipt of the data, to be a better fit for its system architecture. The solution chosen will vary based on the needs and design choices of the customer.

The experience of the Nasdaq exchange in offering FPGA technology shows that customers sensitive to jitter often avail themselves of substitutes for FPGA technology, a decision that can change over time. Over the past decade, a total of 21 current or potential users of FPGA technology—all of which required high degrees of determinism—substituted FPGA with an alternative solution. Six of these customers were in the process of developing and testing FPGA hardware but ultimately decided not to purchase it before completing this process. The remaining 15 customers purchased FPGA technology, only to cancel it after using it. Because all of these customers continued to utilize the underlying data, these cancelations demonstrate that FPGA technology is an optional service, even for those customers that seek to reduce jitter.

Moreover, as noted above, no other exchange currently offers FPGA technology in conjunction with their proprietary data feeds as a separate service, notwithstanding the fact that it is a widely available technology, providing further evidence that customers have multiple options at their disposal to address jitter.

The Exchange is aware of no systematic differences among market participants that choose to use or not to use FPGA technology. Jitter is a potential issue for any intensive user of market data, including banks, high-frequency trading firms, and hedge funds, yet not all of these customers purchase FPGA technology. The determining factor is not the type of customer, but rather the compatibility of FPGA technology with the customer's specific systems architecture an technical requirements, which can and do change over time as systems are modified, replaced or updated.

For all of these reasons, customers can discontinue the use of FPGA technology at any time, or decide not to purchase it, for any reason, including the level of fees.

Customers that choose not to purchase FPGA technology are not impacted by the proposal.

The proposed fees will be available to all customers on a non-discriminatory basis, and therefore are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

This Proposal, a response to customer demand, is a product of a competitive marketplace. To date, lower levels of peak activity at the Phlx equity exchange relative to the Nasdaq exchange have been associated with low levels of customer interest in this product. Recently, however, Phlx has heard from customers interested in using FPGA technology for PSX TotalView. To address this customer demand, and to drive liquidity to the Phlx equity exchange by making it a more attractive trading venue, Phlx has decided to offer this product.

Approval of this Proposal will further promote competition by providing market participants additional choices in the transmission of PSX TotalView.

Nothing in the Proposal burdens inter-market competition (the competition among self-regulatory organizations) because approval of the Proposal does not impose any burden on the ability of other exchanges to compete. As noted above, FPGA technology is generally available and any exchange has the ability to offer it if it so chooses.

Nothing in the Proposal burdens intra-market competition (the competition among consumers of exchange data) because FPGA technology is available to any customer under the same fee schedule as any other customer, and any market participant that wishes to purchase FPGA technology can do so on a non-discriminatory basis.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act.[21]

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: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR-Phlx-2023–21 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–Phlx–2023–21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than

[21] 15 U.S.C. 78s(b)(3)(A)(ii).

those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number SR–Phlx–2023–21, and should be submitted on or before June 27, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–11923 Filed 6–5–23; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–630, OMB Control No. 3235–0689]

Submission for OMB Review; Comment Request; Extension: Rule 203A–2(d)

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

The title of the collection of information is: ''Exemption for Certain Multi-State Investment Advisers (Rule 203A–2(d)).'' Its currently approved OMB control number is 3235–0689. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

Pursuant to section 203A of the Investment Advisers Act of 1940 (the ''Act'') (15 U.S.C. 80b–3a), an investment adviser that is regulated or required to be regulated as an investment adviser in the state in which it maintains its principal office and place of business is prohibited from registering with the Commission unless that adviser has at least $25 million in assets under management or advises a Commission-registered investment company. Section 203A also prohibits from Commission registration an adviser that: (i) has assets under management between $25 million and $100 million; (ii) is required to be registered as an investment adviser with the state in which it maintains its principal office and place of business; and (iii) if registered, would be subject to examination as an adviser by that state (a ''mid-sized adviser''). A mid-sized adviser that otherwise would be prohibited may register with the Commission if it would be required to register with 15 or more states. Similarly, Rule 203A–2(d) under the Act (17 CFR 275.203a–2(d)) provides that the prohibition on registration with the Commission does not apply to an investment adviser that is required to register in 15 or more states. An investment adviser relying on this exemption also must: (i) include a representation on Schedule D of Form ADV that the investment adviser has concluded that it must register as an investment adviser with the required number of states; (ii) undertake to withdraw from registration with the Commission if the adviser indicates on an annual updating amendment to Form ADV that it would be required by the laws of fewer than 15 states to register as an investment adviser with the state; and (iii) maintain in an easily accessible place a record of the states in which the investment adviser has determined it would, but for the exemption, be required to register for a period of not less than five years from the filing of a Form ADV relying on the rule.

Respondents to this collection of information are investment advisers required to register in 15 or more states absent the exemption that rely on rule 203A–2(d) to register with the Commission. The information collected under rule 203A–2(d) permits the Commission's examination staff to determine an adviser's eligibility for registration with the Commission under this exemptive rule and is also necessary for the Commission staff to use in its examination and oversight program. This collection of information is codified at 17 CFR 275.203a–2(d) and is mandatory to qualify for and maintain Commission registration eligibility under rule 203A–2(d). Responses to the recordkeeping requirements under rule 203A–2(d) in the context of the Commission's examination and oversight program are generally kept confidential.

The estimated number of investment advisers subject to the collection of information requirements under the rule is 110. These advisers will incur an average one-time initial burden of approximately 8 hours, and an average ongoing burden of approximately 8 hours per year, to keep records sufficient to demonstrate that they meet the 15-state threshold. These estimates are based on an estimate that each year an investment adviser will spend approximately 0.5 hours creating a record of its determination whether it must register as an investment adviser with each of the 15 states required to rely on the exemption, and approximately 0.5 hours to maintain these records. Accordingly, we estimate that rule 203A–2(d) results in an annual aggregate burden of collection for SEC-registered investment advisers of a total of 880 hours. Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by July 6, 2023 to (i) *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: June 1, 2023.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–11992 Filed 6–5–23; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 12089]

Privacy Act of 1974; System of Records

AGENCY: Department of State.

[22] 17 CFR 200.30–3(a)(12).

ACTION: Notice of a modified system of records.

SUMMARY: The information collected and maintained in Human Resources Records is in keeping with the Department's mission to document all processes associated with individual employment histories and career progression; to ensure that all employees and potential employees have equal employment opportunities; and to make personnel management determinations about employees throughout their Federal careers.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this system of records notice (SORN) is effective upon publication, with the exception of the routine uses (Y), (Z), (AA), (BB), (CC), (DD), (EE), (FF), and (GG) that are subject to a 30-day period during which interested persons may submit comments to the Department. Please submit any comments by July 6, 2023.

ADDRESSES: Questions can be submitted by mail, email, or by calling Eric F. Stein, the Senior Agency Official for Privacy on (202) 485–2051. If mail, please write to: U.S Department of State; Office of Global Information Systems, A/GIS; Room 4534, 2201 C St. NW; Washington, DC 20520. If email, please address the email to the Senior Agency Official for Privacy, Eric F. Stein, at *Privacy@state.gov.* Please write ''Human Resources Records, State–31'' on the envelope or the subject line of your email.

FOR FURTHER INFORMATION CONTACT: Eric F. Stein, Senior Agency Official for Privacy; U.S. Department of State; Office of Global Information Services, A/GIS; Room 4534, 2201 C St. NW; Washington, DC 20520 or by calling on (202) 485–2051.

SUPPLEMENTARY INFORMATION: This notice is being modified to reflect the Department's move to cloud storage, new OMB guidance, additional authorities, and to incorporate data collection by additional Bureaus and overseas posts within the Department (*e.g.,* Regional and Functional Bureaus). The modified system of records notice includes revisions and additions to the following sections: Authority for Maintenance of the System; Routine Uses of Records Maintained in the System; Categories of Individuals Covered by the System; Purpose(s) of the System; Administrative, Technical, and Physical Safeguards; and Record Access Procedures. In addition, the Department is taking this opportunity to make minor administrative updates to the notice in the following sections: Summary; Addresses; For Further Information Contact; Supplementary Information; System Location; System Manager; Record Source Categories; Policies and Practices for Retrieval of Records; Policies and Practices for Retention and Disposal of Records; Contesting Record Procedures; and Notification Procedures.

SYSTEM NAME AND NUMBER:

Human Resources Records, State–31.

SECURITY CLASSIFICATION:

Unclassified and Classified.

SYSTEM LOCATION:

Department of State, 2201 C Street NW, Washington, DC 20520; State Annex 01, 2401 E Street NW, Washington, DC 20037; State Annex 03, 2121 Virginia Avenue NW, Washington, DC 20037; State Annex 44, 301 4th Street SW, Washington, DC 20547; overseas at U.S. embassies, U.S. consulates general, and U.S. consulates; U.S. missions; and the National Personnel Records Center, 111 Winnebago Street, St. Louis, MO 63118; and the Florida Regional Center (FRC), 4000 North Andrews Ave, Oakland Park, FL 33309, and using a government approved commercial cloud service, implemented and overseen by State Department employees, or within a government cloud provided, implemented, and overseen by the Department's Enterprise Server Operations Center (ESOC), 2201 C Street NW, Washington, DC 20520.

SYSTEM MANAGER(S):

The Director General of the Foreign Service and Director of Global Talent Management, and Bureau of Information Resource Management—IRM, Department of State; 2201 C Street NW, Washington, DC 20520, phone: 202–647–4000.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 2581 (General Authority of Secretary of State); 22 U.S.C. 2651a (Organization of the Department of State); 22 U.S.C. 3901 *et seq.* (Foreign Service Act of 1980) [This SORN is not intended to conflict with, override, or create an exception to the restrictions and prohibitions in Sections 603 and 604 of the Foreign Service Act]; 22 U.S.C. 3921 (Management of the Foreign Service); 22 U.S.C. 4041 (Administration of the Foreign Service Retirement and Disability System); 5 U.S.C. 301–302 (Management of Executive Departments); 22 U.S.C 4081 (Travel and Related Expenses); 31 U.S.C. 901–902 (Agency Chief Financial Officer); E.O. 9397, as amended (Numbering System for Federal Accounts Relating to Individual Persons); E.O. 9830 (Amending the Civil Service Rules and Providing for Federal Personnel Administration); E.O. 12107 (Relating to the Civil Service Commission and Labor-Management in the Federal Service) and successor authorities; and 31 U.S.C. 7701(c)(2) (incorporating by reference 26 U.S.C. 6109) (Taxpayer Identification Number).

PURPOSE(S) OF THE SYSTEM:

The information collected and maintained in Human Resources Records is in keeping with the Department's mission to document all processes associated with individual employment histories and career progression; to ensure that all employees and potential employees have equal opportunities; and to make personnel management determinations about employees throughout their Federal careers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants for employment with the Department of State (including unsuccessful applicants); all current and former Civil Service (CS) and Foreign Service (FS) employees of the Department of State including members of the Senior Executive Service (SES), Senior Foreign Service (SFS), Presidential Appointees, employees under full-time, part-time, intermittent, temporary, and limited appointments; all current and former Locally Employed (LE) Staff, [as defined in 3 FAM 7120] or [defined as individuals hired under the local compensation plan at a U.S. mission abroad under Chief of Mission authority, or at an office of the American Institute in Taiwan, and employed on a Foreign Service National direct hire appointment, Department of State Personal Services Agreement (PSA) or Personal Services Contract (PSC), or an employing agency's specific direct hire, PSA, or PSC authority]; anyone serving in an advisory capacity (compensated and uncompensated); other agency employees on detail to the Department of State; former Foreign Service Reserve Officers; applicants for potential employment; student applicants for internships, Presidential Management Fellows, Foreign Affairs Fellowship Program Fellows, student interns and other student summer hires, Pathways student employees; and prospective alien spouses and cohabitants of Department of State employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records may include identifying information, such as, but not limited to, name, date of birth, home

address, mailing and email addresses, numeric identifier (such as employee identification number, SGID, or Social Security number/host country identification number) and telephone numbers. Types of files include documents relating to class action lawsuits, annuitants under the Foreign Service Retirement and Disability System and the Foreign Service Pension System as well as Civil Service and LE Staff annuitants, prospective alien spouses and cohabitants of Department employees, employees who apply for their spouses or children to be expeditiously naturalized, employees detailed or seconded to international organizations, Foreign Service personnel separated for cause; official personnel files; documents relating to merit promotions, recruitment and employment, employee relations, career development and counseling, performance, conduct, suitability, and discipline, Foreign Service promotion and Permanent Change of Station (PCS) travel. These records may contain any documents not otherwise stated relating to employment, to include, but not limited to, hiring, employment and separation from the Department.

RECORD SOURCE CATEGORIES:

These records contain information obtained directly from the individual who is the subject of these records, previous employers, supervisors, Foreign Service inspectors, any/all offices within the Bureau of Global Talent Management (counselors, placement officers, and personnel technicians), other bureaus (administrative/executive officers, personnel and payroll offices, security, medical, and legal), reports of the Board of Examiners of the Foreign Service, Foreign Service Employee Evaluation Reports and Selection Board findings, the Foreign Service Institute, colleges, universities, Armed Forces academic institutions, contractors responsible for administration of the Foreign Service written examination, and other authorized agencies administering pre-employment tests, Office of Personnel Management and other Federal agencies, officials of foreign governments, contractors and vendors responsible for administration of benefits/taxes for LE Staff under a post's local compensation plan, prospective alien spouses of Foreign Service employees; grievance staff and appeals boards, affidavits and testimony of witnesses, and from commercial recruitment and employment systems managed on behalf of the Department of State by private vendors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be disclosed:

A. To consulting services that provide information about available aids, devices and methods of accommodating employees with disabilities;

B. To the Office of Personnel Management for its government-wide personnel management functions such as pay, benefits, and retirement deductions or other relevant personnel processes;

C. To other Federal agencies, state governments, foreign governments and international organizations where employees are being considered for detail, assignment or secondment;

D. To academic institutions to which Department employees may be assigned for long-term training;

E. To any member of an agency's Performance Review Board or other panel when the member is not an official of the employing agency. Information would then be used for approving or recommending selection of candidates for executive development or Senior Executive Service (SES) candidate programs, issuing a performance rating of record, issuing performance awards, nominating for meritorious and distinguished executive ranks, removal, reduction in grade, and other personnel actions based on performance;

F. To attorneys, union representatives or other persons designated by employees in writing to represent them in complaints, grievance, appeal, or litigation cases;

G. To attorneys providing legal services to posts with respect to LE Staff personnel matters;

H. To requestors in determining a former spouse's entitlement to benefits and other inquiries related to retirement benefits;

I. To the President of the United States, the Executive Office of the President and legislative and appropriations committees of the U.S. Congress charged with consideration of legislation and appropriations for the Foreign Service, or representatives duly authorized by such committees;

J. To labor organization officials when such information is relevant to personnel policies affecting employment conditions and necessary for exclusive representation by the labor organization;

K. To officials of foreign governments and other U.S. government agencies for clearance before a Federal employee is assigned to that country as well as for the procurement of necessary services for American personnel assigned overseas, such as permits of free entry and identity cards;

L. To officials of foreign governments, for the administration of benefits, taxes, and other personnel matters for LE Staff and to respond to requests from the host government for the names and addresses of LE Staff, if the chief of mission has determined that this information should be released;

M. To the Department of Labor, Department of Veterans Affairs, Social Security Administration, Department of Defense, or any other Federal agencies that have special civilian employee retirement and disability programs; or to a national, state, county, municipal, or other publicly recognized income administration agency (*e.g.* State unemployment compensation agencies), when necessary to adjudicate a claim under the retirement, insurance, unemployment or health benefits programs of the Department or an agency cited above, or to an agency to conduct an analytical study or audit of benefits being paid under such programs. For LE Staff this includes host country national, state, or local agencies, as applicable;

N. To the Office of Federal Employees Group Life Insurance, information necessary to verify election, declination, or waiver of regular and/or optional life insurance coverage, or eligibility for payment of a claim for life insurance;

O. To health insurance carriers contracting with the Federal government to provide a health benefits plan under the Federal Employees Health Benefits Program or, for LE Staff, under a post's local compensation plan, information necessary to identify enrollment in a plan, to verify eligibility for payment of a claim for health benefits, or to carry out the coordination or audit of benefit provisions of such contracts;

P. To any person who is responsible for the care of an individual to whom a record pertains who is mentally incompetent or under other legal disability. Information in the individual's record may be disclosed to said person to the extent necessary to assure payment of benefits to which the individual is entitled;

Q. To public and private organizations, including news media, which grant or publicize employee recognition to consider and select employees for incentive awards and other honors and to publicize awards and honors granted;

R. To the Department of Justice in connection with proceedings before a court, adjudicative body, or other administrative body when any of the following is a party to litigation or has

an interest in such litigation and the Department of State determines that the use of such records is arguably relevant and necessary to the litigation of (1) the Department of State or any component thereof, (2) any employee of the Department of State in his or her official capacity, (3) any employee of the Department of State in his or her individual capacity where the Department of Justice or the Department of State has agreed to represent the employee, or (4) the United States, when the Department of State determines that litigation is likely to affect the Department of State or any of its components;

S. To the parties when implementing court decisions and/or terms of settlement agreements reached by the parties;

T. To the courts when preparing reports to the courts in compliance with monitoring requirements;

U. In response to an order from a court or an administrative body directing the production of personnel records (including, but not limited to the Equal Employment Opportunity Commission, the Foreign Service Grievance Board and the Merit Systems Protection Board);

V. To other Government agencies and private organizations, institutions or individuals to verify employment, to process security clearances/security certifications and to request record or credit checks;

W. To provide an official of another Federal agency information needed in the performance of official duties in support of the functions for which the records were collected and maintained;

X. To disclose information to Equal Employment Opportunity (EEO) counselors and EEO investigators in connection with EEO complaints and to the Equal Employment Opportunity Commission when requested in connection with investigations of alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission;

Y. To the Department of Labor's Office of Workers' Compensation programs or officials of a foreign government relating to benefits under the Federal Employees Compensation Act or a host country workers' compensation program; and

Z. To the news media and the public when a matter involving the Department of State has become public knowledge; the Under Secretary for Management determines that in response to the matter in the public domain, disclosure is necessary to provide an accurate factual record on the matter; and the Under Secretary for Management determines that there is a legitimate public interest in the information disclosed.

AA. To appropriate agencies, entities, and persons when (1) the Department of State suspects or has confirmed that there has been a breach of the system of records; (2) the Department of State has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of State (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of State efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

BB. To another Federal agency or Federal entity, when the Department of State determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

CC. To a contractor of the Department having need for the information in the performance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

DD. To a vendor or third-party agent providing or administering benefits for LE Staff under a post's local compensation plan.

EE. To an agency, whether federal, state, local or foreign, where a record indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, so that the recipient agency can fulfill its responsibility to investigate or prosecute such violation or enforce or implement the statute, rule, regulation, or order.

FF. To the Federal Bureau of Investigation, the Department of Homeland Security, the National Counter-Terrorism Center (NCTC), the Terrorist Screening Center (TSC), or other appropriate federal agencies, for the integration and use of such information to protect against terrorism, if that record is about one or more individuals known, or suspected, to be or to have been involved in activities constituting, in preparation for, in aid of, or related to terrorism. Such information may be further disseminated by recipient agencies to Federal, State, local, territorial, tribal, and foreign government authorities, and to support private sector processes as contemplated in Homeland Security Presidential Directive/HSPD–6 and other relevant laws and directives, for terrorist screening, threat-protection, and other homeland security purposes.

GG. To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

HH. To a court, adjudicative body, or administrative body before which the Department is authorized to appear when (a) the Department; (b) any employee of the Department in his or her official capacity; (c) any employee of the Department in his or her individual capacity where the U.S. Department of Justice (''DOJ'') or the Department has agreed to represent the employee; or (d) the Government of the United States, when the Department determines that litigation is likely to affect the Department, is a party to litigation or has an interest in such litigation, and the use of such records by the Department is deemed to be relevant and necessary to the litigation or administrative proceeding.

II. To the Department of Justice (''DOJ''), including any counsel retained by DOJ for foreign litigation, for its use in providing legal advice to the Department or in representing the Department in a proceeding before a court, adjudicative body, or other administrative body before which the Department is authorized to appear, where the Department deems DOJ's use of such information relevant and necessary to the litigation, and such proceeding names as a party or interests:

- The Department or any component of it;
- Any employee of the Department in his or her official capacity;
- Any employee of the Department in his or her individual capacity where DOJ has agreed to represent the employee; or
- The Government of the United States, where the Department determines that litigation is likely to affect the Department or any of its components.

JJ. To the National Archives and Records Administration and the General Services Administration for records management inspections, surveys and

studies; following transfer to a Federal records center for storage; and to determine whether such records have sufficient historical or other value to warrant accessioning into the National Archives of the United States.

The Department of State periodically publishes in the **Federal Register** its standard routine uses that apply to all of its Privacy Act systems of records. These notices appear in the form of a Prefatory Statement (published in Volume 73, Number 136, Public Notice 6290, on July 15, 2008). All these standard routine uses apply to Human Resources Records, State-31.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored both in hard copy and on electronic media. A description of standard Department of State policies concerning storage of electronic records is found at *https://fam.state.gov/FAM/05FAM/05FAM0440.html.* All hard copies of records containing personal information are maintained in secured file cabinets in restricted areas, access to which is limited to authorized personnel only.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in Human Resources Records, State-31 are retrieved by an individual name and numeric identifier.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Human resources records are retained from within 180 days of an appointment to permanently. Records are retired and destroyed in accordance with published Department of State Records Disposition Schedules as approved by the National Archives and Records Administration (NARA) and outlined at *https://foia.state.gov/Learn/RecordsDisposition.aspx.* More specific information may be obtained by writing to the following address: U.S. Department of State; Director, Office of Information Programs and Services; A/GIS/IPS; 2201 C Street NW; Room B–266; Washington, DC 20520.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

All users are given cyber security awareness training which covers the procedures for handling Sensitive but Unclassified information, including personally identifiable information (PII). Annual refresher training is mandatory. In addition, all Department OpenNet network users are required to take the Foreign Service Institute distance learning course instructing employees on privacy and security requirements, including the rules of behavior for handling PII and the potential consequences if it is handled improperly. Before being granted access to Human Resources Records, a user must first be granted access to the Department of State computer network.

Department of State employees and contractors may remotely access this system of records using non-Department-owned information technology. Such access is subject to approval by the Department's mobile and remote access program and is limited to information maintained in unclassified information systems. Remote access to the Department's information systems is configured in compliance with OMB Circular A–130 multifactor authentication requirements and includes a time-out function. All Department of State employees and contractors with authorized access to records maintained in this system of records have undergone a thorough background security investigation. Access to the Department of State, its annexes, and posts abroad is controlled by security guards and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. Access to computerized files is password-protected and under the direct supervision of the system manager. The system manager has the capability of printing audit trails of access from the computer media, thereby permitting regular and ad hoc monitoring of computer usage. When it is determined that a user no longer needs access, the user account is disabled.

The safeguards in the following paragraphs apply only to records that are maintained in government-certified cloud systems. All cloud systems that provide IT services and process Department of State information must be specifically authorized by the Department of State Authorizing Official and Senior Agency Official for Privacy.

Information that conforms with Department-specific definitions for Federal Information Security Modernization Act (FISMA) low, moderate, or high categorization are permissible for cloud usage and must specifically be authorized by the Department's Cloud Program Management Office and the Department of State Authorizing Official. Specific security measures and safeguards will depend on the FISMA categorization of the information in a given cloud system. In accordance with Department policy, systems that process more sensitive information will require more stringent controls and review by Department cybersecurity experts prior to approval. Prior to operation, all Cloud systems must comply with applicable security measures that are outlined in FISMA, FedRAMP, OMB regulations, National Institute of Standards and Technology's (NIST) Special Publications (SP) and Federal Information Processing Standards (FIPS) and Department of State policies and standards.

All data stored in cloud environments categorized above a low FISMA impact risk level must be encrypted at rest and in-transit using a federally-approved encryption mechanism. The encryption keys shall be generated, maintained, and controlled in a Department data center by the Department key management authority. Deviations from these encryption requirements must be approved in writing by the Department of State Authorizing Official. High FISMA impact risk level systems will additionally be subject to continual auditing and monitoring, multifactor authentication mechanism utilizing Public Key Infrastructure (PKI) and NIST 800 53 controls concerning virtualization, servers, storage and networking, as well as stringent measures to sanitize data from the cloud service once the contract is terminated.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to or to amend records pertaining to themselves should write to U.S. Department of State; Director, Office of Information Programs and Services; A/GIS/IPS; 2201 C Street NW; Room B–266; Washington, DC 20520. The individual must specify that he or she wishes the Human Resources Records to be checked. At a minimum, the individual must include: full name (including maiden name, if appropriate) and any other names used; current mailing address and zip code; date and place of birth; notarized signature or statement under penalty of perjury; a brief description of the circumstances that caused the creation of the record (including the city and/or country and the approximate dates) which gives the individual cause to believe that the Human Resources Records include records pertaining to the individual. Detailed instructions on Department of State procedures for accessing and amending records can be found at the Department's FOIA website located at *https://foia.state.gov/Request/Guide.aspx.*

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest record procedures should write to U.S. Department of State; Director, Office of Information Programs and Services; A/GIS/IPS; 2201 C Street NW; Room B–266; Washington, DC 20520.

NOTIFICATION PROCEDURES:

Individuals who have reason to believe that this system of records might have records pertaining to them may write to the U.S. Department of State; Director; Office of Information Programs and Services, A/GIS/IPS; 2201 C Street NW; Room B–266; Washington, DC 20520. The individual must specify that he or she wishes the Human Resources Records to be checked. At a minimum, the individuals must include: full name (including maiden name, if appropriate) and any other names used; current mailing address and zip code; date and place of birth; notarized signature or statement under penalty of perjury; a brief description of the circumstances that caused the creation of the record (including the city and/or country and the approximate dates) which gives the individual cause to believe that the Human Resources Records include records pertaining to the individual.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(1), subject to the provisions of section 552(b)(1), records are exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) to protect material required to be kept Secret. Pursuant to 5 U.S.C. 552a(k)(4), records contained within this system that are maintained solely for statistical purposes are also exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). Pursuant to 5 U.S.C. 552a(k)(5) and (k)(7), certain records contained within this system contain confidential source information and are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). Pursuant to 5 U.S.C. 552a(k)(6), records that contain testing or examination material, the release of which may compromise testing or examination procedures, are also exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See Department of State Rules published in 22 CFR 171.

HISTORY:

Human Resources Records, State-31, was previously published at 78 FR 43258.

Eric F. Stein,

Deputy Assistant Secretary, Global Information Services (A/GIS), Department of State.

[FR Doc. 2023–12022 Filed 6–5–23; 8:45 am]

BILLING CODE 4710–15–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects—Coolidge Terminal Replacement Project, and VIA Advanced Rapid Transit North/South Corridor Project

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) regarding the two projects: Coolidge Terminal Replacement Project, City of Detroit, Wayne County, Michigan; and VIA Advanced Rapid Transit North/South Corridor Project, San Antonio, Bexar County, Texas. The purpose of this notice is to publicly announce FTA's environmental decisions on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

DATES: A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before November 3, 2023.

FOR FURTHER INFORMATION CONTACT: Kathryn Loster, Assistant Chief Counsel, Office of Chief Counsel, (312) 705–1269, or Saadat Khan, Environmental Protection Specialist, Office of Environmental Programs, (202) 366–9647. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency actions subject to 23 U.S.C. 139(l) by issuing certain approvals for the public transportation projects listed below. The actions on the projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the projects to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA environmental project files for the projects. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at *https://www.transit.dot.gov.*

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA (42 U.S.C. 4321–4375), section 4(f) requirements (49 U.S.C. 303), section 106 of the National Historic Preservation Act (54 U.S.C. 306108), Endangered Species Act (16 U.S.C. 1531), Clean Water Act (33 U.S.C. 1251), Uniform Relocation and Real Property Acquisition Policies Act (42 U.S.C. 4601), and the Clean Air Act (42 U.S.C. 7401–7671q). This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The projects and actions that are the subject of this notice follow:

1. *Project name and location:* Coolidge Terminal Replacement Project, City of Detroit, Wayne County, Michigan. *Project Sponsor:* Detroit Department of Transportation (DDOT), Detroit, Michigan. *Project description:* The Project involves a replacement of the existing Coolidge Terminal with an entirely new facility. The Project consists of three buildings with interdependent programs: Bus Storage, Fleet Maintenance, and Operations. The Project will accommodate 24-hour operations and initially accommodate 144 buses, with the capacity to expand to up to 216 buses in the future. The Project also involves construction of parking spaces for staff and visitors meeting American with Disabilities Act (ADA) standards and associated infrastructure improvements.

Final agency actions: Section 4(f) use determination, dated March 16, 2023; executed Section 106 Memorandum of Agreement, dated April 26, 2023; and Coolidge Terminal Replacement Project Finding of No Significant Impact (FONSI), dated May 12, 2023. *Supporting documentation:* The Coolidge Terminal Replacement Project Environmental Assessment (EA), dated January 27, 2023. The FONSI, EA and associated documents can be viewed and downloaded from: *https://detroitmi.gov/departments/detroit-department-transportation/coolidge-terminal-replacement-project*

2. *Project name and location:* VIA Advanced Rapid Transit North/South Corridor Project, San Antonio, Bexar County, Texas. *Project Sponsor:* VIA Metropolitan Transit, San Antonio, Texas. *Project description:* The Project includes construction of an advanced rapid transit bus route from San Antonio International Airport in the north, through Downtown San Antonio, to Steves Avenue in the south. The Project is approximately 12 miles long and includes approximately 26 new stations that will be uniquely branded for the service. Service is anticipated to

operate in a combination of dedicated center-running transit lanes, curbside business access transit lanes, and in mixed traffic.

Final agency actions: Section 4(f) *de minimis* impact determination, dated May 4, 2023; Section 106 No Adverse Effect determination, dated April 3, 2023; and Determination of the applicability of a categorical exclusion pursuant to 23 CFR 771.118(d), dated May 4, 2023. *Supporting documentation:* Documented Categorical Exclusion (CE) and supporting materials, dated April 27, 2023. The CE and associated documents can be viewed and downloaded from: *https://keepsamoving.com/advanced-rapid-transit/.*

Authority: 23 U.S.C. 139(l)(1).

Mark Ferroni,

Deputy Associate Administrator for Planning and Environment.

[FR Doc. 2023–12065 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0129]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: MIA VIA (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0129 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0129 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0129, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone 202–366–0903, Email *patricia.hagerty@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel MIA VIA is:

—*Intended Commercial Use of Vessel:* ''OUPV 6-Pack Fishing Charter''
—*Geographic Region Including Base of Operations:* ''California'' (Base of Operations: Oxnard, CA)
—*Vessel Length and Type:* 48′8″ Motor Yacht

The complete application is available for review identified in the DOT docket as MARAD 2023–0129 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0129 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or

signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–12005 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0121]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: MINE SET (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0121 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0121 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0121, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone 202–366–0903, Email *patricia.hagerty@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel MINE SET is:

—*Intended Commercial Use of Vessel:* ''Carrying passengers for hire''
—*Geographic Region Including Base of Operations:* ''Florida'' (Base of Operations: Miami Beach, FL)
—*Vessel Length and Type:* 81′ Motor Yacht

The complete application is available for review identified in the DOT docket as MARAD 2023–0121 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0121 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–12006 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0118]

Request for Comments on the Renewal of a Previously Approved Information Collection: Generic Clearance of Customer Satisfaction Surveys

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 2133–0546 (Generic Clearance of Customer Satisfaction Surveys) will be used to obtain feedback about customer service delivery. The Paperwork Reduction Act of 1995 requires that we publish this notice in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments must be submitted on or before August 7, 2023.

ADDRESSES: You may submit comments identified by Docket No. MARAD–2023–0118 through one of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Search using the above DOT docket number and follow the online instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: All submissions must include the agency name and docket number for this rulemaking.

Note: All comments received will be posted without change to *www.regulations.gov* including any personal information provided.

Comments are invited on: (a) whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department 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.

FOR FURTHER INFORMATION CONTACT: Tamelia Bolton, (202) 366–7278, Office of Management and Administrative Services, Maritime Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: *Tamelia.Bolton@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance of Customer Satisfaction Surveys.

OMB Control Number: 2133–0546.

Type of Request: Renewal of a previously approved information collection.

Abstract: OMB 2133–0546 (Generic Clearance Customer Satisfaction Surveys) is necessary to enable MARAD to garner customer and stakeholder feedback in an efficient and timely manner, in accordance with our commitment to improve service delivery. The collected information will help ensure that users have an effective, efficient, and satisfying experience with the agency's programs. This feedback will also provide insight into customer or stakeholder perceptions, experiences, and expectations. This collection is also intended to provide early warning about issues with service delivery, or focus attention on areas where communication, training, and/or changes in operations might improve customer service experience. Additionally, this collection will facilitate ongoing, collaborative, and actionable communication between MARAD and its customers and stakeholders. Public feedback is also expected to contribute directly to the improvement of program operations that directly affect the public.

Respondents: Individuals and households, business and organizations, State, local or Tribal government.

Affected Public: Individuals and households, business and organizations, State, local or Tribal government.

Estimated Number of Respondents: 5,900.

Estimated Number of Responses: 5,900.

Estimated Hours per Response: 10–20 mins.

Annual Estimated Total Annual Burden Hours: 1,758.

Frequency of Response: Once per request.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.49.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–11999 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0126]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: The Three C's (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0126 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0126 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0126, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461 Washington, DC 20590. Telephone 202–366–0903, Email *patricia.hagerty@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel The Three C's is:

—Intended Commercial Use of Vessel: ''Inland Harbor tours, eco tours, dolphin cruises, sunset cruises in Charleston harbor and the local surrounding rivers''
—Geographic Region Including Base of Operations: ''South Carolina, Florida'' (Base of Operations: Charleston, SC)
—Vessel Length and Type: 37' Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0126 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0126 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–11997 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0133]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: LA JEFITA (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0133 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0133 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0133, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in

nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone 202–366–0903, Email *patricia.hagerty@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel LA JEFITA is:

—*Intended Commercial Use of Vessel:* ''FISHING CHARTER VESSEL''
—*Geographic Region Including Base of Operations:* ''Texas'' (Base of Operations: Port Aransas, TX)
—*Vessel Length and Type:* 38′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0133 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0133 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–12004 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0125]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: GUIDING PRINCIPAL (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0125 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0125 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0125x, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461 Washington, DC 20590. Telephone 202–366–0903, Email *patricia.hagerty@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel GUIDING PRINCIPAL is:

—*Intended Commercial Use of Vessel:* ''The intended use of this boat is to be an uninspected (6 pack) fishing charter boat on Lake Tahoe. Specifically the vessel will offer fishing charters for up to 5 hours for small groups. This will be exclusively Sportfishing, no fish will be sold, exchanged or traded on a wholesale market.''

—*Geographic Region Including Base of Operations:* ''Nevada, California'' (Base of Operations: Zephyr Cove, NV)

—*Vessel Length and Type:* 29′ Motor Powerboat

The complete application is available for review identified in the DOT docket as MARAD 2023–0125 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0125 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–12003 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0127]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: Game Plan (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0127 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0127 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0127, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461 Washington, DC 20590. Telephone 202–366–0903, Email *patricia.hagerty@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the

intended service of the vessel Game Plan is:

—*Intended Commercial Use of Vessel:* ''Owner intends to use the Vessel for limited load sportfishing.''

—*Geographic Region Including Base of Operations:* ''Hawaii (Base of Operations: Kona, HI)

—*Vessel Length and Type:* 42' Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0127 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0127 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–12002 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0132]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: RUNNING SILENT (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0132 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0132 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0132, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461 Washington, DC 20590. Telephone 202–366–0903, Email *patricia.hagerty@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel RUNNING SILENT is:

—*Intended Commercial Use of Vessel:* ''The vessel will be used to carry up to 6 passengers for 2–3 hour sunset and day sails within three miles of O'ahu, Hawaii''

—*Geographic Region Including Base of Operations:* ''Hawaii'' (Base of Operations: Honolulu, HI)

—*Vessel Length and Type:* 33′7″ Sail

The complete application is available for review identified in the DOT docket as MARAD 2023–0132 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0132 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–12009 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0130]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: VALENTINA (SAIL); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0130 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0130 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0130, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone 202–366–0903, Email *patricia.hagerty@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel VALENTINA is:

—*Intended Commercial Use of Vessel:* ''Private yacht charters''
—*Geographic Region Including Base of Operations:* ''Florida, Puerto Rico'' (Base of Operations: Miami, FL)
—*Vessel Length and Type:* 62′ Sail Catamaran

The complete application is available for review identified in the DOT docket as MARAD 2023–0130 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in

accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0130 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–12011 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0122]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: SOL MATE (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0122 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0122 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0122, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone 202–366–0903, Email *patricia.hagerty@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel SOL MATE is:

—*Intended Commercial Use of Vessel:* ''OFFSHORE FISHING TRIPS''
—*Geographic Region Including Base of Operations:* ''Texas, Louisiana'' (Base of Operations: Port Aransas, TX)
—*Vessel Length and Type:* 34′4″ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0122 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the

commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0122 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–12010 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0123]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: Drakkar (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0123 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0123 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0123, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461 Washington, DC 20590. Telephone 202–366–0903, Email *patricia.hagerty@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel Drakkar is:

—*Intended Commercial Use of Vessel:* ''AS A 12 PACK COMMERCIAL VESSEL TO TRANSPORT 12 PASSENGERS''
—*Geographic Region Including Base of Operations:* ''Florida'' (Base of Operations: Miami Beach, FL)
—*Vessel Length and Type:* 76′ Motor Yacht

The complete application is available for review identified in the DOT docket as MARAD 2023–0123 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the

instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0123 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–12001 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0131]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: PEDAZO FINO (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0131 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0131 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0131, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone 202–366–0903, Email *patricia.hagerty@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel PEDAZO FINO is:

—*Intended Commercial Use of Vessel:* ''12 Passenger Charters''
—*Geographic Region Including Base of Operations:* ''California'' (Base of Operations: Newport Harbor, CA)
—*Vessel Length and Type:* 87′3″ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0131 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled ADDRESSES. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0131 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–12007 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0124]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: PERLITA (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0124 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0124 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0124, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone 202–366–0903, Email *patricia.hagerty@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel PERLITA is:

—*Intended Commercial Use of Vessel:* ''Private tours up to 6 passengers''
—*Geographic Region Including Base of Operations:* ''Puerto Rico'' (Base of Operations: Fajardo, PR)
—*Vessel Length and Type:* 26′ Motor Catamaran

The complete application is available for review identified in the DOT docket as MARAD 2023–0124 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0124 or visit the Docket Management Facility (see **ADDRESSES** for

hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–12008 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0120]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: CLUB AERONAUTIQUE (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0120 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0120 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0120, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone 202–366–0903, Email *patricia.hagerty@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel CLUB AERONAUTIQUE is:

—*Intended Commercial Use of Vessel:* ''Provide passenger cruises along the Intercoastal (ICW) primarily around the Indian River Lagoon. These consist of sightseeing cruises, sunset cruises, bereavement cruises and real estate agency cruises for both our local businesses and tourist market.''

—*Geographic Region Including Base of Operations:* ''Florida'' (Base of Operations: Vero Beach, FL)

—*Vessel Length and Type:* 41′ Motor Yacht

The complete application is available for review identified in the DOT docket as MARAD 2023–0120 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0120 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–12012 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0128]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: Dallaris (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0128 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0128 and follow the instructions for submitting comments.
- *Mail or Hand Delivery*: Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0128, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461 Washington, DC 20590. Telephone 202–366–0903, Email *patricia.hagerty@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel Dallaris is:

—*Intended Commercial Use of Vessel:* ''Skippered day charters/Sunset sails''
—*Geographic Region Including Base of Operations:* ''Puerto Rico'' (Base of Operations: Vieques, PR)
—*Vessel Length and Type:* 37′7″ Sail Catamaran

The complete application is available for review identified in the DOT docket as MARAD 2023–0128 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0128 or visit the Docket Management Facility (see **ADDRESSES** for

hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–12000 Filed 6–5–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Actions

On June 1, 2023, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Entities

1. DEFENSE INDUSTRIES SYSTEM (a.k.a. MILITARY INDUSTRY CORPORATION; a.k.a. ''DEFENSE INDUSTRIES CORPORATION''; a.k.a. ''DEFENSE INDUSTRY SYSTEM''), Khartoum North, Khartoum 10783, Sudan; Organization Established Date 1993; Organization Type: Defense activities [SUDAN–EO14098].

Designated pursuant to section 1(a)(i)(A) of Executive Order 14098 of May 4, 2023, ''Imposing Sanctions on Certain Persons Destabilizing Sudan and Undermining the Goal of a Democratic Transition,'' 88 FR 29529 (E.O. 14098) for being a foreign person responsible for, or complicit in, or having directly or indirectly engaged or attempted to engage in actions or policies that threaten the peace, security, or stability of Sudan.

2. SUDAN MASTER TECHNOLOGY (a.k.a. GIAD INDUSTRIAL CITY; a.k.a. GIAD INDUSTRIAL GROUP), SMT Building Madani Road, KM 50 Khartoum, Giad Industrial Complex, Gamhuria Street, Khartoum, Sudan; Giad Industrial Group Building, Street 60, Giad Industrial City, PO Box 444, Khartoum, Sudan; SMT Building, Gamhuria Street, GIAD Industrial Complex, PO Box 10782, Khartoum SU001, Sudan; website *www.sudanmaster.com;* Organization Established Date 01 Jan 1993; Organization Type: Activities of holding companies [SUDAN–EO14098].

Designated pursuant to section 1(a)(i)(A) of E.O. 14098 for being a foreign person responsible for, or complicit in, or having directly or indirectly engaged or attempted to engage in actions or policies that threaten the peace, security, or stability of Sudan.

3. AL JUNAID MULTI ACTIVITIES CO LTD (a.k.a. AJMAC MULTI ACTIVITIES COMPANY LTD; a.k.a. AL GUNADE; a.k.a. ALGUNADE; a.k.a. ''AL JUNAID''), Street 3, Block 17, Alryad, Khartoum, Sudan; 99 Gama Avenue, P.O. Box 913, Khartoum, Sudan; website *www.ajmac.com;* Organization Established Date 2009; Organization Type: Activities of holding companies [SUDAN–EO14098].

Designated pursuant to section 1(a)(i)(A) of E.O. 14098 for being a foreign person responsible for, or complicit in, or having directly or indirectly engaged or attempted to engage in actions or policies that threaten the peace, security, or stability of Sudan.

4. TRADIVE GENERAL TRADING L.L.C (a.k.a. MOTAH GENERAL TRADING, L.L.C.), P.O. Box 86436, Dubai, United Arab Emirates; Organization Established Date 11 Nov 2018; Organization Type: Non-specialized wholesale trade; Chamber of Commerce Number 1374345 (United Arab Emirates); Business Registration Number 818826 (United Arab Emirates) [SUDAN–EO14098].

Designated pursuant to section 1(a)(i)(A) of E.O. 14098 for being a foreign person responsible for, or complicit in, or having directly or indirectly engaged or attempted to engage in actions or policies that threaten the peace, security, or stability of Sudan.

Dated: June 1, 2023.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2023–12069 Filed 6–5–23; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. Due to the staff and members being in travel status and an urgent office relocation, we will not be able to meet the 15-calendar notice threshold. This meeting will be held via teleconference.

DATES: The meeting will be held Thursday, June 8, 2023.

FOR FURTHER INFORMATION CONTACT: Ann Tabat at 1–888–912–1227 or (602) 636–9143.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be held Thursday, June 8, 2023, at 3:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Ann Tabat. For more information, please contact Ann Tabat at 1–888–912–1227 or (602) 636–9143, or write TAP Office, 4041 N Central Ave, Phoenix, AZ 85012 or contact us at the website: *http://www.improveirs.org.* The agenda will include a committee discussion about the IRS response to Issue 53484–LTR 3030C (Bal-Due/Interest Due). There will be a discussion of the subcommittee's review on Issue 66192—Difficult/Challenging Letters/Notices, and Issue 52479 Review of Notice CP503.

Dated: May 31, 2023.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2023–11954 Filed 6–5–23; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Improvements Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. Due to the staff and members being in travel status and an urgent office relocation, we will not be able to meet the 15-calendar notice threshold. This meeting will be held via teleconference.

DATES: The meeting will be held Tuesday, June 13, 2023.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Improvements Project Committee will be held Tuesday, June 13, 2023, at 2:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612–5217 or contact us at the website: *http://www.improveirs.org.* The agenda includes a committee discussions involving subcommittee 1 and 2 Issue 66142 VITA/TCE Training Materials Review and Issue 66143 Taxpayer Communications—Recordkeeping. Subcommittee 2 Issue 55988 Allow taxpayers to fill out a form stating their issue.

Dated: May 31, 2023.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2023–11952 Filed 6–5–23; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. Due to the staff and members being in travel status and an urgent office relocation, we will not be able to meet the 15-calendar notice threshold. This meeting will be held via teleconference.

DATES: The meeting will be held Tuesday, June 13, 2023.

FOR FURTHER INFORMATION CONTACT: Robert Rosalia at 1–888–912–1227 or (718) 834–2203.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that a meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be held Tuesday, June 13, 2023, at 11:00 a.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Robert Rosalia. For more information, please contact Robert Rosalia at 1–888–912–1227 or (718) 834–2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the website: *http://www.improveirs.org.* The agenda will include a committee discussion involving subcommittee 1: 62742—Form 8615 & Inst (Children Who Have Unearned Income). Subcommittee 2: 52664—Form 3520 & F3520A (Foreign Trust).

Dated: May 31, 2023.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2023–11949 Filed 6–5–23; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. Due to the staff and members being in travel status and an urgent office relocation, we will not be able to meet the 15-calendar notice threshold. This meeting will be held via teleconference.

DATES: The meeting will be held Thursday, June 8, 2023.

FOR FURTHER INFORMATION CONTACT: Conchata Holloway at 1–888–912–1227 or 214–413–6550.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Thursday, June 8, 2023, at 12:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Conchata Holloway. For more information, please contact Conchata Holloway at 1–888–912–1227 or 214–413–6550, or write TAP Office, 1114 Commerce St MC 1005, Dallas, TX 75242 or contact us at the website: *http://www.improveirs.org.* The agenda includes a committee discussion involving subcommittee 1 Issue 54250; Increase E-filing of Forms/Tax Returns; and Issue 48294 Entities with multiple EIN's. Subcommittee 2 Issue 66193; and effectively measuring outreach.

Dated: May 31, 2023.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2023–11951 Filed 6–5–23; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Monday, June 26, 2023.

FOR FURTHER INFORMATION CONTACT: Rosalind Matherne at 1–888–912–1227 or 202–317–4115.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Monday, June 26, 2023, at 3:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information, please contact Rosalind Matherne at 1–888–912–1227 or 202–317–4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1503, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.*

The agenda will include reports from the committees, and subcommittee discussions on priorities the TAP will focus on for the 2023 year. Public input is welcomed.

Dated: May 31, 2023.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2023–11955 Filed 6–5–23; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. Due to the staff and members being in travel status and an urgent office relocation, we will not be able to meet the 15-calendar notice threshold. This meeting will be held via teleconference.

DATES: The meeting will be held Thursday, June 8, 2023.

FOR FURTHER INFORMATION CONTACT: Rosalind Matherne at 1–888–912–1227 or 202–317–4115.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Lines Project Committee will be held Thursday, June 8, 2023, at 2:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Rosalind Matherne. For more information, please contact Rosalind Matherne at 1–888–912–1227 or 202–317–4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda includes a committee discussion that may involve Subcommittee 1 Issue #66342—Voicebot and Chatbot Project; Subcommittee 2 Issue # 66029—Modify Certified Acceptance Agent Program to Resolve ID Theft Issues; and Issue #66342—Voicebot and Chatbot Project.

Dated: May 31, 2023.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2023–11953 Filed 6–5–23; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer

service at the Internal Revenue Service. Due to the staff and members being in travel status and an urgent office relocation, we will not be able to meet the 15-calendar notice threshold. This meeting will be held via teleconference.

DATES: The meeting will be held Wednesday, June 14, 2023.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or 202–317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be held Wednesday, June 14, 2023, at 11:00 a.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Antoinette Ross. For more information please contact Antoinette Ross at 1–888–912–1227 or 202–317–4110, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda includes a committee discussion involving subcommittee-1 Issue number 48336—Electronic Filing of Form 8621; Information Returns by a Shareholder of a Passive Foreign Investment Company; Issue 59522—International Phone Apps; subcommittee-2 Issue 58722—Misleading Wording on website; and Issue 51824—Estate Gift Tax.

Dated: May 31, 2023.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2023–11950 Filed 6–5–23; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Disability Compensation, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. ch. 10, that a virtual meeting of the Advisory Committee on Disability Compensation (Committee) will be held virtually on June 27 and June 28, 2023. The meeting sessions will begin, and end as follows:

Dates	Times
Tuesday, June 27, 2023.	9 a.m.–12:00 p.m. Eastern Standard Time (EST).
Wednesday, June 28, 2023.	9 a.m.–12:15 p.m. EST.

The meeting sessions are open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities (VASRD).

The Committee is to assemble and review relevant information relating to the nature and character of disabilities arising during service in the Armed Forces, provide an ongoing assessment of the effectiveness of the rating schedule, and give advice on the most appropriate means of responding to the needs of Veterans relating to disability compensation.

On June 27 and June 28, 2023, the agenda will include updates on the VASRD and briefings from various staffs on new and ongoing VA initiatives and priorities.

In addition, on June 28, 2023, the public comment period will be open for 30-minutes from 11:40 a.m. to 12:10 p.m. EST. The public can also submit one-page summaries of their written statements for the Committee's review. Public comments may be received no later than June 20, 2023, for inclusion in the official meeting record. Please send these comments to Jadine Piper of the Veterans Benefits Administration, Compensation Service, at *21C_ACDC.VBACO@va.gov.*

Members of the public who wish to obtain a copy of the agenda should contact Jadine Piper at *21C_ACDC.VBACO@va.gov,* and provide their name, professional affiliation, email address and phone number. The call-in number (United States, Chicago) for those who would like to attend the meeting is: 872–701–0185; phone conference ID: 641 430 042#. Members of the public may also access the meeting by pasting the following URL into a web browser: *https://msteams.link/HF1R.*

Dated: June 1, 2023.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2023–12041 Filed 6–5–23; 8:45 am]

BILLING CODE P

Reader Aids

Federal Register

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