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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

10 CFR Part 1709

[Docket No. DNFSB–2023–01]

Debt Collection Procedures

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Direct final rule.

SUMMARY: The Debt Collection Act, as amended, requires federal agencies to either adopt existing regulations or promulgate their own regulations governing the collection of debts owed to the federal government. The Defense Nuclear Facilities Safety Board (Board) is a federal agency and has decided to adopt the regulations jointly issued by the Treasury Department and the Department of Justice.

DATES: This final rule is effective October 10, 2023 unless significant adverse comments are received by August 10, 2023. If the Board withdraws the direct final rule as a result of such comments, it will publish a timely notice of the withdrawal in the **Federal Register**.

ADDRESSES: You may submit comments at any time prior to the comment deadline by the following methods:

Email: Send an email to *comment@dnfsb.gov.* Please include ''Debt Collection Comments'' in the subject line of your email.

Mail: Send hard copy comments to the Defense Nuclear Facilities Safety Board, Attn: Office of the General Counsel, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2901.

FOR FURTHER INFORMATION CONTACT: Patricia A. Hargrave, Associate General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2901, (202) 694–7000.

SUPPLEMENTARY INFORMATION:

I. Background

The Board is promulgating new regulations to implement the Debt Collection Act (DCA), as amended, 31 U.S.C. 3701, *et seq.* The DCA governs the federal government's debt collection activities. In accordance with this law, the Treasury Department and the Department of Justice jointly promulgated Federal Claims Collection Standards (FCCS), 31 CFR parts 900 through 904. Agencies may adopt the FCCS without change or may prescribe agency regulations for collecting debts by administrative offset that are consistent with the FCCS. 31 U.S.C. 3716. These regulations are required before an agency may collect a debt by administrative offset. In this proposed direct final rule, the Board adopts the FCCS without change.

II. Regulatory Analysis

Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, agencies must consider the impact of their rulemakings on ''small entities'' (small businesses, small organizations, and local governments) when publishing regulations subject to the notice and comment requirements of the Administrative Procedure Act. As noted in section III. Rulemaking Procedure below, the Board has determined that notice and the opportunity to comment are unnecessary because this rulemaking constitutes a noncontroversial adoption of promulgated federal regulations as allowed by federal law. Therefore, no analysis is required by the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, as amended, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act

This rule contains no new reporting or recordkeeping requirements under the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 *et seq.* This adoption of the FCCS does not require or request information from members of the public. Therefore, this rulemaking is not covered by the restrictions of the PRA.

Executive Order 12988 and Executive Order 13132—Federalism

According to Executive Orders 12988 and 13132, agencies must state in clear language the preemptive effect, if any, of new regulations. The creation of a direct final rule affects only how the Board collects debts owed to the government, and therefore, has no effect on preemption of State, tribal, or local government laws or otherwise have federalism implications.

Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each house of the Congress and to the Comptroller General of the United States. If the rule meets the definition of a major rule, the Comptroller General must provide a report to Congress and the rule may not take effect until 60 days after it has been published in the **Federal Register**. The Office of Information and Regulatory Affairs has designated this rule as not a major rule, as defined by 5 U.S.C. 804(2). The Board is submitting the rule report to Congress and the Comptroller General of the United States.

Finding of No Significant Environmental Impact

Implementing these regulations will not result in significant impacts affecting the quality of the human environment, unavoidable adverse environmental effects, rejection of

reasonable alternatives to the proposed action, or irreversible or irretrievable commitments of environmental resources. The agency has not consulted with any other agencies in making this determination.

Executive Order 12866—Regulatory Planning and Review

Executive Order 12866 requires federal agencies submit significant regulatory actions to the Office of Management of Budget. This rule is not significant and will not have a significant impact on small entities. This rule streamlines debt collection and only adopts procedures allowed by statute.

III. Rulemaking Procedure

The Board is publishing this rule without a prior proposal because it is an adoption of existing, promulgated rules, and the Board does not anticipate any significant adverse public comments. This rule will become effective on October 10, 2023. However, if the Board receives a significant adverse comment by August 10, 2023, then the Board will publish a notice in the **Federal Register** withdrawing this rule and publishing the changes as a notice of proposed rulemaking. The Board will respond to the significant adverse comment(s) in that notice of proposed rulemaking and take an additional 30 days of comments before publishing any final rule. If no significant adverse comment is received, the Board will publish a confirmation of the effective date of this direct final rule.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the Board staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the Board;

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition; or

(3) The comment causes the Board to make a change (other than editorial) to the rule.

List of Subjects in 10 CFR Part 1709

Debts, Claims.

For the reasons described in the preamble, the Board amends title 10, Code of Federal Regulations, chapter XVII, by adding part 1709 to read as follows:

Chapter XVII Defense Nuclear Facilities Safety Board

PART 1709—DEBT COLLECTION PROCEDURES

Sec.

1709.101 Cross-reference to executive branch-wide debt collection regulations.

Authority: 31 U.S.C. 3716(b); 31 U.S.C. 3711(d)(2); 31 CFR parts 900 through 904.

§ 1709.101 Cross-reference to executive branch-wide debt collection regulations.

The Defense Nuclear Facilities Safety Board adopts the regulations at 31 CFR parts 900 through 904 governing the administrative collection, offset, compromise, and the suspension or termination of collection activity for debts or civil claims for money, funds or property owed to the United States government as defined by 31 U.S.C. 3701(b).

Dated: June 28, 2023.

Joyce Connery,

Chairperson.

[FR Doc. 2023–14150 Filed 7–10–23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No.: FAA–2019–0218; Amdt. No. 25–151]

RIN 2120–AL15

High Elevation Airport Operations; Correction

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Final rule; correction.

SUMMARY: On June 15, 2023, the FAA published a final rule titled ''High Elevation Airport Operations''. That document made amendments to certain airworthiness regulations applicable to cabin pressurization systems and oxygen dispensing equipment on transport category airplanes, to facilitate certification of those airplanes, systems, and equipment for operation at high elevation airports, and inadvertently identified the Amendment No. as 25–148. The correct Amendment No. is 25–151. This document makes that correction.

DATES: Effective July 11, 2023.

FOR FURTHER INFORMATION CONTACT: Robert Hettman, Aircraft Systems Section, AIR–623, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 S 216th Street, Des Moines, Washington 98198; telephone and facsimile 206–231–3171; email *robert.hettman@faa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

A copy of the High Elevation Airport Operations final rule may be viewed online at *https://www.regulations.gov* using the docket number listed above. A copy of this correction will be placed in the same docket. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at *https://www.federalregister.gov* and the Government Publishing Office's website at *https://www.govinfo.gov.* A copy may also be found at the FAA's Regulations and Policies website at *https://www.faa.gov/regulations_policies.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this correction, including economic analyses and technical reports, may be accessed in the electronic docket for this rulemaking.

Background

On June 15, 2023, the High Elevation Airport Operations final rule (RIN 2120–AL15) published in the **Federal Register** at 88 FR 39152. After publication, the FAA discovered that it inadvertently identified the Amendment No. for part 25 as 25–148. The correct Amendment No. is 25–151. This document makes that correction.

Correction

In FR Doc. 2023–12454, beginning on page 39152, in the **Federal Register** of

June 15, 2023, make the following correction in the header of the document. On page 39152, in the first column, in the header of the document, the listing of docket number and amendment no. is corrected to read as follows:

[Docket No.: FAA–2019–0218; Amdt. No. 25–151]

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC.

Brandon Roberts,

Executive Director, Office of Rulemaking.

[FR Doc. 2023–14576 Filed 7–10–23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–0664; Project Identifier MCAI–2022–01527–E; Amendment 39–22483; AD 2023–12–24]

RIN 2120–AA64

Airworthiness Directives; GE Aviation Czech s.r.o. (Type Certificate Previously Held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.) Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all GE Aviation Czech s.r.o. (GEAC) (type certificate previously held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.) Model M601E–11AS, M601E–11S, H75–100, H80–100, and H85–100 engines. This AD is prompted by reports of multiple failures of the needle bearing installed in propeller governors having part numbers (P/Ns) P–W11–1 or P–W11–2, caused by self-generated debris from the needle bearing, which led to oil contamination. This AD requires replacement of the affected propeller governors with a redesigned propeller governor and prohibits installation of the affected propeller governors, 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 August 15, 2023.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 15, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–0664; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For service information identified in this final rule, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this service information on the EASA website at *ad.easa.europa.eu.*
- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this service information at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2023–0664.

FOR FURTHER INFORMATION CONTACT: Barbara Caufield, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7146; email: *barbara.caufield@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 GEAC Model M601E–11AS, M601E–11S, H75–100, H80–100, and H85–100 engines. The NPRM published in the **Federal Register** on April 7, 2023 (88 FR 20784). The NPRM was prompted by EASA AD 2022–0234, dated December 1, 2022, issued by EASA, which is the Technical Agent for the Member States of the European Union (referred to after this as the MCAI). The MCAI states that there have been reports of multiple needle bearing failures that affect propeller governors having P/Ns P–W11–1 and P–W11–2. Further investigation revealed that those failures were caused by self-generated debris from the needle bearing, which led to oil contamination.

In the NPRM, the FAA proposed to require accomplishing the actions specified in EASA AD 2022–0234, described previously, except for any differences or exceptions identified in the NPRM. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2023–0664.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed EASA AD 2022–0234, which specifies procedures for the replacement of propeller governors having P/Ns P–W11–1 and P–W11–2 with a redesigned propeller governor.

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 seven engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Remove and replace propeller governor	3 work-hours × $85 per hour = $255	$7,000	$7,255	$50,785

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

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:

2023–12–24 GE Aviation Czech s.r.o. (Type Certificate Previously Held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.): Amendment 39–22483; Docket No. FAA–2023–0664; Project Identifier MCAI–2022–01527–E.

(a) Effective Date

This airworthiness directive (AD) is effective August 15, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to GE Aviation Czech s.r.o. Model M601E–11AS, M601E–11S, H75–100, H80–100, and H85–100 engines, as identified in European Union Aviation Safety Agency (EASA) AD 2022–0234, dated December 1, 2022 (EASA AD 2022–0234).

(d) Subject

Joint Aircraft Service Component (JASC) Code 6122, Propeller governor; 7200, Engine (turbine/turboprop).

(e) Unsafe Condition

This AD was prompted by multiple failures of the needle bearing installed in certain propeller governors, caused by self-generated debris from the needle bearing, which led to oil contamination. The FAA is issuing this AD to prevent needle bearing failures in certain propeller governors. The unsafe condition, if not addressed, could result in loss of propeller control oil pressure, failure of the engine, reduced control of the airplane, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD: Perform all required actions and compliance times specified in, and in accordance with, EASA AD 2022–0234.

(h) Exceptions to EASA AD 2022–0234

(1) Where EASA AD 2022–0234 specifies compliance from its effective date, this AD requires using the effective date of this AD.

(2) This AD does not adopt the Remarks paragraph of EASA AD 2022–0234.

(i) Provisions for Alternative Actions and Intervals

After performing the actions required by paragraph (g) of this AD, no alternative actions and associated thresholds and intervals, including life limits, are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2022–0234.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

For more information about this AD, contact Barbara Caufield, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7146; email: *barbara.caufield@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency AD 2022–0234, dated December 1, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0234, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

(4) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on June 28, 2023.

Michael Linegang,

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

[FR Doc. 2023–14586 Filed 7–10–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1304; Project Identifier AD–2022–00347–T; Amendment 39–22482; AD 2023–12–23]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 767–300F airplanes. This AD was prompted by a report indicating that the installation requirements were not followed for the first observer seat in the flight deck. This AD requires installing placards in various locations of the flight deck to indicate the proper position for the first observer seat during taxi, takeoff, and landing, and revising the existing airplane flight manual (AFM). The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 15, 2023.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 15, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2022–1304; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is 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 Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2022–1304.

FOR FURTHER INFORMATION CONTACT: Kumar Khatri, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3842; email: *kumar.r.khatri@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 The Boeing Company Model 767–300F airplanes. The NPRM published in the **Federal Register** on December 9, 2022 (87 FR 75519). The NPRM was prompted by a non-compliance report indicating that the technical standard order installation requirements for the first observer seat in the flight deck were not followed. When the first observer seat, located in front of the supernumerary seats, is in the furthest aft position on the seat tracks, the ''head path stay out zone'' is compromised. In the NPRM, the FAA proposed to require installing placards in various locations of the flight deck to indicate the proper position for the first observer seat during taxi, takeoff, and landing, and revising the existing AFM. The FAA is issuing this AD to address the unsafe condition, which could result in occupants seated in the right or center supernumerary seats sustaining an injury during an emergency landing.

Discussion of Final Airworthiness Directive

Comments

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

The FAA received additional comments from Aviation Partners Boeing, Federal Express (FedEx), and United Parcel Service (UPS). The following presents the comments received on the NPRM and the FAA's response to each comment.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that the installation of winglets per Supplemental Type Certificate (STC) ST01920SE on applicable Boeing models subject to the proposed rule does not affect compliance with the mandated actions in this AD.

The FAA agrees with the commenter that STC ST01920SE does not affect the ability to accomplish the actions required by this AD. The FAA has not changed this AD in this regard.

Request To Allow Installation of Equivalent Placards

FedEx stated that Boeing Special Attention Requirements Bulletin 767–25–0589 RB, dated February 25, 2022, currently specifies the installation of Boeing placard part numbers BAC27TFDE714 and BAC27TFDE715. FedEx requested that the proposed AD be revised to allow installation of equivalent placards with like verbiage in lieu of the Boeing part numbers.

The FAA disagrees with the request because the placard verbiage, font, color and locations are standard and they follow the certification requirements. Although, it is not acceptable to change the verbiage, an alternative method of compliance (AMOC) request may be submitted with supporting data that demonstrates an acceptable level of safety for equivalent placards. The FAA has not changed this AD in this regard.

Request To Change Instructions for Placard Installation

FedEx requested that the AD allow measuring both the horizontal and vertical dimensions from the same corner that currently only the vertical dimension is measured from, as specified in the Boeing Special Attention Requirements Bulletin 767–25–0589 RB, dated February 25, 2022. FedEx additionally wanted the dimension tolerances increased to a minimum of 0.25″/1.50″ for workability, as these position tolerances do not affect safety or the ability of the placard to communicate safety information to the crew.

The FAA disagrees with the requested method of measurement as it does not comply with the information specified in Boeing Special Attention Requirements Bulletin 767–25–0589 RB, dated February 25, 2022. Operators may submit requests for approval of AMOCs with supporting data that demonstrates an acceptable level of safety for an alternative method of measurement and

deviation to the dimensional tolerances specified in Boeing Special Attention Requirements Bulletin 767–25–0589 RB, dated February 25, 2022. The FAA has not changed this AD in this regard.

Request To Change Applicability Statement

UPS requested that the paragraph (c) of the proposed AD be updated to state that the AD is limited to Model 767–300F airplanes identified in Boeing Special Attention Requirements Bulletin 767–25–0589 RB, dated February 25, 2022, instead of stating that all Model 767–300F airplanes are affected.

The FAA agrees with the comment because the manufacturer has incorporated the placards on line numbers 1208 and subsequent in production. Therefore, the affected airplane line numbers are listed in Boeing Special Attention Requirements Bulletin 767–25–0589 RB, dated February 25, 2022. Paragraph (c) of this AD has been updated accordingly.

Conclusion

The FAA reviewed the relevant data, considered any 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 these products. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Special Attention Requirements Bulletin 767–25–0589 RB, dated February 25, 2022. This service information specifies procedures for installing markers (placards) in the flight deck regarding the position of the first observer seat position during taxi, takeoff, and landing.

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**.

Compliance With AFM Revisions

Section 91.9 prohibits any person from operating a civil aircraft without complying with the operating limitations specified in the AFM and on installed placards. FAA regulations also require operators to furnish pilots with any changes to the AFM (14 CFR 121.137) and pilots in command to be familiar with the AFM and installed placards containing operating limitations (14 CFR 91.505).

Costs of Compliance

The FAA estimates that this AD affects 153 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Placard installation	1 work-hour × $85 per hour = $85	Up to $117	Up to $202	Up to $30,906.
AFM revision	1 work-hour × $85 per hour = $85	0	$85	$13,005.

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:

2023–12–23 The Boeing Company: Amendment 39–22482; Docket No. FAA–2022–1304; Project Identifier AD–2022–00347–T.

(a) Effective Date

This airworthiness directive (AD) is effective August 15, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 767–300F airplanes, certificated in any category, as identified in Boeing Special Attention Requirements Bulletin 767–25–0589 RB, dated February 25, 2022.

(d) Subject

Air Transport Association (ATA) of America Code 11, Placards and markings.

(e) Unsafe Condition

This AD was prompted by a report indicating that the installation requirements were not followed for the first observer seat in the flight deck. When the first observer seat, located in front of the supernumerary seats, is in the furthest aft position on the seat tracks the ''head path stay out zone'' is compromised. The FAA is issuing this AD to

address this condition, which if not addressed, could result in occupants seated in the right or center supernumerary seats sustaining an injury during an emergency landing.

(f) Compliance

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

(g) Placard Installation

Except as specified by paragraph (h) of this AD: At the applicable time specified in the ''Compliance'' paragraph of Boeing Special Attention Requirements Bulletin 767–25–0589 RB, dated February 25, 2022, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Requirements Bulletin 767–25–0589 RB, dated February 25, 2022.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Special Attention Service Bulletin 767–25–0589, dated February 25, 2022, which is referred to in Boeing Special Attention Requirements Bulletin 767–25–0589 RB, dated February 25, 2022.

(h) Exception to Service Information Specifications

Where the Compliance Time column of the table in the ''Compliance'' paragraph of Boeing Special Attention Requirements Bulletin 767–25–0589 RB, dated February 25, 2022, uses the phrase ''the original issue date of Requirements Bulletin 767–25–0589 RB,'' this AD requires using ''the effective date of this AD.''

(i) Revision of Existing Airplane Flight Manual (AFM)

Within 12 months after the effective date of this AD, revise Section 3.1 of the Normal Procedures Section of the existing AFM to include the information in figure 1 to paragraph (i) of this AD. This may be done by inserting a copy of figure 1 to paragraph (i) of this AD into the existing AFM.

Figure 1 to paragraph (i): Flight deck occupancy (freighter airplane)

(Required by AD 2023-12-23)

FLIGHT DECK OCCUPANCY (Freighter Airplane)

The following item should be briefed to all occupants other than flight crew members by the appropriate flight crew member, prior to pushback or engine start:

Occupant seat position for Taxi, Takeoff, and Landing as indicated by placards.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520 Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520 Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(k) Related Information

For more information about this AD, contact Kumar Khatri, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3842; email: *kumar.r.khatri@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 the AD specifies otherwise.

(i) Boeing Special Attention Requirements Bulletin 767–25–0589 RB, dated February 25, 2022.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.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, *fr.inspection@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on June 15, 2023.

Michael Linegang,

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

[FR Doc. 2023–14513 Filed 7–10–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–0660; Project Identifier MCAI–2022–01561–E; Amendment 39–22474; AD 2023–12–16]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Rolls-Royce Deutschland Ltd & Co KG (RRD) Model Trent 1000 engines. This AD was prompted by reports of excessive wear on the inner seal fins of certain high-pressure turbine (HPT) triple seals. This AD requires an inspection of the HPT triple seal for excessive wear and, depending on the results of the inspection, replacement of the HPT triple seal and the intermediate-pressure turbine (IPT) disk, 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 August 15, 2023.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 15, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–0660; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For the EASA AD identified in this final rule, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this EASA AD at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2023–0660.

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

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain RRD Model Trent 1000–AE3, Trent 1000–CE3, Trent 1000–D3, Trent 1000–G3, Trent 1000–H3, Trent 1000–J3, Trent 1000–K3, Trent 1000–L3, Trent 1000–M3, Trent 1000–N3, Trent 1000–P3, Trent 1000–Q3, and Trent 1000–R3 engines. The NPRM published in the **Federal Register** on April 7, 2023 (88 FR 20782). The NPRM was prompted by EASA AD 2022–0241, dated December 7, 2022, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2022–0241) (referred to after this as the MCAI). The MCAI states that occurrences have been reported of finding higher than expected levels of wear on the seal fins of certain HPT triple seals. The secondary air system is affected by the resulting increased turbine cooling air leakage, which changes the air flow around the IPT disk. The Modulated Air System (MAS) was designed to optimize cooling air flow and intended to be active only during cruise conditions, but the design did not account for a high level of seal wear. Rolls-Royce issued Non-Modification Service Bulletin Trent 1000 75–AK642, Initial Issue, dated November 30, 2020, to provide instructions for MAS deactivation, and consequently, EASA published EASA AD 2021–0009, dated January 8, 2021, specifying deactivation of the MAS control valves. Despite this, a significantly worn HPT triple seal under flight conditions, while MAS was activated prior to the above action, could have reduced the safety of flight.

In the NPRM, the FAA proposed to require accomplishing the actions specified in EASA AD 2022–0241 described previously, except for any differences identified as exceptions in the regulatory text of this AD. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2023–0660.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from one commenter, The Boeing Company (Boeing). Boeing supported the NPRM without change.

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed EASA AD 2022–0241. EASA AD 2022–0241 specifies procedures for inspecting the HPT triple seal for excessive wear and, depending on the results of the inspection, replacing the HPT triple seal and the IPT disk. 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 4 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect HPT triple seal	1 work-hour × $85 per hour = $85	$0	$85	$340

The FAA estimates the following costs to do any necessary replacements that would be required based on the results of the inspection. The agency has no way of determining the number of aircraft that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace HPT triple seal and IPT disk	4 work-hours × $85 per hour = $340	$737,832	$738,172

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:

2023–12–16 Rolls-Royce Deutschland Ltd & Co KG: Amendment 39–22474; Docket No. FAA–2023–0660; Project Identifier MCAI–2022–01561–E.

(a) Effective Date

This airworthiness directive (AD) is effective August 15, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to certain Rolls-Royce Deutschland Ltd & Co KG (RRD) Model Trent 1000–AE3, Trent 1000–CE3, Trent 1000–D3, Trent 1000–G3, Trent 1000–H3, Trent 1000–J3, Trent 1000–K3, Trent 1000–L3, Trent 1000–M3, Trent 1000–N3, Trent 1000–P3, Trent 1000–Q3, and Trent 1000–R3 engines, as identified in European Union Aviation Safety Agency (EASA) AD 2022–0241, dated December 7, 2022 (EASA AD 2022–0241).

(d) Subject

Joint Aircraft System Component (JASC) Code 7240, Turbine Engine Combustion Section.

(e) Unsafe Condition

This AD was prompted by reports of excessive wear on the inner seal fins of certain high-pressure turbine (HPT) triple seals. The FAA is issuing this AD to prevent excessive wear on the inner seal fins of certain HPT triple seals. The unsafe condition, if not addressed, could lead to a temperature increase at the intermediate-pressure turbine (IPT) disk rim, possibly resulting in IPT disk failure and high energy debris release, with consequent damage to the airplane and reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD: Perform all required actions within the compliance times specified in, and in accordance with, EASA AD 2022–0241.

(h) Exceptions to EASA AD 2022–0241

(1) Where EASA AD 2022–0241 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not adopt the Remarks paragraph of EASA AD 2022–0241.

(i) No Reporting Requirement

Although EASA AD 2022–0241 specifies to submit inspection results to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

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

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency AD 2022–0241, dated December 7, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0241, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu*. You may find this material on the EASA website at *ad.easa.europa.eu*.

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. This material may be found in the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2023–0660.

(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 June 13, 2023.

Michael Linegang,

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

[FR Doc. 2023–14596 Filed 7–10–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–0437; Project Identifier MCAI–2022–01358–E; Amendment 39–22480; AD 2023–12–21]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2021–26–13, which applied to all Rolls-Royce Deutschland Ltd & Co KG (RRD) Model Trent 1000–A2, Trent 1000–AE2, Trent 1000–C2, Trent 1000–CE2, Trent 1000–D2, Trent 1000–E2, Trent 1000–G2, Trent 1000–H2, Trent 1000–J2, Trent 1000–K2, and Trent 1000–L2 engines. AD 2021–26–13 required revision of the engine Time Limits Manual (TLM) life limits of certain critical rotating parts and direct accumulation counting (DAC) data files. Since the FAA issued AD 2021–26–13, RRD has revised the TLM with more restrictive airworthiness limitations, including updated life limits for certain critical parts and updated DAC data files. This AD was prompted by the manufacturer revising the engine TLM life limits of certain critical rotating parts, updating the DAC data files, and updating certain maintenance tasks. This AD requires revising the existing approved maintenance or inspection program, as applicable, to incorporate 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 August 15, 2023.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 15, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–0437; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For service information identified in this final rule, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available in the AD docket at *regulations.gov* under Docket No. FAA–2023–0437.

FOR FURTHER INFORMATION CONTACT: Sungmo Cho, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7241; email: *sungmo.d.cho@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2021–26–13, Amendment 39–21872 (86 FR 72840, December 23, 2021), (''AD 2021–26–13''). AD 2021–26–13 applied to all RRD Model Trent 1000–A2, Trent 1000–AE2, Trent 1000–C2, Trent 1000–CE2, Trent 1000–D2, Trent 1000–E2, Trent 1000–G2, Trent 1000–H2, Trent 1000–J2, Trent 1000–K2, and Trent 1000–L2 engines. AD 2021–26–13 required operators to update the airworthiness limitations section (ALS) of their approved maintenance and inspection program by incorporating the latest revision of the engine TLM life limits of certain critical rotating parts and updating DAC data files for each affected model engine. The FAA issued AD 2021–26–13 to prevent the failure of critical rotating parts.

The NPRM published in the **Federal Register** on March 23, 2023 (88 FR 17426). The NPRM was prompted by EASA AD 2022–0210, dated October 17, 2022 (referred to after this as ''the MCAI''), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states the manufacturer published a revised TLM introducing new or more restrictive tasks and limitations. These new or more restrictive tasks and limitations include updating declared lives of certain critical parts and updating DAC data files.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2023–0437.

In the NPRM, the FAA proposed to require revising the existing approved maintenance or inspection program, as applicable, to incorporate more restrictive airworthiness limitations, as specified in EASA AD 2022–0210. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from one commenter, The Boeing Company (Boeing). Boeing supported the NPRM without change.

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed EASA AD 2022–0210. EASA AD 2022–0210 specifies instructions for accomplishing the actions specified in the applicable TLM, including performing maintenance tasks, replacing life-limited parts, and revising the existing approved maintenance or inspection program, as applicable, by incorporating the limitations, tasks, and associated thresholds and intervals described in the TLM.

This material is reasonably available because the interested parties have access to it through their normal course

of business or by the means identified in **ADDRESSES**.

Differences Between This AD and the MCAI

Where paragraph (3) of EASA AD 2022–0210 specifies revising the approved Aircraft Maintenance Programme within 12 months after the effective date of EASA AD 2022–0210, this AD requires revising the ALS of the existing approved maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

Costs of Compliance

The FAA estimates that this AD affects 32 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise the continuous airworthiness maintenance program.	1 work-hours × $85 per hour = $85	$0	$85	$2,720

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2021–26–13, Amendment 39–21872 (86 FR 72840, December 23, 2021); and

■ b. Adding the following new airworthiness directive:

2023–12–21 Rolls-Royce Deutschland Ltd & Co KG: Amendment 39–22480; Docket No. FAA–2023–0437; Project Identifier MCAI–2022–01358–E.

(a) Effective Date

This airworthiness directive (AD) is effective August 15, 2023.

(b) Affected ADs

This AD replaces AD 2021–26–13, Amendment 39–21872 (86 FR 72840, December 23, 2021).

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG Model Trent 1000–A2, Trent 1000–AE2, Trent 1000–C2, Trent 1000–CE2, Trent 1000–D2, Trent 1000–E2, Trent 1000–G2, Trent 1000–H2, Trent 1000–J2, Trent 1000–K2, and Trent 1000–L2 engines, all serial numbers.

(d) Subject

Joint Aircraft System Component (JASC) Code 7200, Engine (Turbine/Turboprop).

(e) Unsafe Condition

This AD was prompted by the manufacturer revising the engine Time Limits Manual life limits of certain critical rotating parts, updating the direct accumulation counting data files, and updating certain maintenance tasks. The FAA is issuing this AD to prevent the failure of critical rotating parts. The unsafe condition, if not addressed, could result in failure of one or more engines, loss of thrust control, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD: Perform all required actions within the compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0210, dated October 17, 2022 (EASA AD 2022–0210).

(h) Exceptions to EASA AD 2022–0210

(1) Where EASA AD 2022–0210 defines the AMP as the approved Aircraft Maintenance Programme on the basis of which the operator or the owner ensures the continuing airworthiness of each operated engine, this AD defines the AMP as the Aircraft Maintenance Program on the basis of which the operator or the owner ensures the continuing airworthiness of each operated airplane.

(2) Where EASA AD 2022–0210 refers to its effective date, this AD requires using the effective date of this AD.

(3) This AD does not require compliance with paragraph (1) of EASA AD 2022–0210.

(4) This AD does not require compliance with paragraph (2) of EASA AD 2022–0210.

(5) Where paragraph (3) of EASA AD 2022–0210 specifies revising the approved AMP within 12 months after the effective date of EASA AD 2022–0210, this AD requires revising the existing approved maintenance or inspection program, as applicable, and airworthiness limitations section within 90 days after the effective date of this AD.

(6) This AD does not adopt the ''Remarks'' paragraph of EASA AD 2022–0210.

(i) Provisions for Alternative Actions and Intervals

After performing the actions required by paragraph (g) of this AD, no alternative actions and associated thresholds and intervals, including life limits, are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2022–0210.

(j) Alternative Methods of Compliance (AMOCs)

The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k) of this AD and email to: *ANE-AD-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(k) Additional Information

For more information about this AD, contact Sungmo Cho, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7241; email: *sungmo.d.cho@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency AD 2022–0210, dated October 17, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0210, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* This EASA AD may be found in the AD docket at *regulations.gov* under Docket No. FAA–2023–0437.

(4) You may view this service information at the at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222 5110.

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

Issued on June 28, 2023.

Michael Linegang,

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

[FR Doc. 2023–14584 Filed 7–10–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1662; Project Identifier MCAI–2022–00689–T; Amendment 39–22446; AD 2023–11–01]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–100–1A10 airplanes. This AD was prompted by multiple reports of erratic electrical system status on the push button annunciators (PBAs) and the engine instrument and crew alerting system (EICAS) while on-ground and during flight. This AD requires a records check and replacement of affected left-hand (LH) direct current power center (DCPC) units. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 15, 2023.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of August 15, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2022–1662; 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 Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–2999; email *ac.yul@aero.bombardier.com;* website *bombardier.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–2022–1662.

FOR FURTHER INFORMATION CONTACT: Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7367; 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 certain Bombardier, Inc., Model BD–100–1A10 airplanes. The NPRM published in the **Federal Register** on January 12, 2023 (88 FR 2029). The NPRM was prompted by AD CF–2022–28, dated May 26, 2022, issued by Transport Canada, which is the aviation authority for Canada (referred to after this as the MCAI). The MCAI states there have been multiple reports of erratic electrical system status on the PBAs and the EICAS while on-ground and during flight, and in several cases, leading to momentary loss of electrical power and loss of flight displays following flight crew responses to the erratic statuses. It was found that airplanes could experience misleading electrical system status indications (PBA and EICAS) as a result of contamination of electrical contacts in the LH DCPC internal communication data bus. Those erratic indications could cause the crew to turn off fully-operational electrical power sources, leading to partial or complete loss of electrical power. Loss of electrical power could result in the loss of flight displays and reduced controllability of the airplane.

The MCAI also states that Transport Canada previously issued AD CF–2020–46, dated November 17, 2020 (which corresponds to FAA AD 2021–23–14, Amendment 39–21812 (86 FR 68889, December 6, 2021)), which mandated the use of revised Electrical Emergency and Non-Normal Procedures in the airplane flight manual that directed crews not to turn off active generators in the event of an erroneous electrical system status indication. The MCAI advised that further corrective action is being developed to introduce a design improvement to the DCPC that is intended to protect the internal communication data bus from contaminants, and that a time-limited maintenance check will also be implemented.

In the NPRM, the FAA proposed to require a records check and replacement

of affected LH DCPC units. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2022–1662.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from a commenter, NetJets. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Define Action for Certain LH DCPCs

NetJets requested that the FAA specify what actions, if any, are required for LH DCPC having less than 3,100 total flight cycles.

The FAA agrees to clarify. No action has been identified for those LH DCPC units having less than 3,100 total flight cycles as of the effective date of this AD. Once action has been identified, the FAA might consider rulemaking to require those actions. No changes have been made to this AD in this regard.

Request for Additional Method of Compliance

NetJets requested revising the proposed AD to allow use of certain other service bulletins as a means of compliance with the proposed requirements. NetJets suggested that accomplishment of Bombardier Service Bulletin 350–24–005, dated November 29, 2022; or Safran Service Bulletin 975GC02Y–24–020, dated August 5, 2022; could meet the intent of the proposed requirements for certain LH DCPC part numbers (P/Ns). NetJets pointed out that Bombardier Service Bulletin 350–24–005 references Bombardier Service Bulletin 350–24–004, dated April 9, 2021, as a prior or concurrent service bulletin, and also provides modification instructions that result in changing the part number of the LH DCPC unit from P/N 975GC02Y07 to P/N 975GC02Y08. NetJets stated that accomplishing those service bulletins could provide an acceptable means of compliance and could exclude LH DCPC P/N 975GC02Y08 from the proposed AD requirements.

The FAA agrees to revise this AD. The FAA has also reviewed Bombardier Service Bulletin 100–24–30, dated November 29, 2022, and determined that service bulletin also has similar modification instructions. The FAA has determined that Bombardier Service Bulletins 100–24–30 and 350–24–005, both dated November 29, 2022, could be used as optional terminating action. The FAA has revised this AD to add paragraph (j) to this AD.

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, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Bombardier Service Bulletins 100–24–29 and 350–24–004, both dated April 9, 2021. This service information specifies procedures for a records check to determine the total flight hours and replacement of affected LH DCPC units (P/Ns 975GC02Y04, 975GC0Y05, 975GC02Y06, or 975GC02Y07). These documents are distinct since they apply to different airplane configurations.

The FAA has also reviewed Bombardier Service Bulletins 100–24–30 and 350–24–005, both dated November 29, 2022. This service information specifies procedures for modifying LH DCPC units having P/N 975GC02Y07. These documents are distinct since they apply to different airplane configurations.

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.

Interim Action

The FAA considers that this AD is an interim action. The MCAI states that further corrective action is being developed. Once this action is developed, approved, and available, the FAA might consider additional rulemaking.

Costs of Compliance

The FAA estimates that this AD would affect 315 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$0	$85	$26,775

The FAA estimates the following costs to do any necessary on-condition actions 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
8 work-hours × $85 per hour = $680	Up to $35,000	Up to $35,680.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

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:

2023–11–01 Bombardier, Inc.: Amendment 39–22446; Docket No. FAA–2022–1662; Project Identifier MCAI–2022–00689–T.

(a) Effective Date

This airworthiness directive (AD) is effective August 15, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–100–1A10 airplanes, certificated in any category, having serial numbers 20003 through 20795 inclusive, 20797 through 20812 inclusive, 20814 through 20832 inclusive, and 20834 through 20836 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 24, Electrical Power.

(e) Unsafe Condition

This AD was prompted by multiple reports of erratic electrical system status on the push button annunciators (PBAs) and the engine instrument and crew alerting system (EICAS) while on-ground and during flight. The FAA is issuing this AD to address erratic indications, which could cause the flight crew to turn off fully-operational electrical power sources, leading to partial or complete loss of electrical power. The unsafe condition, if not addressed, could result in loss of flight displays and reduced controllability of the airplane.

(f) Compliance

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

(g) Records Check

Within 60 days after the effective date of this AD, verify the total flight hours of the left-hand (LH) direct current power center (DCPC) unit since the date of manufacture by doing a records check in accordance with paragraph 2.B.(1) of the Accomplishment Instructions of the applicable service bulletin identified in paragraphs (g)(1) and (2) of this AD.

(1) For airplanes having serial number 20001 through 20500 inclusive, use Bombardier Service Bulletin 100–24–29, dated April 9, 2021.

(2) For airplanes having serial number 20501 through 20999 inclusive, use Bombardier Service Bulletin 350–24–004, dated April 9, 2021.

(h) Replacement of the LH DCPC

If, during the records check required by paragraph (g) of this AD, the total flight hours since date of manufacture of the LH DCPC unit is equal to or more than 3,100 total flight hours and the LH DCPC has not been cleaned as specified in Safran Service Bulletin 975GC02Y–24–018 before the effective date of this AD: Within 19 months after the effective date of this AD, replace the LH DCPC unit in accordance with paragraphs 2.B.(2) through 2.B.(5) and 2.C. of the Accomplishment Instructions of the applicable service bulletin identified in paragraphs (g)(1) and (2) of this AD.

(i) Exception to the Service Information

Although the note in paragraph 2.B.(4) of the Accomplishment Instructions of Bombardier Service Bulletins 100–24–29, and 350–24–004, both dated April 9, 2021, specifies that actions will reset ''the unit total flight hours to zero at date of incorporation,'' this AD does not include that requirement.

(j) Optional Terminating Action

Modification of a LH DCPC having part number (P/N) 975GC02Y07 into an LH DCPC having P/N 975GC02Y08, in accordance with Parts A and B of the Accomplishment Instructions of the applicable service bulletin identified in paragraphs (j)(1) and (2) of this AD, is considered terminating action for the requirements of paragraphs (g) and (h) of this AD for that LH DCPC.

(1) For airplanes having serial number 20001 through 20500 inclusive, use Bombardier Service Bulletin 100–24–30, dated November 29, 2022.

(2) For airplanes having serial number 20501 through 20999 inclusive, use Bombardier Service Bulletin 350–24–005, dated November 29, 2022.

(k) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, AIR–730, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to ATTN: Program Manager, Continuing Operational Safety, at the address identified in paragraph (l)(2) of this AD or email to: *9-avs-nyaco-cos@faa.gov.* If mailing information, also submit information by email. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(l) Additional Information

(1) Refer to Transport Canada AD CF–2022–28, dated May 26, 2022, for related information. This Transport Canada AD may be found in the AD docket at *regulations.gov* under Docket No. FAA–2022–1662.

(2) For more information about this AD, contact Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7367; email *9-avs-nyaco-cos@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) Bombardier Service Bulletin 100–24–29, dated April 9, 2021.

(ii) Bombardier Service Bulletin 100–24–30, dated November 29, 2022.

(iii) Bombardier Service Bulletin 350–24–004, dated April 9, 2021.

(iv) Bombardier Service Bulletin 350–24–005, dated November 29, 2022.

(3) For service information identified in this AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–2999; email *ac.yul@aero.bombardier.com;* website *bombardier.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 25, 2023.

Ross Landes,

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

[FR Doc. 2023–14512 Filed 7–10–23; 8:45 am]

BILLING CODE 4910–13–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022, 4044, and 4062

RIN 1212–AB27

Benefit Payments and Allocation of Assets

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule makes changes to PBGC's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans. The changes make clarifications and codify policies involving payment of lump sums, changes to benefit form, and valuation of plan assets.

DATES:

Effective date. This rule is effective on August 10, 2023.

Applicability date. The amendments under this final rule apply to plan terminations initiated on or after August 10, 2023. However, most of the amendments codify policies and practices that PBGC has followed for many years, and PBGC will continue to follow those policies and practices in the interim.

FOR FURTHER INFORMATION CONTACT: Joseph M. Krettek (*krettek.joseph@pbgc.gov*), Assistant General Counsel for Benefits, 202–229–6772; or Hilary Duke (*duke.hilary@pbgc.gov*), Assistant General Counsel for Regulatory Affairs; Office of the General Counsel, 202–229–3839, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101. If you are deaf or hard of hearing or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose and Authority

This final rule amends PBGC's regulations on benefit payments, allocation of assets, and termination liability to increase transparency of PBGC benefits administration, clarify and simplify language, increase flexibility, codify practices, and harmonize regulatory provisions with statutory provisions.

Legal authority for this action comes from section 4002(b)(3) of the Employee Retirement Income Security Act of 1974 (ERISA), which authorizes PBGC to issue regulations to carry out the purposes of title IV of ERISA, section 4022 of ERISA (Single-Employer Plan Benefits Guaranteed), section 4044 of ERISA (Allocation of Assets), and section 4062 of ERISA (Liability For Termination of Single-Employer Plans Under a Distress Termination or a Termination by Corporation).

Major Provisions

This final rule:

Clarifies that PBGC's rules on payment of a lump sum are unaffected by election of a lump-sum distribution before plan termination.

Changes wording that refers to the current statutory dollar amount subject to cashout ($5,000) to instead refer to the statutory provision that specifies the maximum dollar amount.

Clarifies that a de minimis benefit of a married participant who dies after plan termination will be paid as an amount due a decedent, not as a qualified preretirement survivor annuity.

Clarifies that benefits will be paid to estates only as lump sums.

Clarifies that accumulated mandatory employee contributions may not be withdrawn if benefits are in pay status when a plan becomes trusteed.

Clarifies that the form of benefit in pay status when a plan becomes trusteed will not be changed.

Requires that fair market value or fair value, as appropriate, be used for purposes of valuing assets to be allocated to participants' benefits and in determining employer liability and net worth.

Background

The Pension Benefit Guaranty Corporation (PBGC) administers two insurance programs for private-sector defined benefit pension plans under title IV of the Employee Retirement Income Security Act of 1974 (ERISA): a single-employer plan termination insurance program and a multiemployer plan insolvency insurance program. This final rule deals only with single-employer plans. Covered plans that are underfunded may terminate either in a distress termination under section 4041(c) of ERISA or in an involuntary termination (one initiated by PBGC) under section 4042 of ERISA. When such a plan terminates, PBGC typically is appointed statutory trustee of the plan, and becomes responsible for paying benefits in accordance with the provisions of title IV.

The amount of benefits paid by PBGC under a terminated trusteed plan is determined by several factors. The starting point is the plan—PBGC pays only those benefits that the plan provides under the plan's terms. Thus, PBGC begins by determining each participant's accrued plan benefit.

After PBGC determines the amount of the participant's plan benefit, PBGC determines the amount it can guarantee. There are limitations on the benefits that PBGC can guarantee. One limitation, under sections 4001(a)(8) and 4022(a) of ERISA, is that PBGC guarantees only those benefits that are ''nonforfeitable.'' For purposes of title IV, a benefit is nonforfeitable if the participant had satisfied the plan's (or ERISA's) requirements for the benefit by the plan's termination date (or, if applicable, by the bankruptcy filing date of a contributing plan sponsor).[1]

Another limitation is the ''maximum guaranteeable benefit'' rule set forth in section 4022(b)(3) of ERISA, which caps the amount that PBGC can guarantee. The cap for a participant in a plan with a termination date in 2023 (or, if applicable, a bankruptcy filing date of a contributing sponsor in 2023), who retires at age 65 under a straight-life annuity, is $6,750.00 per month. PBGC's

[1] *See* 29 CFR 4022.3(a)(1). For a plan that terminates while a contributing sponsor is the subject of a bankruptcy or other insolvency proceeding, the petition or filing date of the proceeding is treated as the plan's termination date for purposes of the guarantee rules. *See* section 4022(g) of ERISA and 29 CFR 4022.3(b). *See also* section 404 of the Pension Protection Act of 2006, Public Law 109–280 (Aug. 17, 2006).

guarantee is further limited by the ''phase-in'' rule, under which PBGC's guarantee of benefit increases during the 5-year period ending on the plan's termination date (or, if applicable, the bankruptcy filing date of a contributing sponsor) is phased in at the number of years the benefit increase has been in effect, multiplied by the greater of: (1) 20 percent of the amount of the benefit increase; or (2) $20 per month.[2] The ''phase-in'' rule protects the title IV insurance program from losses when the sponsor of an underfunded pension plan increases benefits shortly before the plan terminates. Another limitation, the accrued-at-normal limitation, is equal to the dollar amount of a participant's benefit in the straight life annuity form at normal retirement age. The portion that exceeds this limitation is not a PBGC guaranteeable benefit.

In some cases, a participant may receive more than the participant's guaranteed benefit, depending on the allocation of the plan's assets under section 4044(a) of ERISA or the allocation of PBGC's recoveries under section 4022(c) of ERISA, or both. Title IV directs PBGC to allocate the assets of a terminated pension plan among the participants and beneficiaries of the plan in the order of six priority categories. Section 4044(a) gives highest priority to benefits derived from participants' own voluntary and mandatory contributions (priority categories 1 and 2, respectively), next highest to benefits of certain retirees or persons who were or could have been in pay status 3 years before the plan terminated based on the lowest annuity benefit payable under the plan provisions at any time during the 5-year period ending on the termination date (priority category 3),[3] then to benefits guaranteed by PBGC (priority category 4), and last to nonguaranteed benefits (priority categories 5 and 6). PBGC allocates assets to benefits in priority category 3—some of which may not be guaranteed—before guaranteed benefits in priority category 4. So, if a terminated plan's assets are sufficient to cover all benefits in priority category 3, PBGC will pay those benefits using the plan's assets, regardless of whether they are guaranteed.

PBGC values the benefits in each of a terminated plan's six priority categories and values the terminated plan's assets. PBGC values both benefits and plan assets as of the termination date. After PBGC values the plan benefits and assets, the assets are allocated to the priority categories, beginning with priority category 1, either until all benefits in all categories have been covered or until the assets are insufficient to pay all benefits within a category.

In determining a participant's PBGC-payable benefit under title IV of ERISA, PBGC takes into account any partial plan distribution (whether a lump sum or an annuity purchase) that the plan made to the participant before plan trusteeship. PBGC offsets the benefit payable under title IV by the amount of the earlier distribution. This includes accounting for the distribution in determining the participant's maximum guaranteeable benefit (*i.e.,* the maximum benefit that PBGC can guarantee by law, based on, among other things, the plan's termination date (or, if applicable, bankruptcy filing date of the contributing sponsor), the participant's age, and the participant's form of benefit). PBGC reduces the amount otherwise guaranteed because a participant in receipt of a partial plan distribution is effectively receiving each month a portion of the participant's plan benefits (even if the distribution was paid as a lump sum). Likewise, PBGC accounts for the earlier distribution in assigning a participant's benefit to the priority categories under section 4044(a) of ERISA. PBGC treats the amount paid as in the highest priority category in which the participant has benefits, because the participant has already received the distribution (or is receiving it as a separate annuity from an insurer).

PBGC prescribes the forms of benefit under which payment may be made. For a participant or beneficiary receiving an annuity benefit from the plan at the time PBGC becomes trustee of the plan, PBGC generally continues payment in the form being paid. For participants not yet in pay status, PBGC provides the plan's automatic forms for married and unmarried participants and a menu of optional PBGC annuity forms. Except in very limited circumstances, PBGC pays benefits as annuities, not single lump sums. One exception is where the total value of the participant's benefit is de minimis—*i.e.,* $5,000 or less under current PBGC regulations. Another exception is where a portion of the participant's benefit is attributable to mandatory employee contributions. In this case, PBGC allows a participant to elect a return of the participant's accumulated mandatory employee contributions in a lump sum.

A participant or beneficiary in pay status in almost all circumstances cannot change an elected form of benefit after PBGC becomes plan trustee. This rule is consistent with the practices of most ongoing plans and prevents adverse selection (for example, by allowing a participant to choose a single-life form after the participant's spouse dies) and increased actuarial costs. PBGC has applied this rule both to participants and beneficiaries who went into pay status after PBGC became trustee and to participants and beneficiaries who were in pay status at the time PBGC became trustee and who later requested a change in benefit form from PBGC.

When an underfunded title IV-covered plan terminates, a claim arises in favor of PBGC and against the former sponsor and its controlled group for the difference between the plan's benefit liabilities and its assets. PBGC determines this claim for the amount of unfunded benefit liabilities as of the termination date which accrues interest from that date.[4] ERISA directs PBGC to collect any portion of this claim that exceeds 30 percent of the collective net worth of the former sponsor and its controlled group under commercially reasonable terms.[5] PBGC calculates its claim for unfunded benefit liabilities consistently with its determination of assets and benefit liabilities for purposes of the asset allocation under section 4044(a).

Proposed Rule

PBGC's regulations on Benefits Payable in Terminated Single-Employer Plans, 29 CFR part 4022, Allocation of Assets in Single-Employer Plans, 29 CFR part 4044, and Liability for Termination of Single-Employer Plans, 29 CFR part 4062, govern the areas discussed above. In the course of PBGC's regulatory review, PBGC identified opportunities to improve benefits administration by making it more transparent—filling in gaps where guidance is needed, simplifying or removing language, codifying policies, and applying consistency in asset valuation.

On September 30, 2019 (at 84 FR 51494), PBGC published a proposed rule to amend these three regulations and received comments from three commenters on the proposed rule. The commenters appreciated many of PBGC's clarifications but made suggestions for alterations to the proposed changes to PBGC's benefit

[2] *See* section 4022(b)(1), (b)(7), and (g) of ERISA.

[3] For a plan that terminates while a contributing sponsor is the subject of a bankruptcy or other insolvency proceeding, the 3-year and 5-year lookbacks under priority category 3 are based on the bankruptcy filing date of the sponsor rather than the plan's termination date. *See* section 4044(e) of ERISA.

[4] *See* sections 4001(a)(18) and 4062(b)(1) of ERISA.

[5] *See* section 4062(b)(2) of ERISA.

payments regulation. The comments, PBGC's responses, and the provisions of this final rule are discussed below. The final rule does not include the proposed amendments to § 4022.23 of the benefit payments regulation and § 4044.10 of the asset allocation regulation dealing with partial plan distributions. PBGC is reviewing these provisions in light of comments on the proposed rule. Except for these omissions, a change to the amendment to § 4022.9 on benefit corrections, and some technical and editorial changes, the final rule is substantially the same as the proposed rule.

Final Regulatory Changes

General Prohibition of Lump Sums

Payments of lump sums at or soon before plan termination raise concerns about abuse of the insurance program. For example, a lump-sum payment reduces the amount of assets in an underfunded plan that could be allocated to the benefits of other participants who may have benefits in higher priority categories, or that could fund guaranteed benefits. Thus, payment of such a lump sum could adversely affect other participants or PBGC.[6] As noted above, PBGC does not pay benefits in a lump sum except in certain limited circumstances (*e.g.,* de minimis benefits). Section 4022.7(a) of the benefit payments regulation currently provides that ''[i]f a benefit that is guaranteed under this part is payable in a single installment or substantially so under the terms of the plan, or an option elected under the plan by the participant, the benefit will not be guaranteed or paid as such,'' but PBGC will guarantee the annuity equivalent.

Some have suggested that the prohibition on lump-sum payments does not apply to a participant who elected a lump sum before plan termination.[7] To remove any ambiguity in the regulation, the final rule, like the proposed, amends § 4022.7(a) of the benefit payments regulation to make explicit (and consistent with PBGC's practice) that the prohibition on lump sums includes an optional lump sum elected under the plan by the participant but not paid before plan trusteeship. This rule applies regardless of the reason for not paying the lump sum.

PBGC received two comments on this provision. One commenter agreed with the provision but suggested a technical change to § 4022.7(a) to clarify the language describing the alternative benefit that PBGC will guarantee. PBGC agrees that a technical change is needed. In the final rule, new § 4022.7(a) provides that PBGC will guarantee the alternative benefit, if any, in the plan which provides for the payment of equal periodic installments for the life of the recipient. If the plan does not provide such an annuity, PBGC will guarantee an actuarially equivalent life annuity.

A second commenter appreciated PBGC's clarification but disagreed that payment of a lump sum elected before plan termination should be based on the plan's payment process. The commenter stated that this could cause one participant to be paid and another not to be paid, citing examples such as shortages of administrative personnel due to the employer's liquidation or financial problems, data issues, and the need to perform calculations under a qualified domestic relations order.

PBGC's prohibition on paying lump sums, including an optional lump sum elected under the plan by the participant but not paid before plan trusteeship, provides a bright-line test that PBGC is able to administer consistently among all of its trusteed plans. The rule is consistent with the approach provided under ERISA for distress terminations. Section 4041(c)(3)(D) of ERISA provides that beginning on the date on which the plan administrator provides a notice of distress termination to PBGC, the statutory requirements for approval of the termination will be met only if the plan administrator ''pays benefits attributable to employer contributions . . . only in the form of an annuity . . .''. PBGC recognizes that a plan's payment process may cause some optional lump-sum payments to be made and not others, but for PBGC to determine whether a lump-sum payment could have been made before plan trusteeship would require a facts and circumstances analysis. Such review would be administratively burdensome and, depending on plan records, could still result in some optional lump-sum payments being made and not others. In addition, as explained above, the rule preserves assets that could be allocated to the benefits of other participants who may have benefits in higher priority categories, or that could fund guaranteed benefits. Accordingly, in the final rule, PBGC adopts the provision as proposed with the technical change described above.

As in the proposed rule, this change does not affect the payment of benefits in a lump sum in the circumstances permitted under § 4022.7(b) and (c) of the benefit payments regulation.

De Minimis Threshold

Section 203(e)(1) of ERISA and section 411(a)(11)(A) of the Internal Revenue Code (Code) provide a threshold (*i.e.,* maximum present value of a benefit) that a pension plan may pay in a mandatory lump-sum distribution. From 1997 through 2023, that maximum was $5,000.[8] After 2023, it will be $7,000.[9] PBGC's benefit payments regulation contains three provisions that refer to this threshold, and the regulation was amended after the statutory amount increased to $5,000.[10] To avoid amending the regulation each time Congress changes the threshold for mandatory lump-sum distributions, the final rule, like the proposed, amends the three provisions so that they refer not to a set amount, but to the dollar amount specified under section 203(e)(1) of ERISA. As a result, for purposes of part 4022, the new $7,000 maximum automatically will apply to plan terminations after December 31, 2023.

The three provisions are §§ 4022.7(b)(1)(i) and (iii) and 4022.7(d)(1) of the current benefit payments regulation.

Deceased Participants With De Minimis Benefits

Currently, § 4022.7(b)(1)(iii) of the benefit payments regulation provides that if (1) the lump-sum value of a qualified preretirement survivor annuity (QPSA) is $5,000 or less (after December 31, 2023, the value will be $7,000 or less), (2) the benefit is not yet in pay status, and (3) the participant dies after

[6] As an indication that Congress was concerned about lump sums affecting other participants, section 4045 of ERISA authorizes PBGC to recover a portion of a lump sum made before plan termination. The statute allows PBGC to recover, for payments made within the 3-year period immediately before termination, the amount which exceeds the present value of the guaranteed benefit that the participant would have received if the participant had elected to receive the benefit as an annuity.

[7] *See, e.g., Fisher* v. *PBGC,* 151 F. Supp. 3d 159 (D.D.C. 2016), following remand to PBGC, 468 F. Supp. 3d 7 (D.D.C. 2020), aff'd, 994 F.3d 664 (D.C. Cir. 2021) (involving a participant who sued PBGC to challenge its denial of his request for a lump-sum distribution, originally made to the plan. PBGC denied the participant's request, and the district court sided with PBGC. On appeal, the D.C. Circuit affirmed, holding that PBGC's regulation governing lump-sum distributions is a permissible statutory interpretation under applicable law and that PBGC's determination was not arbitrary and capricious).

[8] The Taxpayer Relief Act of 1997 increased the maximum from $3,500 to $5,000 effective for plan years beginning after August 5, 1997.

[9] Section 304 of the SECURE 2.0 Act of 2022, Division T of the Consolidated Appropriations Act, 2023, Public Law 117–328 (Dec. 29, 2022).

[10] *See* 63 FR 38305 (July 16, 1998).

the termination date, then the surviving spouse may elect to receive the QPSA benefit as a lump sum or an annuity. Section 4022.7(b)(1)(iii) of the benefit payments regulation is silent about the lump-sum value of the participant's benefit, and the provision would appear to apply regardless, so long as the three conditions above are met. However, if the lump-sum value of the participant's benefit is de minimis as of the termination date under § 4022.7(b)(1)(i) of the benefit payments regulation and the participant dies after the termination date, PBGC's policy is to pay the benefit under the rules in subpart F of the benefit payments regulation (Certain Payments Owed Upon Death). Subpart F provides rules for the payment of benefits that may be owed to a deceased participant or beneficiary, such as the reimbursement of an earlier underpayment to the participant or beneficiary. PBGC treats de minimis benefits as due and owing as of the plan's termination date, because they are payable by PBGC at any time, regardless of the participant's age, and presumably most participants with de minimis benefits would apply for an immediate lump sum if PBGC were able to notify them of its availability upon plan termination.

The final rule, like the proposed, amends § 4022.7(b)(1)(iii) of the benefit payments regulation to make clear that in the case of a participant with a de minimis benefit who dies after the plan's termination date and whose benefit is not yet in pay status, PBGC will treat the benefit as payable under subpart F. Furthermore, if a participant is married, PBGC will pay the full value of the participant's de minimis benefit to the surviving spouse (not limited to the value of a QPSA), with any interest owed. PBGC clarifies § 4022.93 of subpart F (Who will get the benefits PBGC may owe me at the time of my death?) by adding an exception to the current order of priority. New § 4022.93(d) provides that the surviving spouse of a participant with a benefit that does not exceed the dollar amount specified in section 203(e)(1) of ERISA, who dies after the termination date when the benefit is not yet in pay status, will receive the full value of the de minimis benefit of a deceased participant. This benefit will at times exceed the value of the QPSA.

Additionally, the final rule, like the proposed, clarifies the form of PBGC's payment to a surviving spouse where the participant has a non de minimis benefit. In new § 4022.7(b)(1)(iv), if the deceased participant's benefit exceeds the dollar amount specified in section 203(e)(1) of ERISA, but the lump-sum value of annuity payments under the QPSA does not exceed that amount, and the benefit is not in pay status, PBGC may pay the QPSA as a lump sum, or as an annuity, if available and elected by the surviving spouse. For example, if the value of the participant's benefit is $8,000 and the value of the QPSA is $4,000, PBGC will pay the QPSA value of $4,000 to the surviving spouse in a lump sum, or as an annuity, if available, and if elected by the surviving spouse. (By contrast, if the value of the participant's benefit is $4,000, PBGC would treat that amount as owed to the participant and pay the full $4,000 to the participant's beneficiary under subpart F of the benefit payments regulation.)

One commenter objected to this proposal. The commenter understood the reasoning for the proposal, that a de minimis benefit could have been cashed out had the participant made a benefit election before death but found it inequitable. The commenter noted that a spouse could be better off if the participant's benefit was below $5,000 [11] because the spouse would not be limited to the QPSA amount. The commenter suggested three alternatives, which PBGC considered. The first alternative would pay under subpart F a benefit to the spouse based on the value of the QPSA in all cases. Compared to PBGC's approach, this alternative would pay a lesser benefit to a surviving spouse than to a non-spouse beneficiary.

The commenter's two other suggested alternatives ((1) pay the spouse $5,000 if the present value of the participant's benefit is between $5,000 and $10,000, and (2) pay the spouse $5,000 plus 25% of the amount that exceeds the $5,000 present value of the participant's benefit) would result in the anomaly of a benefit payment greater than what the participant's plan would have paid. For this reason, PBGC is not adopting these alternatives. PBGC provided examples in the preamble of the proposed rule showing the effect of the rules on the payment of benefits because it recognized that the difference in benefit payments for participant benefits at or below the $5,000 de minimis threshold and participant benefits between $5,000 and $10,000 could appear inequitable. However, PBGC believes its approach results in the most consistent administration of payment of benefits and addresses PBGC's inability to provide benefit information and election forms immediately following plan termination.

Payments to Estates

PBGC may owe benefits to a deceased participant or beneficiary as of the date of death. For example, benefits may be owed if the estimated benefit that PBGC paid before the date of death was less than the final benefit that PBGC determines should have been paid. Or, as described above, the participant may have been owed a de minimis benefit. Subpart F of the benefit payments regulation identifies the recipient of benefits owed at death. One possible payee is the participant's or beneficiary's estate.[12]

Currently, § 4022.7(b)(1)(iv) of PBGC's benefit payments regulation provides for a lump-sum payment ''if so elected by the estate.'' The typical alternative to a lump sum is a life annuity—and a life annuity is inappropriate for an estate.

Accordingly, the final rule, like the proposed, redesignates current § 4022.7(b)(1)(iv) as new § 4022.7(b)(1)(v) and eliminates the annuity election, so that lump-sum payment becomes automatic for an estate. The final rule clarifies that PBGC will always pay benefits owed to an estate, regardless of the de minimis threshold, in a lump sum, with no annuity option.

Accumulated Mandatory Employee Contributions

The final rule, like the proposed, clarifies that if a participant is not in pay status at the time the plan becomes trusteed, the participant may withdraw any accumulated mandatory employee contributions (AMECs) in a single lump sum at any time before going into pay status, if the plan would have permitted such a withdrawal. But if a participant is in pay status at the time the plan becomes trusteed, PBGC will not allow the participant to change the participant's benefit and elect a withdrawal of AMECs.

Mandatory employee contributions (MECs) are contributions that are required as a condition of employment with the plan sponsor or of obtaining benefits under the plan attributable to employer contributions. AMECs are MECs credited with interest at a specified rate, as described under section 411(c)(2) of the Code. In general, AMECs provide for an employee-derived benefit and a preretirement death benefit. Some plans provide that participants may withdraw their AMECs before retirement.

[11] The commenter's examples are based upon the pre-2024 dollar amount specified in section 203(e)(1) of ERISA.

[12] *See* 29 CFR 4022.93(a).

For a terminated plan, section 4044(a)(2) of ERISA makes the portion of a participant's benefit derived from the participant's AMECs a priority category 2 benefit. Section 4022.7(b)(2) of PBGC's benefit payments regulation permits PBGC to pay AMECs in a lump sum if two conditions are met: [13] the participant elects payment of AMECs as a lump sum within 61 days after receiving notification that an election is available; and payment of AMECs as a lump sum is consistent with the plan's provisions.

The final rule, like the proposed, simplifies administration of the AMEC provisions by amending § 4022.7(b)(2)(i) to remove the 61-day limit.

Although plans typically offer only a lump-sum return of AMECs, § 4022.7(b)(2)(i) of the benefit payments regulation allows a participant to withdraw AMECs not just in a single lump sum, but in ''a series of installments.'' Providing this treatment has administrative costs for PBGC, and the option has low value to participants. If a participant wishes to receive AMECs over time, the participant can elect to have AMECs increase the participant's monthly annuity benefit. PBGC sees no compelling reason for the regulation to continue including this separate option. The final rule, like the proposed, eliminates it.

Section 4022.7(b)(2)(ii) of the benefit payments regulation currently permits a participant who has already begun receiving from the plan an annuity that is partially derived from AMECs to elect a return of AMECs after plan termination. This provision is inconsistent with the general rule (discussed below under *Change in benefit form and benefit corrections*) that once a benefit is in pay status, no change is permitted. In practice, PBGC does not give a participant who was in pay status at the time the plan becomes trusteed the option of withdrawing AMECs after payments have begun. The final rule, like the proposed, clarifies that PBGC does not permit participants in pay status to elect to withdraw AMECs. The final rule amends § 4022.7(b)(2)(ii) to provide that if a participant is in pay status at the time the plan becomes trusteed,[14] PBGC will not allow the participant to withdraw any AMECs.

Change in Benefit Form and Benefit Corrections

In almost all plans, changes in the form of payment after benefit commencement—for example, by allowing a participant to add or eliminate a survivor benefit or substitute one beneficiary for another—are not permitted. Such changes—made with information not available when benefit payments began—could result in increased actuarial costs to a plan. For example, a participant might, after starting a straight-life annuity, learn that the participant's health is failing and therefore wish to add a survivor benefit to continue payments after the participant's death.

Similarly, PBGC generally does not allow a participant to change an elected form of benefit after payments begin. Section 4022.8(d) of PBGC's current benefit payments regulation provides that ''[o]nce payment of a benefit starts, the benefit form cannot be changed.'' However, § 4022.8(a) provides, ''[t]his section applies where benefits are not already in pay status.''

The regulation was intended to prevent changes in the form of a benefit commenced both before and after PBGC trusteeship.[15] To remove any doubt that the benefit form may not be changed once payment of a benefit begins (at any point in time), the final rule, like the proposed, amends § 4022.8(a) to remove the words ''[t]his section applies where benefits are not already in pay status.'' In addition, new § 4022.8(d) provides that, subject to changes that PBGC may prescribe under § 4022.9(d), once payment of a benefit begins the form cannot be changed, regardless of whether PBGC or the plan put the participant into pay status.

Although PBGC does not generally allow a change in the benefit form after benefits begin, PBGC's existing policies recognize that sometimes errors are made in the benefit estimates it sends to participants and beneficiaries, which may result in benefit elections that would not have been made if more accurate estimates had been provided.

Under PBGC's policy, a change in the form of benefit is permitted in only two circumstances: (1) when PBGC erred by 10 percent or more in the relative value of optional forms when providing a benefit estimate (*i.e.,* PBGC used incorrect form conversion factors), and (2) when PBGC erred by 10 percent or more in the early retirement factor used to provide a benefit estimate. An incorrect estimate may occur, for example, if PBGC later becomes aware of plan information affecting factors used by PBGC in calculating a benefit estimate.

Accordingly, in the final rule, as in the proposed, new § 4022.9(d) clarifies the circumstances in which PBGC would permit a change in form of benefit. New § 4022.9(d) provides that PBGC may prescribe the time and manner for correcting errors that affect benefit form and benefit starting dates. In addition, the final rule allows PBGC to prescribe the time and manner for changes in benefit form to mitigate the consequences of a Presidentially declared disaster that might be needed to enable participants to make valid benefit elections.

In the final rule, as in the proposed, current paragraph (d) of § 4022.9 becomes paragraph (e) of § 4022.9. In addition, the heading of § 4022.9 is revised to reflect the promulgation of paragraph (d) concerning prescribed benefit changes.

Valuation Methodology

The final rule, like the proposed, amends PBGC's asset allocation regulation and its regulation on Liability for Termination of Single-Employer Plans (29 CFR part 4062) to apply fair market value or fair value, as appropriate, for purposes of allocating assets to participants' benefits and determining and collecting employer liability for plan underfunding.

When an underfunded pension plan terminates, PBGC must allocate the plan's assets among participants' benefits under section 4044 of ERISA, and it must determine the amount of the plan's unfunded benefit liabilities, *i.e.,* the shortfall in assets to cover benefit liabilities, and collect it from the contributing sponsor and its controlled group under section 4062 of ERISA. PBGC's collection of the shortfall may depend on the amount of the shortfall and the net worth of the contributing sponsor and each member of its controlled group. Thus, it is necessary—in addition to valuing the plan's benefit liabilities—to value the plan's assets (to allocate to benefits and determine the shortfall) and the contributing sponsor's and controlled group members' net worth (to determine how PBGC is to collect the employer liability for the shortfall).

[13] PBGC's regulation makes an exception for benefits attributable to a rollover from a defined contribution plan. Such rollovers are described in IRS's guidance on the purchase of additional benefits from a defined benefit plan. *See* IRS Rev. Rul. 2012–4. These benefits are generally treated as AMECs, but PBGC does not allow payment of them in a lump sum. *See* 29 CFR 4022.7(b)(2)(iii).

[14] Although ERISA provides only that PBGC ''may'' become the trustee (*see* section 4042(b)(1) of ERISA), in practice PBGC has been appointed trustee of almost every underfunded plan that has terminated since 1974, and for this reason PBGC's regulations assume PBGC trusteeship of an underfunded terminated plan.

[15] The preamble to the final rule adopting § 4022.8 (67 FR 16950) explains that ''[i]f a participant's benefit is already in pay status, PBGC continues to pay the benefit (subject to the limitations in title IV of ERISA) in the form being paid.''

The statute does not explicitly require that these valuations be made in a consistent manner. It seems fair and reasonable, however, to use the same methodology to value plan assets for purposes of both allocating assets to benefits and determining the amount of unfunded benefit liabilities. It likewise seems fair and reasonable to use the same methodology for determining both employer liability and employer net worth.

The statute also does not specify the methodologies for valuing assets for purposes of allocating them to benefits among the priority categories or for determining employer net worth. For purposes of employer liability, section 4062(b)(1) of ERISA says that the liability is the plan's ''unfunded benefit liabilities,'' which under section 4001(a)(18) of ERISA is to be determined using the ''current value'' of plan assets. ''Current value'' is not defined in title IV.

Current § 4044.41(b) of the asset allocation regulation provides that plan assets are to be valued for allocation purposes at their fair market value.[16] Likewise, § 4062.4(c) of the employer liability regulation provides that a person's net worth is equal to its fair market value. Section 4062.3 of the employer liability regulation simply repeats the statutory direction that employer liability equals the total amount of unfunded benefit liabilities. PBGC has in practice used fair market value for this purpose. Thus, the valuation methodology for allocation, employer liability, and net worth is consistent.

PBGC believes that the value of pension plan assets determined under a ''fair value'' framework may be considered a reasonable estimate of value for the same assets for purposes of satisfying the above fair market value requirements for allocating assets, determining employer liability, and calculating net worth of liable persons. This view is reflected in PBGC's plan asset valuation procedures. PBGC, therefore, currently applies a fair value methodology in some cases. These cases include, but are not limited to, those where PBGC cannot reasonably obtain the necessary data or inputs necessary to establish the fair market value, such as hedge funds, private equity funds and other hard-to-value assets.

The Financial Accounting Standards Board Accounting Standards Codification Section 820, *Fair Value Measurements and Disclosures* (ASC 820), establishes a framework for measuring fair value in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP). Under PBGC's procedures, ''hard-to-value'' assets are generally Level 3 assets under the ''fair value'' hierarchy of ASC 820. Accordingly, to conform PBGC's regulations to current practice, PBGC has concluded that it is appropriate to adopt the valuation methodologies of fair market value as defined in § 4001.2 of PBGC's regulation on Terminology or fair value in accordance with U.S. GAAP, as appropriate, for purposes of allocating assets, determining employer liability, and calculating net worth of liable persons. The final rule, like the proposed, amends PBGC's asset allocation and employer liability regulations to achieve this result.

[16] Section 4001.2 of PBGC's regulation on Terminology defines ''fair market value'' as ''the price at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts.''

Compliance With Rulemaking Guidelines

Executive Orders 12866 and 13563

The Office of Management and Budget (OMB) has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866. Accordingly, OMB has not reviewed the final rule under Executive Order 12866.

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity).

Although this is not a significant regulatory action under Executive Order 12866, PBGC has examined the economic and policy implications of this final rule and has concluded that there will be no significant economic impact as a result of the final amendments to PBGC's regulations. Most of the amendments merely codify existing PBGC policies and practices. Making these policies and practices more transparent may decrease uncertainty among those affected by PBGC benefit determinations, reducing the need for inquiries, consultations or appeals. The change to PBGC's regulation on valuation methodology should have no impact, because use of fair value instead of fair market value will not result in values that are regularly higher or lower; in other words, use of fair value may result in a slightly higher value in some cases and a slightly lower value in other cases.

Section 6 of Executive Order 13563 requires agencies to rethink existing regulations by periodically reviewing their regulatory program for rules that ''may be outmoded, ineffective, insufficient, or excessively burdensome.'' These rules should be modified, streamlined, expanded, or repealed as appropriate. PBGC has identified the amendments to the regulations on benefit payments, allocation of assets, and liability for termination of single-employer plans as consistent with the principles for review under Executive Order 13563. PBGC believes the codification of policies on how benefits are paid provides clearer guidance to the public, and that the changes to the asset valuation rule streamline the valuation process and incorporate current actuarial best practices.

Regulatory Flexibility Act

The Regulatory Flexibility Act [17] imposes certain requirements respecting rules that are subject to the notice-and-comment requirements of section 553(b) of the Administrative Procedure Act, or any other law,[18] and that are likely to have a significant economic impact on a substantial number of small entities. Unless an agency certifies that a final rule is not likely to have a significant economic impact on a substantial number of small entities, section 603 of the Regulatory Flexibility Act requires that the agency present a final regulatory flexibility analysis at the time of the publication of the final rule describing the impact of the rule on small entities. Small entities include small businesses, organizations, and governmental jurisdictions.[19]

For purposes of the Regulatory Flexibility Act requirements with respect to this final regulation, PBGC considers a small entity to be a plan with fewer than 100 participants.[20] This is substantially the same criterion PBGC uses in other regulations [21] and is consistent with certain requirements in

[17] 5 U.S.C. 601 *et seq.*

[18] The applicable definition of ''rule'' is found in section 601 of the Regulatory Flexibility Act. *See* 5 U.S.C. 601(2).

[19] The applicable definitions of ''small business,'' ''small organization,'' and ''small governmental jurisdiction'' are found in section 601 of the Regulatory Flexibility Act. *See* 5 U.S.C. 601.

[20] PBGC consulted with the Small Business Administration Office of Advocacy in making this determination as required by 5 U.S.C. 603(c). Memorandum received from the U.S. Small Business Administration, Office of Advocacy on March 9, 2021.

[21] *See, e.g.,* special rules for small plans under part 4007 (Payment of Premiums).

title I of ERISA [22] and the Code,[23] as well as the definition of a small entity that PBGC and the Department of Labor have used for purposes of the Regulatory Flexibility Act.[24]

Further, while some large employers that terminate plans may have small plans that terminate along with larger ones, in general most small plans are maintained by small employers. Thus, PBGC believes that assessing the impact of the final rule on small plans is an appropriate substitute for evaluating the effect on small entities. The definition of small entity considered appropriate for this purpose differs, however, from a definition of small business based on size standards promulgated by the Small Business Administration (13 CFR 121.201) pursuant to the Small Business Act. PBGC therefore requested comments on the appropriateness of the size standard used in evaluating the impact of the amendments in the proposed rule on small entities. PBGC received no comments on this point.

Based on its definition of small entity, PBGC certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that the amendments in this final rule will not have a significant economic impact on a substantial number of small entities. All or virtually all of the effect of this final rule will be on PBGC or persons who receive benefits from PBGC. Accordingly, as provided in section 605 of the Regulatory Flexibility Act, sections 603 and 604 do not apply.

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance.

29 CFR Part 4062

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

[22] *See, e.g.,* section 104(a)(2) of ERISA, which permits the Secretary of Labor to prescribe simplified annual reports for pension plans that cover fewer than 100 participants.

[23] *See, e.g.,* section 430(g)(2)(B) of the Code, which permits plans with 100 or fewer participants to use valuation dates other than the first day of the plan year.

[24] *See, e.g.,* PBGC's proposed rule on Reportable Events and Certain Other Notification Requirements, 78 FR 20039, 20057 (April 3, 2013) and DOL's final rule on Prohibited Transaction Exemption Procedures, 76 FR 66637, 66644 (Oct. 27, 2011).

For the reasons given above, PBGC amends 29 CFR parts 4022, 4044, and 4062 as follows.

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. Amend § 4022.7 by:
■ a. Revising paragraphs (a) and (b);
■ b. In paragraph (c), removing the four instances of the words ''single installment'' and adding in their place the words ''lump sum''; and
■ c. In paragraph (d)(1), removing the phrase ''is $5,000 or less'' and adding in its place ''does not exceed the dollar amount specified in section 203(e)(1) of ERISA''.

The revisions read as follows:

§ 4022.7 Benefits payable in a lump sum.

(a) *Alternative benefit.* Except as provided in this part, PBGC pays benefits only in annuity form. If a benefit that is guaranteed under this part is payable in a lump sum or substantially so under the terms of the plan, including an option elected under the plan by the participant before plan trusteeship, PBGC will not guarantee the benefit in such form. Instead, PBGC will guarantee the alternative benefit, if any, in the plan which provides for the payment of equal periodic installments for the life of the recipient. If the plan does not provide such an annuity, PBGC will guarantee an actuarially equivalent life annuity.

(b) *Payment by PBGC*—(1) *Payment in lump sum.* Notwithstanding paragraph (a) of this section:

(i) *In general.* If the lump-sum value of a benefit (or of an estimated benefit) payable by PBGC and calculated as of the termination date does not exceed the dollar amount specified in section 203(e)(1) of ERISA in effect as of the termination date and the benefit is not yet in pay status as of the date PBGC becomes trustee, the benefit (or estimated benefit) may be paid in a lump sum.

(ii) *Annuity option.* If PBGC would otherwise make a lump-sum payment in accordance with paragraph (b)(1)(i) of this section and the monthly benefit (or the estimated monthly benefit) is equal to or greater than $25 (at normal retirement age and in the normal form for an unmarried participant), PBGC will provide the option to receive the benefit in the form of an annuity.

(iii) *Deceased participants after plan termination.* If the lump-sum value of a participant's benefit calculated as of the termination date does not exceed the dollar amount specified in section 203(e)(1) of ERISA in effect as of the termination date, and the participant dies after the plan's termination date and before the benefit is in pay status, PBGC will treat the benefit as owed to the participant at the time of death and the rules in subpart F of this part apply.

(iv) *Payment of de minimis QPSA as lump sum or annuity.* If the lump-sum value of a participant's benefit calculated as of the termination date exceeds the dollar amount specified in section 203(e)(1) of ERISA in effect as of the termination date, the lump-sum value of annuity payments under the qualified preretirement survivor annuity (or under an estimated qualified preretirement survivor annuity) does not exceed that amount, and the participant dies after the plan's termination date and before the benefit is in pay status, then the qualified preretirement survivor annuity (or the estimated qualified preretirement survivor annuity) may be paid in a lump sum, or as an annuity, if available, and if elected by the surviving spouse.

(v) *Payments to estates.* PBGC will pay any annuity payments payable to an estate in a lump sum without regard to the threshold in paragraph (b)(1)(i) of this section. PBGC will discount the annuity payments using the Federal mid-term rate (as determined by the Secretary of the Treasury pursuant to section 1274(d)(1)(C)(ii) of the Code) applicable for the month the participant died based on monthly compounding.

(2) *Return of employee contributions*—(i) *In general.* Notwithstanding any other provision of this part, PBGC will pay as a lump sum instead of as an annuity, the value of the portion of an individual's basic-type benefit derived from accumulated mandatory employee contributions, if payment in a lump sum is consistent with the plan's provisions and if the individual elects such payment either before or at the time the individual starts receiving annuity payments from PBGC for the remainder of the individual's benefit. For purposes of this part, the portion of an individual's basic-type benefit derived from accumulated mandatory employee contributions is determined under § 4044.12 of this chapter (priority category 2 benefits), and the value of that portion is computed under the applicable rules contained in part 4044, subpart B of this chapter.

(ii) *Benefits in pay status.* If an individual is in pay status with an annuity as of the date the plan becomes trusteed, and if the individual did not

elect to withdraw any accumulated mandatory employee contributions, PBGC will not allow the individual to withdraw any portion of the benefit derived from accumulated mandatory employee contributions as a lump sum.

* * * * *

■ 3. In § 4022.8, amend paragraph (a) introductory text by removing the phrase ''This section applies where benefits are not already in pay status.'' and by revising paragraph (d) to read as follows:

§ 4022.8 Form of payment.

* * * * *

(d) *Change in benefit form.* Subject to benefit changes that PBGC may prescribe under § 4022.9(d), once payment of a benefit starts, the benefit form cannot be changed, regardless of whether the participant or beneficiary was put into pay status by the plan before the date PBGC becomes trustee of the plan.

* * * * *

■ 4. Amend § 4022.9 by:
■ a. Revising the section heading;
■ b. Redesignating paragraph (d) as paragraph (e); and
■ c. Adding new paragraph (d).

The revision and addition read as follows:

§ 4022.9 Time of payment; benefit applications and corrections.

* * * * *

(d) *Benefit corrections.* PBGC may prescribe the time and manner for corrections of errors that affect benefit form and benefit starting dates and for changes in benefit form to mitigate the consequences of a Presidentially declared disaster.

* * * * *

§ 4022.21 [Amended]

■ 5. Amend paragraph (c)(1) by removing the words ''single installment'' and adding in their place the words ''lump sum''.

■ 6. Amend § 4022.93 by revising the section heading, paragraph (a) introductory text, and adding paragraph (d) to read as follows:

§ 4022.93. Who will get benefits PBGC may owe me at the time of my death?

(a) *In general.* Except as provided in paragraphs (b), (c), and (d) of this section, we will pay any benefits we owe you at the time of your death to the person(s) surviving you in the following order—

* * * * *

(d) *Lump-sum payments to surviving spouses.* For a deceased participant whose benefit under § 4022.7(b) has a lump-sum value not exceeding the dollar amount specified in section 203(e)(1) of ERISA, payment will be made to the surviving spouse (if any) if such spouse would otherwise be entitled to receive a qualified preretirement survivor annuity under section 205(a)(2) of ERISA, and the surviving spouse will receive highest priority under paragraph (a) of this section.

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 7. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 8. Amend § 4044.41 by revising paragraph (b) to read as follows:

§ 4044.41 General valuation rules.

* * * * *

(b) *Valuation of assets.* Plan assets generally will be valued at their fair market value as defined in § 4001.2 of this chapter. As appropriate, plan assets will be valued at their fair value in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP).

PART 4062—LIABILITY FOR TERMINATION OF SINGLE-EMPLOYER PLANS

■ 9. The authority citation for part 4062 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1362–1364, 1367, 1368.

■ 10. Amend § 4062.4 by revising paragraph (c) introductory text to read as follows:

§ 4062.4 Determinations of net worth and collective net worth.

* * * * *

(c) *Factors for determining net worth.* A person's net worth is to be determined on the basis of the factors set forth below in this section, to the extent relevant; different factors may be considered with respect to different portions of the person's operations. Generally, fair market value, as defined in § 4001.2 of this chapter, is to be used. As appropriate, fair value in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP) is to be used.

Issued in Washington, DC.

Gordon Hartogensis,

Director, Pension Benefit Guaranty Corporation.

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DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 526

Hostages and Wrongful Detention Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is adopting a final rule adding regulations to implement a July 19, 2022, Executive order related to hostage-taking and wrongful detention of a United States national.

DATES: This rule is effective July 11, 2023.

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

SUPPLEMENTARY INFORMATION:

Electronic Availability

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

Background

On July 19, 2022, the President, invoking the authority of, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), issued Executive Order (E.O.) 14078, ''Bolstering Efforts To Bring Hostages and Wrongfully Detained United States Nationals Home'' (87 FR 43389, July 21, 2022). OFAC is issuing the Hostages and Wrongful Detention Sanctions Regulations, 31 CFR part 526 (the ''Regulations''), to implement the portions of E.O. 14078 administered by the Department of the Treasury, pursuant to authorities delegated to the Secretary of the Treasury in E.O. 14078.

In E.O. 14078, the President found that terrorist organizations, criminal groups, and other malicious actors who take hostages for financial, political, or other gain—as well as foreign states that engage in the practice of wrongful detention, including for political leverage or to seek concessions from the United States—threaten the integrity of the international political system and the safety of United States nationals and other persons abroad and constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The

President therefore declared a national emergency to deal with this threat.

Section 6(a) of E.O. 14078 blocks, with certain exceptions, all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any U.S. person of: (i) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General: (A) to be responsible for or complicit in, to have directly or indirectly engaged in, or to be responsible for ordering, controlling, or otherwise directing, the hostage-taking of a United States national or the wrongful detention of a United States national abroad; (B) to have attempted to engage in any activity described in subsection (6)(a)(i)(A) of E.O. 14078; or (C) to be or have been a leader or official of an entity that has engaged in, or whose members have engaged in, any of the activities described in subsections (6)(a)(i)(A) or (a)(i)(B) of E.O. 14078 relating to the leader's or official's tenure; (ii) any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General to: (A) have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of: (1) any activity described in subsection (6)(a)(i)(A) of E.O. 14078; or (2) any person whose property and interests in property are blocked pursuant to E.O. 14078; (B) be owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to E.O. 14078; or (C) have attempted to engage in any activity described in subsection (6)(a)(ii)(A) of E.O. 14078. The property and interests in property of the persons described above may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

In section 8 of E.O. 14078, the President determined that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)), by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to E.O. 14078 would seriously impair the President's ability to deal with the national emergency declared in E.O. 14078. The President therefore prohibited the donation of such items except to the extent provided by statutes, or in regulations, rulings, instructions, orders, directives, or licenses that may be issued pursuant to E.O. 14078.

Section 9 of E.O. 14078 prohibits any transaction by a U.S. person or within the United States that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in E.O. 14078, as well as any conspiracy formed to violate such prohibitions.

Section 11 of E.O. 14078 authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of E.O. 14078. Section 11 of E.O. 14078 also provides that the Secretary of the Treasury may redelegate any of these functions within the Department of the Treasury.

Section 12 of E.O. 14078 provides that nothing in E.O. 14078 shall prohibit transactions for the conduct of the official business of the United States government by employees, grantees, or contractors.

Section 14 of E.O. 14078 sets forth definitions used in the order.

In furtherance of the purposes of E.O. 14078, OFAC is promulgating 31 CFR part 526. The Regulations implement targeted sanctions that are directed at persons determined to meet the criteria set forth in § 526.201 of the Regulations, as well as sanctions that may be set forth in any future Executive orders issued pursuant to the national emergency declared in E.O. 14078.

Subpart A of the Regulations clarifies the relation of this part to other laws and regulations. Subpart B of the Regulations implements the prohibitions contained in sections 6, 8, and 9 of E.O. 14078, as well as the prohibitions contained in any further Executive orders issued pursuant to the national emergency declared in E.O. 14078. *See, e.g.,* §§ 526.201 and 526.205. Persons designated by or under the authority of the Secretary of State in consultation with the Secretary of the Treasury and the Attorney General pursuant to E.O. 14078, or otherwise blocked pursuant to E.O. 14078, as well as persons who are blocked pursuant to any further Executive orders issued pursuant to the national emergency declared in E.O. 14078, are referred to throughout the Regulations as ''persons whose property and interests in property are blocked pursuant to § 526.201.'' The names of persons designated or identified as blocked pursuant to E.O. 14078, or any further Executive orders issued pursuant to the national emergency declared therein, are published on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List), which is accessible via OFAC's website. Those names also are published in the **Federal Register** as they are added to the SDN List.

Sections 526.202 and 526.203 of subpart B detail the effect of transfers of blocked property in violation of the Regulations and set forth the requirement to hold blocked funds, such as currency, bank deposits, or liquidated financial obligations, in interest-bearing blocked accounts. Section 526.204 of subpart B provides that all expenses incident to the maintenance of blocked tangible property shall be the responsibility of the owners and operators of such property, and that such expenses shall not be met from blocked funds, unless otherwise authorized. The section further provides that blocked property may, in OFAC's discretion, be sold or liquidated and the net proceeds placed in a blocked interest-bearing account in the name of the owner of the property.

Section 526.205 of subpart B prohibits any transaction by a U.S. person or within the United States that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in § 526.201 of the Regulations, and any conspiracy formed to violate such prohibitions.

Section 526.206 of subpart B details transactions that are exempt from the prohibitions of the Regulations pursuant to E.O. 14078 and section 203(b) of IEEPA (50 U.S.C. 1702(b)).

Subpart C of the Regulations contains definitions used throughout the Regulations. Subpart D contains interpretive sections regarding the Regulations. Section 526.411 of subpart D explains that the property and interests in property of an entity are blocked if the entity is directly or indirectly owned, whether individually or in the aggregate, 50 percent or more by one or more persons whose property and interests in property are blocked, whether or not the entity itself is incorporated into OFAC's SDN List.

Transactions otherwise prohibited by the Regulations but found to be consistent with U.S. policy may be authorized by one of the general licenses contained in subpart E of the Regulations or by a specific license issued pursuant to the procedures described in subpart E of 31 CFR part 501. General licenses and statements of licensing policy relating to this part also may be available through the Hostages and Wrongfully Detained Sanctions

page on OFAC's website: *www.treas.gov/ofac.*

Subpart F of the Regulations refers to subpart C of part 501 for recordkeeping and reporting requirements. Subpart G of the Regulations describes the civil and criminal penalties applicable to violations of the Regulations, as well as the procedures governing the potential imposition of a civil monetary penalty or issuance of a Finding of Violation. Subpart G also refers to appendix A of part 501 for a more complete description of these procedures.

Subpart H of the Regulations refers to subpart E of part 501 for applicable provisions relating to administrative procedures and contains a delegation of certain authorities of the Secretary of the Treasury. Subpart I of the Regulations sets forth a Paperwork Reduction Act notice.

Public Participation

Because the Regulations involve a foreign affairs function, the provisions of E.O. 12866 of September 30, 1993, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), as amended, and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR part 501 (the ''Reporting, Procedures and Penalties Regulations''). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505–0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects in 31 CFR Part 526

Administrative practice and procedure, Banking, Banks, Blocking of assets, Credit, Foreign trade, Hostage-taking, Hostages, Penalties, Reporting and recordkeeping requirements, Sanctions, Securities, Services, Wrongful detention.

For the reasons set forth in the preamble, OFAC adds part 526 to 31 CFR chapter V to read as follows:

PART 526—HOSTAGES AND WRONGFUL DETENTION SANCTIONS REGULATIONS

Subpart A—Relation of This Part to Other Laws and Regulations

Subpart B—Prohibitions

Subpart C—General Definitions

Subpart D—Interpretations

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

Subpart F—Reports

Subpart G—Penalties and Findings of Violation

Subpart H—Procedures

Subpart I—Paperwork Reduction Act

Authority: 3 U.S.C. 301; 22 U.S.C. 1741 *et seq.;* 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 14078, 87 FR 43389.

Subpart A—Relation of This Part to Other Laws and Regulations

§ 526.101 Relation of this part to other laws and regulations.

This part is separate from, and independent of, the other parts of this chapter, with the exception of part 501 of this chapter, the recordkeeping and reporting requirements and license application and other procedures of which apply to this part. Actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part. Differing foreign policy and national security circumstances may result in differing interpretations of similar language among the parts of this chapter. No license or authorization contained in or issued pursuant to those other parts authorizes any transaction prohibited by

this part. No license or authorization contained in or issued pursuant to any other provision of law or regulation authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

Subpart B—Prohibitions

§ 526.201 Prohibited transactions.

(a) All property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any U.S. person of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(1) Any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General:

(i) To be responsible for or complicit in, to have directly or indirectly engaged in, or to be responsible for ordering, controlling, or otherwise directing, the hostage-taking of a United States national or the wrongful detention of a United States national abroad;

(ii) To have attempted to engage in any activity described in paragraph (a)(1)(i) of this section; or

(iii) To be or have been a leader or official of an entity that has engaged in, or whose members have engaged in, any of the activities described in paragraph (a)(1)(i) or (ii) of this section relating to the leader's or official's tenure;

(2) Any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General:

(i) To have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of:

(A) Any activity described in paragraph (a)(1)(i) of this section; or

(B) Any person whose property and interests in property are blocked pursuant to paragraph (a)(1) or (2) of this section;

(ii) To be owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to paragraph (a)(1) or (2) of this section; or

(iii) To have attempted to engage in any activity described in paragraph (a)(2)(i) of this section.

(b) Unless authorized by this part or by a specific license expressly referring to this part, any dealing in securities (or evidence thereof) held within the possession or control of a U.S. person and either registered or inscribed in the name of, or known to be held for the benefit of, or issued by, any person whose property and interests in property are blocked pursuant to paragraph (a) of this section is prohibited. This prohibition includes the transfer (including the transfer on the books of any issuer or agent thereof), disposition, transportation, importation, exportation, or withdrawal of, or the endorsement or guaranty of signatures on, any securities on or after the effective date. This prohibition applies irrespective of the fact that at any time (whether prior to, on, or subsequent to the effective date) the registered or inscribed owner of any such securities may have or might appear to have assigned, transferred, or otherwise disposed of the securities.

(c) The prohibitions in paragraph (a) of this section apply except to the extent provided by statutes, or in regulations, rulings, instructions, orders, directives, or licenses that may be issued pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to the effective date.

(d) All transactions prohibited pursuant to any Executive order issued after July 19, 2022, pursuant to the national emergency declared in E.O. 14078 are prohibited pursuant to this part.

Note 1 to § 526.201. The names of persons designated or identified as blocked pursuant to E.O. 14078, or any further Executive orders issued pursuant to the national emergency declared therein, whose property and interests in property therefore are blocked pursuant to this section, are published in the **Federal Register** and incorporated into OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) using the following identifiers: for E.O. 14078 ''[HOSTAGES–EO14078]''; and for any further Executive orders issued pursuant to the national emergency declared in E.O. 14078: using the identifier formulation ''[HOSTAGES–E.O.[E.O. number pursuant to which the person's property and interests in property are blocked]].'' The SDN List is accessible through the following page on OFAC's website: *www.treas.gov/sdn.* Additional information pertaining to the SDN List can be found in appendix A to part 501 of this chapter. *See* § 526.411 concerning entities that may not be listed on the SDN List but whose property and interests in property are nevertheless blocked pursuant to this section.

Note 2 to § 526.201. The International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), in section 203 (50 U.S.C. 1702), authorizes the blocking of property and interests in property of a person during the pendency of an investigation. The names of persons whose property and interests in property are blocked pending investigation pursuant to this section also are published in the **Federal Register** and incorporated into the SDN List using the following identifiers: for E.O. 14078 ''[BPI–HOSTAGES–EO14078]''; for any further Executive orders issued pursuant to the national emergency declared in E.O. 14078: ''[BPI–HOSTAGES–E.O.[E.O. number pursuant to which the person's property and interests in property are blocked pending investigation]].''

Note 3 to § 526.201. Sections 501.806 and 501.807 of this chapter describe the procedures to be followed by persons seeking, respectively, the unblocking of funds that they believe were blocked due to mistaken identity, or administrative reconsideration of their status as persons whose property and interests in property are blocked pursuant to this section.

§ 526.202 Effect of transfers violating the provisions of this part.

(a) Any transfer after the effective date that is in violation of any provision of this part or of any regulation, ruling, instruction, order, directive, or license issued pursuant to this part, and that involves any property or interest in property blocked pursuant to § 526.201, is null and void and shall not be the basis for the assertion or recognition of any interest in or right, remedy, power, or privilege with respect to such property or interest in property.

(b) No transfer before the effective date shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or any interest in, any property or interest in property blocked pursuant to § 526.201, unless the person who holds or maintains such property, prior to that date, had written notice of the transfer or by any written evidence had recognized such transfer.

(c) Unless otherwise provided, a license or other authorization issued by OFAC before, during, or after a transfer shall validate such transfer or make it enforceable to the same extent that it would be valid or enforceable but for the provisions of this part and any regulation, ruling, instruction, order, directive, or license issued pursuant to this part.

(d) Transfers of property that otherwise would be null and void or unenforceable by virtue of the provisions of this section shall not be deemed to be null and void or unenforceable as to any person with whom such property is or was held or maintained (and as to such person only) in cases in which such person is able to establish to the satisfaction of OFAC each of the following:

(1) Such transfer did not represent a willful violation of the provisions of this part by the person with whom such

property is or was held or maintained (and as to such person only);

(2) The person with whom such property is or was held or maintained did not have reasonable cause to know or suspect, in view of all the facts and circumstances known or available to such person, that such transfer required a license or authorization issued pursuant to this part and was not so licensed or authorized, or, if a license or authorization did purport to cover the transfer, that such license or authorization had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained; and

(3) The person with whom such property is or was held or maintained filed with OFAC a report setting forth in full the circumstances relating to such transfer promptly upon discovery that:

(i) Such transfer was in violation of the provisions of this part or any regulation, ruling, instruction, order, directive, license, or other authorization issued pursuant to this part;

(ii) Such transfer was not licensed or authorized by OFAC; or

(iii) If a license did purport to cover the transfer, such license had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained.

(e) The filing of a report in accordance with the provisions of paragraph (d)(3) of this section shall not be deemed evidence that the terms of paragraphs (d)(1) and (2) of this section have been satisfied.

(f) Unless licensed pursuant to this part, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property or interest in property blocked pursuant to § 526.201.

§ 526.203 Holding of funds in interest-bearing accounts; investment and reinvestment.

(a) Except as provided in paragraph (e) or (f) of this section, or as otherwise directed or authorized by OFAC, any U.S. person holding funds, such as currency, bank deposits, or liquidated financial obligations, subject to § 526.201 shall hold or place such funds in a blocked interest-bearing account located in the United States.

(b)(1) For the purposes of this section, the term *blocked interest-bearing account* means a blocked account:

(i) In a federally insured U.S. bank, thrift institution, or credit union, provided the funds are earning interest at rates that are commercially reasonable; or

(ii) With a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), provided the funds are invested in a money market fund or in U.S. Treasury bills.

(2) Funds held or placed in a blocked account pursuant to paragraph (a) of this section may not be invested in instruments the maturity of which exceeds 180 days.

(c) For the purposes of this section, a rate is commercially reasonable if it is the rate currently offered to other depositors on deposits or instruments of comparable size and maturity.

(d) For the purposes of this section, if interest is credited to a separate blocked account or subaccount, the name of the account party on each account must be the same.

(e) Blocked funds held in instruments the maturity of which exceeds 180 days at the time the funds become subject to § 526.201 may continue to be held until maturity in the original instrument, provided any interest, earnings, or other proceeds derived therefrom are paid into a blocked interest-bearing account in accordance with paragraph (a) or (f) of this section.

(f) Blocked funds held in accounts or instruments outside the United States at the time the funds become subject to § 526.201 may continue to be held in the same type of accounts or instruments, provided the funds earn interest at rates that are commercially reasonable.

(g) This section does not create an affirmative obligation for the holder of blocked tangible property, such as real or personal property, or of other blocked property, such as debt or equity securities, to sell or liquidate such property. However, OFAC may issue licenses permitting or directing such sales or liquidation in appropriate cases.

(h) Funds blocked pursuant to § 526.201 may not be held, invested, or reinvested in a manner that provides financial or economic benefit or access to any person whose property and interests in property are blocked pursuant to § 526.201, nor may their holder cooperate in or facilitate the pledging or other attempted use as collateral of blocked funds or other assets.

§ 526.204 Expenses of maintaining blocked tangible property; liquidation of blocked property.

(a) Except as otherwise authorized, and notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or contract entered into or any license or permit granted prior to the effective date, all expenses incident to the maintenance of tangible property blocked pursuant to § 526.201 shall be the responsibility of the owners or operators of such property, which expenses shall not be met from blocked funds.

(b) Property blocked pursuant to § 526.201 may, in the discretion of OFAC, be sold or liquidated and the net proceeds placed in a blocked interest-bearing account in the name of the owner of the property.

§ 526.205 Evasions; attempts; causing violations; conspiracies.

(a) Any transaction on or after the effective date that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this part is prohibited.

(b) Any conspiracy formed to violate the prohibitions set forth in this part is prohibited.

§ 526.206 Exempt transactions.

(a) *International Emergency Economic Powers Act.* The prohibitions contained in this part do not apply to any transactions that are exempt pursuant to section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)).

(b) *Official business.* The prohibitions contained in § 526.201(a) do not apply to transactions for the conduct of the official business of the United States Government by employees, grantees, or contractors thereof.

Subpart C—General Definitions

§ 526.300 Applicability of definitions.

The definitions in this subpart apply throughout the entire part.

§ 526.301 Blocked account; blocked property.

The terms *blocked account* and *blocked property* mean any account or property subject to the prohibitions in § 526.201 held in the name of a person whose property and interests in property are blocked pursuant to § 526.201, or in which such person has an interest, and with respect to which payments, transfers, exportations, withdrawals, or other dealings may not be made or effected except pursuant to a license or other authorization from OFAC expressly authorizing such action.

Note 1 to § 526.301. *See* § 526.411 concerning the blocked status of property and interests in property of an entity that is directly or indirectly owned, whether individually or in the aggregate, 50 percent or more by one or more persons whose property and interests in property are blocked pursuant to § 526.201.

§ 526.302 Effective date.

(a) The term *effective date* refers to the effective date of the applicable prohibitions and directives contained in this part, and, with respect to a person whose property and interests in property are blocked pursuant to § 526.201, the earlier of the date of actual or constructive notice that such person's property and interests in property are blocked.

(b) For the purposes of this section, c*onstructive notice* is the date that a notice of the blocking of the relevant person's property and interests in property is published in the **Federal Register**.

§ 526.303 Entity.

The term *entity* means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

§ 526.304 Financial, material, or technological support.

The term *financial, material, or technological support* means any property, tangible or intangible, including currency, financial instruments, securities, or any other transmission of value; weapons or related materiel; chemical or biological agents; explosives; false documentation or identification; communications equipment; computers; electronic or other devices or equipment; technologies; lodging; safe houses; facilities; vehicles or other means of transportation; or goods. *Technologies* as used in this section means specific information necessary for the development, production, or use of a product, including related technical data such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals, or other recorded instructions.

§ 526.305 Foreign person.

The term *foreign person* means any citizen or national of a foreign state (including any such individual who is also a citizen or national of the United States, provided such individual does not reside in the United States) or any entity not organized solely under the laws of the United States or existing solely in the United States.

§ 526.306 Hostage-taking.

The term *hostage-taking* has the same meaning as provided in Presidential Policy Directive 30 of June 24, 2015 (''U.S. Nationals Taken Hostage Abroad and Personnel Recovery Efforts''), which is the unlawful abduction or holding of a person or persons against their will in order to compel a third person or governmental organization to do or to abstain from doing any act as a condition for the release of the person detained.

§ 526.307 [Reserved]

§ 526.308 Interest.

Except as otherwise provided in this part, the term *interest,* when used with respect to property (*e.g.,* ''an interest in property''), means an interest of any nature whatsoever, direct or indirect.

§ 526.309 Licenses; general and specific.

(a) Except as otherwise provided in this part, the term *license* means any license or authorization contained in or issued pursuant to this part.

(b) The term *general license* means any license or authorization the terms of which are set forth in subpart E of this part or made available on OFAC's website: *www.treas.gov/ofac.*

(c) The term *specific license* means any license or authorization issued pursuant to this part but not set forth in subpart E of this part or made available on OFAC's website: *www.treas.gov/ofac.*

Note 1 to § 526.309. *See* § 501.801 of this chapter on licensing procedures.

§ 526.310 Noncitizen.

The term *noncitizen* means any person who is not a citizen or noncitizen national of the United States.

§ 526.311 OFAC.

The term *OFAC* means the Department of the Treasury's Office of Foreign Assets Control.

§ 526.312 Person.

The term *person* means an individual or entity.

§ 526.313 Property; property interest.

The terms *property* and *property interest* include money, checks, drafts, bullion, bank deposits, savings accounts, debts, indebtedness, obligations, notes, guarantees, debentures, stocks, bonds, coupons, any other financial instruments, bankers acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership, or indebtedness, letters of credit and any documents relating to any rights or obligations thereunder, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors' sales agreements, land contracts, leaseholds, ground rents, real estate and any other interest therein, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, services of any nature whatsoever, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future, or contingent.

§ 526.314 Transfer.

The term *transfer* means any actual or purported act or transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, convey, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest with respect to any property. Without limitation on the foregoing, it shall include the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; the making of any payment; the setting off of any obligation or credit; the appointment of any agent, trustee, or fiduciary; the creation or transfer of any lien; the issuance, docketing, filing, or levy of or under any judgment, decree, attachment, injunction, execution, or other judicial or administrative process or order, or the service of any garnishment; the acquisition of any interest of any nature whatsoever by reason of a judgment or decree of any foreign country; the fulfillment of any condition; the exercise of any power of appointment, power of attorney, or other power; or the acquisition, disposition, transportation, importation, exportation, or withdrawal of any security.

§ 526.315 United States.

The term *United States* means the United States, its territories and possessions, and all areas under the jurisdiction or authority thereof.

§ 526.316 United States national.

The term *United States national* means a ''national of the United States'' as defined in 8 U.S.C. 1101(a)(22) or 8 U.S.C. 1408, or a lawful permanent resident with significant ties to the United States.

§ 526.317 United States person; U.S. person.

The term *United States person* or *U.S. person* means any United States citizen, lawful permanent resident, entity organized under the laws of the United

States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

§ 526.318 U.S. financial institution.

The term *U.S. financial institution* means any U.S. entity (including its foreign branches) that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, purchasing or selling foreign exchange, securities, futures or options, or procuring purchasers and sellers thereof, as principal or agent. It includes depository institutions, banks, savings banks, money services businesses, operators of credit card systems, trust companies, insurance companies, securities brokers and dealers, futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, dealers in precious metals, stones, or jewels, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices, and agencies of foreign financial institutions that are located in the United States, but not such institutions' foreign branches, offices, or agencies.

§ 526.319 Wrongful detention.

The term *wrongful detention* means a detention that the Secretary of State has determined to be wrongful consistent with section 302(a) of the Robert Levinson Hostage Recovery and Hostage-taking Accountability Act (22 U.S.C. 1741 *et seq.*).

Subpart D—Interpretations

§ 526.401 Reference to amended sections.

(a) Reference to any section in this part is a reference to the same as currently amended, unless the reference includes a specific date. *See* 44 U.S.C. 1510.

(b) Reference to any regulation, ruling, instruction, order, directive, or license issued pursuant to this part is a reference to the same as currently amended unless otherwise so specified.

§ 526.402 Effect of amendment.

Unless otherwise specifically provided, any amendment, modification, or revocation of any provision in or appendix to this part or chapter or of any regulation, ruling, instruction, order, directive, or license issued by OFAC does not affect any act done or omitted, or any civil or criminal proceeding commenced or pending, prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such regulation, ruling, instruction, order, directive, or license continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 526.403 Termination and acquisition of an interest in blocked property.

(a) Whenever a transaction licensed or authorized by or pursuant to this part results in the transfer of property (including any property interest) away from a person whose property and interests in property are blocked pursuant to § 526.201, such property shall no longer be deemed to be property blocked pursuant to § 526.201, unless there exists in the property another interest that is blocked pursuant to § 526.201, the transfer of which has not been effected pursuant to license or other authorization.

(b) Unless otherwise specifically provided in a license or authorization issued pursuant to this part, if property (including any property interest) is transferred or attempted to be transferred to a person whose property and interests in property are blocked pursuant to § 526.201, such property shall be deemed to be property in which such person has an interest and therefore blocked.

§ 526.404 Transactions ordinarily incident to a licensed transaction.

(a) Any transaction ordinarily incident to a licensed transaction and necessary to give effect thereto is also authorized, except:

(1) An ordinarily incident transaction, not explicitly authorized within the terms of the license, by or with a person whose property and interests in property are blocked pursuant to § 526.201; or

(2) An ordinarily incident transaction, not explicitly authorized within the terms of the license, involving a debit to a blocked account or a transfer of blocked property.

(b) For example, a license authorizing a person to complete a securities sale involving Company A, whose property and interests in property are blocked pursuant to § 526.201, also authorizes other persons to engage in activities that are ordinarily incident and necessary to complete the sale, including transactions by the buyer, broker, transfer agents, and banks, provided that such other persons are not themselves persons whose property and interests in property are blocked pursuant to § 526.201.

§ 526.405 Provision and receipt of services.

(a) The prohibitions contained in § 526.201 apply to services performed in the United States or by U.S. persons, wherever located:

(1) On behalf of or for the benefit of any person whose property and interests in property are blocked pursuant to § 526.201; or

(2) With respect to property interests of any person whose property and interests in property are blocked pursuant to § 526.201.

(b) The prohibitions on transactions contained in § 526.201 apply to services received in the United States or by U.S. persons, wherever located, where the service is performed by, or at the direction of, a person whose property and interests in property are blocked pursuant to § 526.201.

(c) For example, U.S. persons may not, except as authorized by or pursuant to this part, provide legal, accounting, financial, brokering, freight forwarding, transportation, public relations, or other services to any person whose property and interests in property are blocked pursuant to § 526.201, or negotiate with or enter into contracts signed by a person whose property and interests in property are blocked pursuant to § 526.201.

Note 1 to § 526.405. *See* §§ 526.507 and 526.509 for general licenses authorizing the provision of certain legal and emergency medical services.

§ 526.406 Offshore transactions involving blocked property.

The prohibitions in § 526.201 on transactions or dealings involving blocked property, as defined in § 526.301, apply to transactions by any U.S. person in a location outside the United States.

§ 526.407 Payments from blocked accounts to satisfy obligations prohibited.

Pursuant to § 526.201, no debits may be made to a blocked account to pay obligations to U.S. persons or other persons, except as authorized by or pursuant to this part.

Note 1 to § 526.407. *See also* § 526.502(e), which provides that no license or other authorization contained in or issued pursuant to this part authorizes transfers of or payments from blocked property or debits to blocked accounts unless the license or other authorization explicitly authorizes the transfer of or payment from blocked property or the debit to a blocked account.

§ 526.408 Charitable contributions.

Unless specifically authorized by OFAC pursuant to this part, no charitable contribution of funds, goods,

services, or technology, including contributions to relieve human suffering, such as food, clothing, or medicine, may be made by, to, or for the benefit of, or received from, a person whose property and interests in property are blocked pursuant to § 526.201. For the purposes of this part, a contribution is made by, to, or for the benefit of, or received from, a person whose property and interests in property are blocked pursuant to § 526.201 if made by, to, or in the name of, or received from or in the name of, such a person; if made by, to, or in the name of, or received from or in the name of, an entity or individual acting for or on behalf of, or owned or controlled by, such a person; or if made in an attempt to violate, to evade, or to avoid the bar on the provision of contributions by, to, or for the benefit of such a person, or the receipt of contributions from such a person.

§ 526.409 Credit extended and cards issued by financial institutions to a person whose property and interests in property are blocked.

The prohibition in § 526.201 on dealing in property subject to that section prohibits U.S. financial institutions from performing under any existing credit agreements, including charge cards, debit cards, or other credit facilities issued by a financial institution to a person whose property and interests in property are blocked pursuant to § 526.201.

§ 526.410 Setoffs prohibited.

A setoff against blocked property (including a blocked account), whether by a U.S. financial institution or other U.S. person, is a prohibited transfer under § 526.201 if effected after the effective date.

§ 526.411 Entities owned by one or more persons whose property and interests in property are blocked.

Persons whose property and interests in property are blocked pursuant to § 526.201 have an interest in all property and interests in property of an entity in which such persons directly or indirectly own, whether individually or in the aggregate, a 50 percent or greater interest. The property and interests in property of such an entity, therefore, are blocked, and such an entity is a person whose property and interests in property are blocked pursuant to § 526.201, regardless of whether the name of the entity is incorporated into OFAC's Specially Designated Nationals and Blocked Persons List (SDN List).

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 526.501 General and specific licensing procedures.

For provisions relating to licensing procedures, see part 501, subpart E, of this chapter. Licensing actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part. General licenses and statements of licensing policy relating to this part also may be available through the Hostages and Wrongfully Detained U.S. Nationals Sanctions page on OFAC's website: *www.treas.gov/ofac.*

§ 526.502 Effect of license or other authorization.

(a) No license or other authorization contained in this part, or otherwise issued by OFAC, authorizes or validates any transaction effected prior to the issuance of such license or other authorization, unless specifically provided in such license or authorization.

(b) No regulation, ruling, instruction, order, directive, or license authorizes any transaction prohibited under this part unless the regulation, ruling, instruction, order, directive, or license is issued by OFAC and specifically refers to this part. No regulation, ruling, instruction, order, directive, or license referring to this part shall be deemed to authorize any transaction prohibited by any other part of this chapter unless the regulation, ruling, instruction, order, directive, or license specifically refers to such part.

(c) Any regulation, ruling, instruction, order, directive, or license authorizing any transaction prohibited under this part has the effect of removing a prohibition contained in this part from the transaction, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction, order, directive, or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest in, or with respect to, any property that would not otherwise exist under ordinary principles of law.

(d) Nothing contained in this part shall be construed to supersede the requirements established under any other provision of law or to relieve a person from any requirement to obtain a license or other authorization from another department or agency of the U.S. Government in compliance with applicable laws and regulations subject to the jurisdiction of that department or agency. For example, exports of goods, services, or technical data that are not prohibited by this part or that do not require a license by OFAC nevertheless may require authorization by the U.S. Department of Commerce, the U.S. Department of State, or other agencies of the U.S. Government.

(e) No license or other authorization contained in or issued pursuant to this part authorizes transfers of or payments from blocked property or debits to blocked accounts unless the license or other authorization explicitly authorizes the transfer of or payment from blocked property or the debit to a blocked account.

(f) Any payment relating to a transaction authorized in or pursuant to this part that is routed through the U.S. financial system should reference the relevant OFAC general or specific license authorizing the payment to avoid the blocking or rejection of the transfer.

§ 526.503 Exclusion from licenses.

OFAC reserves the right to exclude any person, property, transaction, or class thereof from the operation of any license or from the privileges conferred by any license. OFAC also reserves the right to restrict the applicability of any license to particular persons, property, transactions, or classes thereof. Such actions are binding upon actual or constructive notice of the exclusions or restrictions.

§ 526.504 Payments and transfers to blocked accounts in U.S. financial institutions.

Any payment of funds or transfer of credit in which a person whose property and interests in property are blocked pursuant to § 526.201 has any interest that comes within the possession or control of a U.S. financial institution must be blocked in an account on the books of that financial institution. A transfer of funds or credit by a U.S. financial institution between blocked accounts in its branches or offices is authorized, provided that no transfer is made from an account within the United States to an account held outside the United States, and further provided that a transfer from a blocked account may be made only to another blocked account held in the same name.

Note 1 to § 526.504. *See* § 501.603 of this chapter for mandatory reporting requirements regarding financial transfers. *See also* § 526.203 concerning the obligation to hold blocked funds in interest-bearing accounts.

§ 526.505 Entries in certain accounts for normal service charges.

(a) A U.S. financial institution is authorized to debit any blocked account

held at that financial institution in payment or reimbursement for normal service charges owed it by the owner of that blocked account.

(b) As used in this section, the term *normal service charges* shall include charges in payment or reimbursement for interest due; cable, telegraph, internet, or telephone charges; postage costs; custody fees; small adjustment charges to correct bookkeeping errors; and, but not by way of limitation, minimum balance charges, notary and protest fees, and charges for reference books, photocopies, credit reports, transcripts of statements, registered mail, insurance, stationery and supplies, and other similar items.

§ 526.506 Investment and reinvestment of certain funds.

Subject to the requirements of § 526.203, U.S. financial institutions are authorized to invest and reinvest assets blocked pursuant to § 526.201, subject to the following conditions:

(a) The assets representing such investments and reinvestments are credited to a blocked account or subaccount that is held in the same name at the same U.S. financial institution, or within the possession or control of a U.S. person, but funds shall not be transferred outside the United States for this purpose;

(b) The proceeds of such investments and reinvestments shall not be credited to a blocked account or subaccount under any name or designation that differs from the name or designation of the specific blocked account or subaccount in which such funds or securities were held; and

(c) No immediate financial or economic benefit accrues (*e.g.,* through pledging or other use) to a person whose property and interests in property are blocked pursuant to § 526.201.

§ 526.507 Provision of certain legal services.

(a) The provision of the following legal services to or on behalf of persons whose property and interests in property are blocked pursuant to § 526.201 is authorized, provided that any receipt of payment of professional fees and reimbursement of incurred expenses must be authorized pursuant to § 526.508, which authorizes certain payments for legal services from funds originating outside the United States; via specific license; or otherwise pursuant to this part:

(1) Provision of legal advice and counseling on the requirements of and compliance with the laws of the United States or any jurisdiction within the United States, provided that such advice and counseling are not provided to facilitate transactions in violation of this part;

(2) Representation of persons named as defendants in or otherwise made parties to legal, arbitration, or administrative proceedings before any U.S. Federal, state, or local court or agency;

(3) Initiation and conduct of legal, arbitration, or administrative proceedings before any U.S. Federal, state, or local court or agency;

(4) Representation of persons before any U.S. Federal, state, or local court or agency with respect to the imposition, administration, or enforcement of U.S. sanctions against such persons; and

(5) Provision of legal services in any other context in which prevailing U.S. law requires access to legal counsel at public expense.

(b) The provision of any other legal services to or on behalf of persons whose property and interests in property are blocked pursuant to § 526.201, not otherwise authorized in this part, requires the issuance of a specific license.

(c) U.S. persons do not need to obtain specific authorization to provide related services, such as making filings and providing other administrative services, that are ordinarily incident to the provision of services authorized by paragraph (a) of this section. Additionally, U.S. persons who provide services authorized by paragraph (a) of this section do not need to obtain specific authorization to contract for related services that are ordinarily incident to the provision of those legal services, such as those provided by private investigators or expert witnesses, or to pay for such services. *See* § 526.404.

(d) Entry into a settlement agreement or the enforcement of any lien, judgment, arbitral award, decree, or other order through execution, garnishment, or other judicial process purporting to transfer or otherwise alter or affect property or interests in property blocked pursuant to § 526.201 is prohibited unless licensed pursuant to this part.

Note 1 to § 526.507. Pursuant to part 501, subpart E, of this chapter, U.S. persons seeking administrative reconsideration or judicial review of their designation or the blocking of their property and interests in property may apply for a specific license from OFAC to authorize the release of certain blocked funds for the payment of professional fees and reimbursement of incurred expenses for the provision of such legal services where alternative funding sources are not available.

§ 526.508 Payments for legal services from funds originating outside the United States.

(a) *Professional fees and incurred expenses.* (1) Receipt of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 526.507(a) to or on behalf of any person whose property and interests in property are blocked pursuant to § 526.201, is authorized from funds originating outside the United States, provided that the funds do not originate from:

(i) A source within the United States;

(ii) Any source, wherever located, within the possession or control of a U.S. person; or

(iii) Any individual or entity, other than the person on whose behalf the legal services authorized pursuant to § 526.506(a) are to be provided, whose property and interests in property are blocked pursuant to any part of this chapter or any Executive order or statute.

(2) Nothing in this paragraph (a) authorizes payments for legal services using funds in which any other person whose property and interests in property are blocked pursuant to § 526.201, any other part of this chapter, or any Executive order or statute has an interest.

(b) *Reports.* (1) U.S. persons who receive payments pursuant to paragraph (a) of this section must submit annual reports no later than 30 days following the end of the calendar year during which the payments were received providing information on the funds received. Such reports shall specify:

(i) The individual or entity from whom the funds originated and the amount of funds received; and

(ii) If applicable:

(A) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(B) A general description of the services provided; and

(C) The amount of funds paid in connection with such services.

(2) The reports, which must reference this section, are to be submitted to OFAC using one of the following methods:

(i) Email (preferred method): *OFACReport@treasury.gov;* or

(ii) U.S. mail: OFAC Licensing Division, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Freedman's Bank Building, Washington, DC 20220.

§ 526.509 Emergency medical services.

The provision and receipt of nonscheduled emergency medical services that are prohibited by this part are authorized.

§ 526.510 Official business of the United States Government.

All transactions prohibited by this part that are for the conduct of the official business of the United States Government by employees, grantees, or contractors thereof are authorized.

§ 526.511 Official business of certain international organizations and entities.

All transactions prohibited by this part 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;

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

(e) The Global Fund to Fight AIDS, Tuberculosis, and Malaria and Gavi, the Vaccine Alliance.

§ 526.512 Certain transactions in support of nongovernmental organizations' activities.

(a) Except as provided in paragraph (c) of this section, all transactions prohibited by this part that are ordinarily incident and necessary to the activities described in paragraph (b) of this section by a nongovernmental organization are authorized, provided that the nongovernmental organization is not a person whose property or interests in property are blocked pursuant to this part.

(b) The activities referenced in paragraph (a) of this section are non-commercial activities designed to directly benefit the civilian population that fall into one of the following categories:

(1) Activities to support humanitarian projects to meet basic human needs, including disaster, drought, or flood relief; food, nutrition, or medicine distribution; the provision of health services; assistance for vulnerable or displaced populations, including individuals with disabilities and the elderly; and environmental programs;

(2) Activities to support democracy building, including activities to support rule of law, citizen participation, government accountability and transparency, human rights and fundamental freedoms, access to information, and civil society development projects;

(3) Activities to support education, including combating illiteracy, increasing access to education, international exchanges, and assisting education reform projects;

(4) Activities to support non-commercial development projects directly benefiting civilians, including those related to health, food security, and water and sanitation;

(5) Activities to support environmental and natural resource protection, including the preservation and protection of threatened or endangered species, responsible and transparent management of natural resources, and the remediation of pollution or other environmental damage; and

(6) Activities to support disarmament, demobilization, and reintegration (DDR) programs and peacebuilding, conflict prevention, and conflict resolution programs.

(c) This section does not authorize funds transfers initiated or processed with knowledge or reason to know that the intended beneficiary of such transfers is a person blocked pursuant to this part, other than for the purpose of effecting the payment of taxes, fees, or import duties, or the purchase or receipt of permits, licenses, or public utility services.

(d) Specific licenses may be issued on a case-by-case basis to authorize nongovernmental or other entities to engage in other activities designed to directly benefit the civilian population, including support for the removal of landmines and economic development projects directly benefiting the civilian population.

§ 526.513 Transactions related to the provision of agricultural commodities, medicine, medical devices, replacement parts and components, or software updates for personal, non-commercial use.

(a) All transactions prohibited by this part that are related to the provision, directly or indirectly, of agricultural commodities, medicine, medical devices, replacement parts and components for medical devices, or software updates for medical devices to an individual whose property and interests in property are blocked pursuant to this part are authorized, provided the items are in quantities consistent with personal, non-commercial use.

(b) For the purposes of this section, *agricultural commodities, medicine,* and *medical devices* are defined as follows:

(1) *Agricultural commodities.* For the purposes of this section, *agricultural commodities* are:

(i) Products that fall within the term ''agricultural commodity'' as defined in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602); and

(ii) That are intended for ultimate use as:

(A) Food for humans (including raw, processed, and packaged foods; live animals; vitamins and minerals; food additives or supplements; and bottled drinking water) or animals (including animal feeds);

(B) Seeds for food crops;

(C) Fertilizers or organic fertilizers; or

(D) Reproductive materials (such as live animals, fertilized eggs, embryos, and semen) for the production of food animals.

(2) *Medicine.* For the purposes of this section, *medicine* is an item that falls within the definition of the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(3) *Medical devices.* For the purposes of this section, a *medical device* is an item that falls within the definition of ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

Subpart F—Reports

§ 526.601 Records and reports.

For provisions relating to required records and reports, see part 501, subpart C, of this chapter. Recordkeeping and reporting requirements imposed by part 501 of this chapter with respect to the prohibitions contained in this part are considered requirements arising pursuant to this part.

Subpart G—Penalties and Findings of Violation

§ 526.701 Penalties.

(a) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) (IEEPA) is applicable to violations of the provisions of any regulation, ruling, instruction, order, directive, or license issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under IEEPA.

(1) A civil penalty not to exceed the amount set forth in section 206 of IEEPA

may be imposed on any person who violates, attempts to violate, conspires to violate, or causes a violation of any regulation in this part, ruling, instruction, order, directive, license, or prohibition issued under IEEPA.

(2) IEEPA provides for a maximum civil penalty not to exceed the greater of $356,579 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

(3) A person who willfully commits, willfully attempts to commit, willfully conspires to commit, or aids or abets in the commission of a violation of any regulation in this part, ruling, instruction, order, directive, or license, or prohibition may, upon conviction, be fined not more than $1,000,000, or if a natural person, be imprisoned for not more than 20 years, or both.

(b)(1) The civil penalties provided in IEEPA are subject to adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, as amended, 28 U.S.C. 2461 note).

(2) The criminal penalties provided in IEEPA are subject to adjustment pursuant to 18 U.S.C. 3571.

(c) Pursuant to 18 U.S.C. 1001, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; or makes any materially false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under title 18, United States Code, imprisoned, or both.

(d) Violations of this part may also be subject to other applicable laws.

§ 526.702 Pre-Penalty Notice; settlement.

(a) *When required.* If OFAC has reason to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any regulation, ruling, instruction, order, directive, or license issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and determines that a civil monetary penalty is warranted, OFAC will issue a Pre-Penalty Notice informing the alleged violator of the agency's intent to impose a monetary penalty. A Pre-Penalty Notice shall be in writing. The Pre-Penalty Notice may be issued whether or not another agency has taken any action with respect to the matter. For a description of the contents of a Pre-Penalty Notice, see appendix A to part 501 of this chapter.

(b) *Response*—(1) *Right to respond.* An alleged violator has the right to respond to a Pre-Penalty Notice by making a written presentation to OFAC. For a description of the information that should be included in such a response, see appendix A to part 501 of this chapter.

(2) *Deadline for response.* A response to a Pre-Penalty Notice must be made within 30 days as set forth in paragraphs (b)(2)(i) and (ii) of this section. The failure to submit a response within 30 days shall be deemed to be a waiver of the right to respond.

(i) *Computation of time for response.* A response to a Pre-Penalty Notice must be postmarked or date-stamped by the U.S. Postal Service (or foreign postal service, if mailed abroad) or courier service provider (if transmitted to OFAC by courier), or dated if sent by email, on or before the 30th day after the postmark date on the envelope in which the Pre-Penalty Notice was mailed or date the Pre-Penalty Notice was emailed. If the Pre-Penalty Notice was personally delivered by a non-U.S. Postal Service agent authorized by OFAC, a response must be postmarked or date-stamped on or before the 30th day after the date of delivery.

(ii) *Extensions of time for response.* If a due date falls on a Federal holiday or weekend, that due date is extended to include the following business day. Any other extensions of time will be granted, at the discretion of OFAC, only upon specific request to OFAC.

(3) *Form and method of response.* A response to a Pre-Penalty Notice need not be in any particular form, but it must be typewritten and signed by the alleged violator or a representative thereof (electronic signature is acceptable), contain information sufficient to indicate that it is in response to the Pre-Penalty Notice, and include the OFAC identification number listed on the Pre-Penalty Notice. The response must be sent to OFAC's Enforcement Division by mail or courier or email and must be postmarked or date-stamped in accordance with paragraph (b)(2) of this section.

(c) *Settlement.* Settlement discussion may be initiated by OFAC, the alleged violator, or the alleged violator's authorized representative. For a description of practices with respect to settlement, see appendix A to part 501 of this chapter.

(d) *Guidelines.* Guidelines for the imposition or settlement of civil penalties by OFAC are contained in appendix A to part 501 of this chapter.

(e) *Representation.* A representative of the alleged violator may act on behalf of the alleged violator, but any oral communication with OFAC prior to a written submission regarding the specific allegations contained in the Pre-Penalty Notice must be preceded by a written letter of representation, unless the Pre-Penalty Notice was served upon the alleged violator in care of the representative.

§ 526.703 Penalty imposition.

If, after considering any written response to the Pre-Penalty Notice and any relevant facts, OFAC determines that there was a violation by the alleged violator named in the Pre-Penalty Notice and that a civil monetary penalty is appropriate, OFAC may issue a Penalty Notice to the violator containing a determination of the violation and the imposition of the monetary penalty. For additional details concerning issuance of a Penalty Notice, see appendix A to part 501 of this chapter. The issuance of the Penalty Notice shall constitute final agency action. The violator has the right to seek judicial review of that final agency action in Federal district court.

§ 526.704 Administrative collection; referral to United States Department of Justice.

In the event that the violator does not pay the penalty imposed pursuant to this part or make payment arrangements acceptable to OFAC, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

§ 526.705 Findings of Violation.

(a) *When issued.* (1) OFAC may issue an initial Finding of Violation that identifies a violation if OFAC:

(i) Determines that there has occurred a violation of any provision of this part, or a violation of the provisions of any regulation, ruling, instruction, order, directive, or license issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*);

(ii) Considers it important to document the occurrence of a violation; and

(iii) Based on the Guidelines contained in appendix A to part 501 of this chapter, concludes that an administrative response is warranted

but that a civil monetary penalty is not the most appropriate response.

(2) An initial Finding of Violation shall be in writing and may be issued whether or not another agency has taken any action with respect to the matter. For additional details concerning issuance of a Finding of Violation, see appendix A to part 501 of this chapter.

(b) *Response*—(1) *Right to respond.* An alleged violator has the right to contest an initial Finding of Violation by providing a written response to OFAC.

(2) *Deadline for response; default determination.* A response to an initial Finding of Violation must be made within 30 days as set forth in paragraphs (b)(2)(i) and (ii) of this section. The failure to submit a response within 30 days shall be deemed to be a waiver of the right to respond, and the initial Finding of Violation will become final and will constitute final agency action. The violator has the right to seek judicial review of that final agency action in Federal district court.

(i) *Computation of time for response.* A response to an initial Finding of Violation must be postmarked or date-stamped by the U.S. Postal Service (or foreign postal service, if mailed abroad) or courier service provider (if transmitted to OFAC by courier), or dated if sent by email, on or before the 30th day after the postmark date on the envelope in which the initial Finding of Violation was served or date the Finding of Violation was sent by email. If the initial Finding of Violation was personally delivered by a non-U.S. Postal Service agent authorized by OFAC, a response must be postmarked or date-stamped on or before the 30th day after the date of delivery.

(ii) *Extensions of time for response.* If a due date falls on a Federal holiday or weekend, that due date is extended to include the following business day. Any other extensions of time will be granted, at the discretion of OFAC, only upon specific request to OFAC.

(3) *Form and method of response.* A response to an initial Finding of Violation need not be in any particular form, but it must be typewritten and signed by the alleged violator or a representative thereof (electronic signature is acceptable), contain information sufficient to indicate that it is in response to the initial Finding of Violation, and include the OFAC identification number listed on the initial Finding of Violation. The response must be sent to OFAC's Enforcement Division by mail or courier or email and must be postmarked or date-stamped in accordance with paragraph (b)(2) of this section.

(4) *Information that should be included in response.* Any response should set forth in detail why the alleged violator either believes that a violation of the regulations in this part did not occur and/or why a Finding of Violation is otherwise unwarranted under the circumstances, with reference to the General Factors Affecting Administrative Action set forth in the Guidelines contained in appendix A to part 501 of this chapter. The response should include all documentary or other evidence available to the alleged violator that supports the arguments set forth in the response. OFAC will consider all relevant materials submitted in the response.

(c) *Determination*—(1) *Determination that a Finding of Violation is warranted.* If, after considering the response, OFAC determines that a final Finding of Violation should be issued, OFAC will issue a final Finding of Violation that will inform the violator of its decision. A final Finding of Violation shall constitute final agency action. The violator has the right to seek judicial review of that final agency action in Federal district court.

(2) *Determination that a Finding of Violation is not warranted.* If, after considering the response, OFAC determines a Finding of Violation is not warranted, then OFAC will inform the alleged violator of its decision not to issue a final Finding of Violation.

Note 1 to paragraph (c)(2). A determination by OFAC that a final Finding of Violation is not warranted does not preclude OFAC from pursuing other enforcement actions consistent with the Guidelines contained in appendix A to part 501 of this chapter.

(d) *Representation.* A representative of the alleged violator may act on behalf of the alleged violator, but any oral communication with OFAC prior to a written submission regarding the specific alleged violations contained in the initial Finding of Violation must be preceded by a written letter of representation, unless the initial Finding of Violation was served upon the alleged violator in care of the representative.

Subpart H—Procedures

§ 526.801 Procedures.

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see part 501, subpart E, of this chapter.

§ 526.802 Delegation of certain authorities of the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant to E.O. 14078 of July 19, 2022, and any further Executive orders relating to the national emergency declared therein, may be taken by the Director of OFAC or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart I—Paperwork Reduction Act

§ 526.901 Paperwork Reduction Act notice.

For approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, licensing procedures, and other procedures, see § 501.901 of this chapter. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Andrea M. Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2023–14265 Filed 7–10–23; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 221223–0282]

RTID 0648–XD123

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer From NC to RI

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

ACTION: Notification of quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring a portion of its 2023 commercial summer flounder quota to the State of Rhode Island. This adjustment to the 2023 fishing year quota is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised 2023 commercial quotas for North Carolina and Rhode Island.

DATES: Effective July 10, 2023 through December 31, 2023.

FOR FURTHER INFORMATION CONTACT: Laura Deighan, Fishery Management Specialist, (978) 281–9184.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.110. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102 and final 2023 allocations were published on January 3, 2023 (88 FR 11).

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan (FMP), as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider three criteria in the evaluation of requests for quota transfers or combinations: the transfer or combinations would not preclude the overall annual quota from being fully harvested; the transfer addresses an unforeseen variation or contingency in the fishery; and the transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Regional Administrator has determined these three criteria have been met for the transfer approved in this notification.

North Carolina is transferring 25,273 lb (11,464 kg) to Rhode Island through a mutual agreement between the states. This transfer was requested to repay landings made by an out-of-state permitted vessel under a safe harbor agreement. The revised summer flounder quotas for 2023 are North Carolina, 3,303,285 lb (1,498,345 kg), and Rhode Island, 2,230,478 lb (1,011,728 kg).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.162(e)(1)(i) through (iii), which was issued pursuant to section 304(b), and is exempted from review under Executive Order 12866.

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

Dated: July 5, 2023.

Jennifer M. Wallace,

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

[FR Doc. 2023–14530 Filed 7–10–23; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 88, No. 131
Tuesday, July 11, 2023

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–1403; Project Identifier MCAI–2023–00479–T]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2020–03–19, which applies to certain Dassault Aviation Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes. AD 2020–03–19 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2020–03–19, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This proposed AD would continue to require the actions in AD 2020–03–19 and would require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by August 25, 2023.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–1403; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material that is proposed for IBR in this NPRM, 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.* It is also available at *regulations.gov* under Docket No. FAA–2023–1403.
- For Dassault service information identified in this NPRM, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; website *dassaultfalcon.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.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aviation Safety Engineer, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206–231–3226; email: *tom.rodriguez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2023–1403; Project Identifier MCAI–2023–00479–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Tom Rodriguez, Aviation Safety Engineer, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206–231–3226; email: *tom.rodriguez@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2020–03–19, Amendment 39–19843 (85 FR 11280, February 27, 2020) (AD 2020–03–19), for certain Dassault Aviation Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes. AD 2020–03–19 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2019–0200R1, dated August 29, 2019 (EASA AD 2019–0200R1) (which corresponds to FAA AD 2020–03–19), to correct an unsafe condition.

AD 2020–03–19 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2020–03–19 to address fatigue cracking, damage, and corrosion in principal structural elements, which could result in reduced structural integrity of the airplane. AD 2020–03–19 specifies that accomplishing the actions required by that AD terminates the requirements of paragraph (g)(1) of AD 2010–26–05, Amendment 39–16544 (75 FR 79952, December 21, 2010) (AD 2010–26–05) only for Dassault Aviation Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes on which the Supplemental Structural Inspection Program has not been embodied into the airplane's existing maintenance or inspection program. This proposed AD would therefore continue to allow that terminating action.

Actions Since AD 2020–03–19 Was Issued

Since the FAA issued AD 2020–03–19, EASA superseded AD 2019–0200R1 and issued EASA AD 2023–0058, dated March 16, 2023 (EASA AD 2023–0058) (referred to after this as the MCAI), for certain Dassault Aviation MYSTERE–FALCON 20–( )5 series airplanes. The MCAI states that new or more restrictive airworthiness limitations have been developed.

The FAA is proposing this AD to address fatigue cracking, damage, and 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–2023–1403.

Related Service Information Under 1 CFR Part 51

The FAA reviewed EASA AD 2023–0058. This service information describes procedures for airworthiness limitations for safe life limits and certification maintenance requirements.

This proposed AD would also require Chapter 5–40–00, Airworthiness Limitations, of the Dassault Falcon 20 Retrofit 731 Maintenance Manual, Revision 13, dated January 1, 2019, which the Director of the Federal Register approved for incorporation by reference as of April 2, 2020 (85 FR 11280, February 27, 2020).

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would retain all of the requirements of AD 2020–03–19. This proposed AD would also require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, which are specified in EASA AD 2023–0058 already described, as proposed for incorporation by reference. Any differences with EASA AD 2023–0058 are identified as exceptions in the regulatory text of this AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (m)(1) of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2023–0058 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2023–0058 through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2023–0058 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2023–0058. Service information required by EASA AD 2023–0058 for compliance will be available at *regulations.gov* by searching for and locating Docket No. FAA–2023–1403 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

The previous format of the airworthiness limitation ADs included a paragraph that specified that no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions and intervals are approved as an AMOC in accordance with the procedures specified in the AMOCs paragraph under ''Additional AD Provisions.'' This new format includes a ''New Provisions for Alternative Actions and Intervals'' paragraph that does not specifically refer to AMOCs, but operators may still request an AMOC to use an alternative action or interval.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 56 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA estimates the total cost per operator for the retained actions from AD 2020–03–19 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 proposed 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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2020–03–19, Amendment 39–19843 (85 FR 11280, February 27, 2020); and

■ b. Adding the following new AD:

Dassault Aviation: Docket No. FAA–2023–1403; Project Identifier MCAI–2023–00479–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 25, 2023.

(b) Affected ADs

(1) This AD replaces AD 2020–03–19, Amendment 39–19843 (85 FR 11280, February 27, 2020) (AD 2020–03–19).

(2) This AD affects AD 2010–26–05, Amendment 39–16544 (75 FR 79952, December 21, 2010) (AD 2010–26–05).

(c) Applicability

This AD applies to Dassault Aviation Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2023–0058, dated March 16, 2023 (EASA AD 2023–0058).

(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 fatigue cracking, damage, and corrosion in principal structural elements. 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) Retained Revision of the Existing Maintenance or Inspection Program, With a New Terminating Action

This paragraph restates the requirements of paragraph (g) of AD 2020–03–19, with a new terminating action. Within 90 days after April 2, 2020 (the effective date of AD 2020–03–19), revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Chapter 5–40–00, Airworthiness Limitations, of the Dassault Falcon 20 Retrofit 731 Maintenance Manual, Revision 13, dated January 1, 2019. The initial compliance time for doing the tasks is at the time specified in Chapter 5–40–00, Airworthiness Limitations, of the Dassault Falcon 20 Retrofit 731 Maintenance Manual, Revision 13, dated January 1, 2019, or within 90 days after April 2, 2020, whichever occurs later. Accomplishing the revision of the existing maintenance or inspection program required by paragraph (i) of this AD terminates the requirements of this paragraph.

(h) Retained Restrictions on Alternative Actions, Intervals, With a New Exception

This paragraph restates the requirements of paragraph (h) of AD 2020–03–19, with a new exception. Except as required by paragraph (i) 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) or intervals are allowed unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (m)(1) of this AD.

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

Except as specified in paragraph (j) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2023–0058. Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(j) Exceptions to EASA AD 2023–0058

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2023–0058.

(2) Paragraph (3) of EASA AD 2023–0058 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 2023–0058 is at the applicable ''limitations'' as incorporated by the requirements of paragraph (3) of EASA AD 2023–0058, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2023–0058.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2023–0058.

(k) New Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (i) 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 2023–0058.

(l) Terminating Action for Certain Actions in AD 2010–26–05

Accomplishing the actions required by paragraph (g) or (i) of this AD terminates all requirements of paragraph (g)(1) of AD 2010–26–05 for Dassault Aviation Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes, except those on which the Dassault Aviation MYSTERE–FALCON 20 Supplemental Structural Inspection Program has been embodied, only.

(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 Dassault Aviation'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 Tom Rodriguez, Aviation Safety Engineer, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206–231–3226; email: *tom.rodriguez@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 August 15, 2023.

(i) European Union Aviation Safety Agency (EASA) AD 2023–0058, dated March 16, 2023.

(ii) [Reserved]

(4) The following service information was approved for IBR on April 2, 2020 (85 FR 11280, February 27, 2020).

(i) Chapter 5–40–00, Airworthiness Limitations, of the Dassault Falcon 20 Retrofit 731 Maintenance Manual, Revision 13, dated January 1, 2019.

(ii) [Reserved]

(5) For EASA AD 2023–0058, 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.*

(6) For service information identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; website *dassaultfalcon.com.*

(7) 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.

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

Issued on July 6, 2023.

Michael Linegang,

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

[FR Doc. 2023–14611 Filed 7–10–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1314; Project Identifier AD–2021–00811–E]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: The FAA is revising a notice of proposed rulemaking (NPRM) that applied to General Electric Company (GE) Model CT7–5A2, CT7–5A3, CT7–7A, CT7–7A1, CT7–9B, CT7–9B1, CT7–9B2, CT7–9C, and CT7–9C3 engines. The NPRM proposed to supersede Airworthiness Directive (AD) 2018–03–13. This action revises the NPRM by regrouping certain engine models within the figures in the Required Actions paragraph. The FAA is proposing this airworthiness directive to address the unsafe condition on these products. Since these actions expand the applicability for the required actions as proposed in the NPRM, the agency is requesting comments on this SNPRM.

DATES: The FAA must receive comments on this SNPRM by August 25, 2023.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–1314; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, this SNPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For GE service information identified in this SNPRM, contact General Electric Company, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *aviation.fleetsupport@ae.ge.com;* website: *ge.com.*
- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Sungmo Cho, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7241; email: *Sungmo.D.Cho@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2022–1314; Project Identifier AD–2021–00811–E'' at the beginning of your comments.

The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may again revise this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the

following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this proposed AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this SNPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this SNPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this SNPRM. Submissions containing CBI should be sent to Sungmo Cho, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to GE Model CT7–5A2, CT7–5A3, CT7–7A, CT7–7A1, CT7–9B, CT7–9B1, CT7–9B2, CT7–9C, and CT7–9C3 engines. The NPRM published in the **Federal Register** on November 1, 2022 (87 FR 65694) and proposed to supersede AD 2018–03–13, Amendment 39–19186 (83 FR 6125, February 13, 2018) (AD 2018–03–13), for certain GE Model CT7–5A2, CT7–5A3, CT7–7A, CT7–7A1, CT7–9B, CT7–9B1, CT7–9B2, CT7–9C, and CT7–9C3 engines with main propeller shaft, part number 77581–11, installed. AD 2018–03–13 published with part number 77581–11, which was a typographical error. The correct part number is 775801–11, however, reference to that part number is no longer necessary for this SNPRM and is not included in the applicability. AD 2018–03–13 was prompted by an in-flight failure of a main propeller shaft on a GE Model CT7–9B engine, resulting in the loss of the propeller. A manufacturer investigation determined the failure of the main propeller shaft was caused by cracks initiating from undiscovered corrosion in the dowel pin holes on the flange of the main propeller shaft. After the FAA issued AD 2018–03–13, the manufacturer detected two additional cracks on a main propeller shaft during its ongoing investigation and subsequently published service information that introduced reduced inspection thresholds for initial and repetitive visual inspections, fluorescent penetrant inspections (FPIs), and added initial and repetitive ultrasonic inspections (USIs) of the main propeller shaft. Additionally, the manufacturer revised the airworthiness limitations section (ALS) of the maintenance manual (MM) to incorporate initial and repetitive USIs to inspect for cracks on the main propeller shaft. As a result, the FAA proposed to supersede AD 2018–03–13 by issuing the NPRM. In the NPRM, the FAA proposed to require initial and repetitive visual inspections, FPIs, and USIs of the main propeller shaft. Depending on the results of these inspections, the NPRM proposed to require replacement of the main propeller shaft. As an optional terminating action to these inspections, the NPRM proposed to require revising the ALS of the existing MM and the operator's existing approved maintenance program or inspection program, as applicable, to incorporate the tasks and reduced inspection thresholds for the main propeller shaft.

Actions Since the NPRM Was Issued

Since the FAA issued the NPRM, GE Aerospace commented on the NPRM, stating that certain engine models were included in incorrect Figures within the Required Actions paragraph of the NPRM, which would attribute inaccurate inspection thresholds to those engine models. Therefore, the FAA has revised Figures 1 and 2 in this SNPRM to include the correct engine models. The FAA has also updated the affected engine models listed in paragraphs (g)(1) and (g)(2) of this SNPRM to correspond with the corrected engine models referenced in Figures 1 and 2.

Comments

The FAA received comments from GE Aerospace and two anonymous commenters. GE Aerospace requested changes to the NPRM. The two anonymous commenters supported the NPRM without change. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Regroup Engines in Figure 1 to Paragraph (g)(1)

GE Aerospace requested that the FAA revise Figure 1 to Paragraph (g)(1) of the NPRM to align with GE Service Bulletin (SB) CT7–TP 72–0541 R01, dated November 18, 2021 (GE SB CT7–TP 72–0541). GE noted that Figure 1 to Paragraph (g)(1) incorrectly grouped together CT7–5 engine models with CT7–7 engine models. GE also noted that CT7–5 engine models should be grouped with CT7–9B engine models, as specified GE SB CT7–TP 72–0541, which groups engine models according to aircraft type.

The FAA agrees and has revised paragraph (g)(1) and Figure 1 to Paragraph (g)(1) of this SNPRM by removing CT7–7A and CT7–7A1 model engines and adding CT7–9B, CT7–9B1, and CT7–9B2 model engines.

Request To Regroup Engines in Figure 2 to Paragraph (g)(2)

GE Aerospace requested that the FAA revise Figure 2 to Paragraph (g)(2) of the NPRM to align with GE SB CT7–TP 72–0541. GE noted that Figure 2 to Paragraph (g)(2) incorrectly grouped together CT7–9B engine models with CT7–9C engine models. GE also noted that CT7–7 engine models should be grouped with CT7–9C engine models, as specified in GE SB CT7–TP 72–0541, which groups engine models according to aircraft type.

The FAA agrees and has revised paragraph (g)(2) and Figure 2 to Paragraph (g)(2) of this SNPRM by removing CT7–9B, CT7–9B1, and CT7–9B2 model engines and adding CT7–7A and CT7–7A1 model engines.

Request To Clarify GE Service Bulletin (SB) Citation

GE Aerospace noted that the SB revision number for GE SB CT7–TP 72–0541 R01, dated November 18, 2021, is listed in paragraph (g)(3)(i) of the NPRM, but is not included in the SB citation in paragraph (g)(3)(ii) and (iii) of the NPRM. GE requested that the FAA revise the SB citation in paragraphs (g)(3)(i), (ii), and (iii) to: ''GE SB CT7–TP 72–0541 latest revision'' because guiding operators to latest version of SB revisions could be efficient, accessible, or beneficial.

The FAA acknowledges that the revision number for GE SB CT7–TP 72–0541 R01, dated November 18, 2021, is not listed in paragraph (g)(1)(ii) and (iii) of the NPRM. However, the FAA notes that the shorthand for this SB is in paragraph (g)(1)(i) as ''GE SB CT7–TP 72–0541.'' The FAA notes that this shorthand indicates the text in

parenthesis to be equivalent to the full citation of the SB for the subsequent paragraphs. The FAA disagrees with adding ''latest revision'' when referencing the service information in paragraph (g) of this SNPRM. Future revisions of the service information have not yet been published by the manufacturer or reviewed by the FAA. A request for an alternative method of compliance can be submitted to the FAA if future revisions of the service information referenced in paragraph (g) of this SNPRM are published. Additionally, if future revisions of the service information are published by the manufacturer and approved by the FAA, the FAA may consider further rulemaking. The FAA did not change this proposed AD as a result of this comment.

Request To Remove Figure 3 to Paragraph (h)(1)

GE Aerospace commented that the visual inspection detailed in Figure 3 to Paragraph (h)(1) of the NPRM was not included in the ALS of the MM when the NPRM was published, but has since been added to the ALS. GE stated that Figure 3 to Paragraph (h)(1) of this AD may be eliminated, and language in paragraph (h)(1) revised to: ''(1) For affected CT7–5A2, CT7–5A3, CT7–7A, and CT7–7A1 model engines, revise the airworthiness limitations section (ALS) of the existing maintenance manual (MM) and the operator's existing approved maintenance program or inspection program, as applicable, by incorporating the manufacturer's latest ALS of the existing MM.''

The FAA disagrees with removing Figure 3 to paragraph (h)(1) of this SNPRM AD because it clarifies the specific tasks operators must complete in order to comply with the SNPRM. The FAA also disagrees with changing the language in paragraph (h)(1) to require incorporating the manufacturer's latest ALS of the existing MM. The FAA notes that although the ALS has been revised to include the visual inspection task from Figure 3 to paragraph (h)(1) of this SNPRM, the ALS also presents instructions that are not necessary for operators to complete in order to comply with this proposed AD. The FAA did not change this proposed AD as a result of this comment.

Request To Remove Figure 4 to Paragraph (h)(2)

GE Aerospace commented that the visual inspection detailed in Figure 4 to Paragraph (h)(2) of the NPRM AD was not included in the ALS when the NPRM was published, and has since been added to the ALS. GE stated that Figure 4 to Paragraph (h)(2) of this NPRM may be eliminated, and language in paragraph (h)(2) revised to: ''(1) For affected CT7–5A2, CT7–5A3, CT7–7A, and CT7–7A1 model engines, revise the 'airworthiness limitations section (ALS) of the existing maintenance manual (MM) and the operator's existing approved maintenance program or inspection program, as applicable, by incorporating the manufacturer's latest ALS of the existing MM.''

The FAA disagrees with removing Figure 4 to paragraph (h)(2) of this SNPRM because it clarifies the specific tasks operators must complete in order to comply with the proposed AD. The FAA also disagrees with changing the language in paragraph (h)(2) to require incorporating the manufacturer's latest ALS of the existing MM. The FAA notes that although the ALS has been updated to include the visual inspection task from Figure 4 to paragraph (h)(2) of this AD, the ALS also presents superfluous instructions that are not necessary for operators to complete in order to comply with this proposed AD. The FAA did not change this proposed AD as a result of this comment.

FAA's Determination

The FAA is proposing this AD after determining the unsafe condition described previously is likely to exist or develop in other products of the same type design. Certain changes described above expand the scope of the NPRM. As a result, it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed GE Service Bulletin (SB) CT7–TP 72–0541 R01, dated November 18, 2021 (GE SB CT7–TP 72–0541). This service information specifies procedures for performing initial and repetitive visual inspections, FPIs, and USIs of the main propeller shaft. 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.**

Proposed AD Requirements in This SNPRM

This proposed AD would require initial and repetitive visual inspections, FPIs, and USIs of the main propeller shaft. Depending on the results of these inspections, this proposed AD would require replacement of the main propeller shaft. As an optional terminating action to these inspections, this proposed AD would require revising the ALS of the existing MM and the operator's existing approved maintenance program or inspection program, as applicable, to incorporate the tasks and reduced inspection thresholds for the main propeller shaft. An owner/operator (pilot) holding at least at least a private pilot certificate may revise the ALS of the existing MM, and the owner/operator must enter compliance with the applicable paragraphs of the AD into the aircraft records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439. This is an exception to the FAA's standard maintenance regulations.

Differences Between This SNPRM and the Service Information

GE SB CT7–TP 72–0541 uses the term ''ultrasonic inspection (UTI),'' while this proposed AD uses the term ''ultrasonic inspection (USI).''

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 176 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Visually inspect, FPI, and USI the main propeller shaft.	2 work-hours × $85 per hour = $170	$0	$170	$29,920

The FAA estimates the following costs to perform the optional terminating action or to do any necessary replacement that would be required based on the results of the inspections. The agency has no way of determining the number of operators that will perform the optional terminating action or aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace the main propeller shaft	8 work-hours × $85 per hour = $680	$48,360	$49,040
Revise the ALS of the MM	1 work-hour × $85 per hour = $85	0	85

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) 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 Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2018–03–13, Amendment 39–19186 (83 FR 6125, February 13, 2018); and

■ b. Adding the following new airworthiness directive:

General Electric Company: Docket No. FAA–2022–1314; Project Identifier AD–2021–00811–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 25, 2023.

(b) Affected ADs

This AD replaces AD 2018–03–13, Amendment 39–19186 (83 FR 6125, February 13, 2018).

(c) Applicability

This AD applies to General Electric Company (GE) Model CT7–5A2, CT7–5A3, CT7–7A, CT7–7A1, CT7–9B, CT7–9B1, CT7–9B2, CT7–9C, and CT7–9C3 engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7210, Turbine Engine Reduction Gear.

(e) Unsafe Condition

This AD was prompted by an in-flight failure of a main propeller shaft on a GE CT7–9B model engine, resulting in the loss of the propeller. The FAA is issuing this AD to prevent failure of the main propeller shaft. The unsafe condition, if not addressed, could cause in-flight loss of the propeller, loss of engine thrust control, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) For affected CT7–5A2, CT7–5A3, CT7–9B, CT7–9B1, and CT7–9B2 model engines, using the compliance times specified in Figure 1 to paragraph (g)(1) of this AD, perform initial and repetitive visual inspections, fluorescent penetrant inspections (FPIs), and ultrasonic inspections (USIs) of the main propeller shaft.

Figure 1 to Paragraph (g)(1)—Compliance Times for CT7–5A2, CT7–5A3, CT7–9B, CT7–9B1, and CT7–9B2 Model Engines

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Inspection type	Initial inspection of the main propeller shaft	Repeat inspection interval of main propeller shaft
Cleaning and visual inspection	During first propeller removal after the effective date of this AD	During every propeller removal
FPI	Before exceeding 20,000 cycles since new (CSN) or within 2,100 flight hours (FHs) after the effective date of this AD, whichever occurs later	During every propeller removal or within 2,100 FHs from performance of the previous FPI, whichever occurs later
USI	Before exceeding 20,000 CSN or within 1,600 FHs after the effective date of this AD, whichever occurs later	Before exceeding 5,000 FHs from performance of the previous USI

(2) For affected CT7–7A, CT7–7A1, CT7–9C, and CT7–9C3 model engines, using the compliance times specified in Figure 2 to paragraph (g)(2) of this AD, perform initial and repetitive visual inspections, FPIs, and USIs of the main propeller shaft.

Figure 2 to Paragraph (g)(2)—Compliance Times for CT7–7A, CT7–7A1, CT7–9C, and CT7–9C3 Model Engines

Inspection type	Initial inspection of the main propeller shaft	Repeat inspection interval of main propeller shaft
Cleaning and visual inspection	During the first propeller removal after the effective date of this AD	During every propeller removal
FPI	Before exceeding 20,000 CSN or within 2,400 FHs after the effective date of this AD, whichever occurs later	During every propeller removal or within 2,400 FHs from performance of the previous FPI, whichever occurs later
USI	Before exceeding 20,000 CSN or within 1,600 FHs after the effective date of this AD, whichever occurs later	Before exceeding 4,800 FHs from performance of the previous USI

(3) Perform the visual inspections, FPIs, and USIs required by paragraphs (g)(1) and (2) of this AD as follows:

(i) Prior to performance of the inspections, clean the main propeller shaft flange using the Accomplishment Instructions, paragraph 3.B., of GE Service Bulletin (SB) CT7–TP 72–0541 R01, dated November 18, 2021 (GE SB CT7–TP 72–0541).

(ii) Visually inspect the main propeller shaft for wear, corrosion, and cracking using the Accomplishment Instructions, paragraph 3.C.(1), of GE SB CT7–TP 72–0541.

(iii) Spot-FPI the area on the main propeller shaft flange face using the Accomplishment Instructions, paragraph 3.C.(2)(a), of GE SB CT7–TP 72–0541.

(iv) USI the two dowel pin holes of the main propeller shaft using the Accomplishment Instructions, paragraph 3.C.(3)(a), of GE SB CT7–TP 72–0541.

(4) If a crack or rejectable indication is found during the initial and repetitive visual inspections, FPIs, or USIs required by paragraphs (g)(1) through (3) of this AD, before further flight, remove the main

propeller shaft from service and replace it with a part eligible for installation.

(5) For all affected engines, if the main propeller shaft CSN is unknown, use the propeller gearbox (PGB) CSN. If the PGB CSN is unknown, assume the inspection threshold is exceeded.

(h) Optional Terminating Action

Accomplishing the actions in paragraphs (h)(1) through (4) of this AD, as applicable by engine model, constitutes terminating action for the inspections required by paragraphs (g)(1) through (3) of this AD.

(1) For affected CT7–5A2, CT7–5A3, CT7–7A, and CT7–7A1 model engines, revise the airworthiness limitations section (ALS) of the existing maintenance manual (MM) and the operator's existing approved maintenance program or inspection program, as applicable, by incorporating the information in Figure 3 to paragraph (h)(1) of this AD.

Figure 3 to Paragraph (h)(1) – CT7-5/-7 Inspection Threshold and Interval

Inspection / Maintenance	Initial Inspection Threshold (cycles since new (CSN))	Repetitive Inspection Interval	Inspection / Maintenance Requirements	Reference
*** FOR CT7-5				
Visual inspection of the main propeller shaft	--	At every propeller removal	VI	72-10-00, INSPECTION – PROPELLER GEARBOX INSPECTION paragraph 5.A.
Fluorescent penetrant inspection (FPI) of the main propeller shaft	20000 CSN (*)	At every propeller removal or 2100 FH, whichever is greater	FPI	72-10-00. Special Procedure 005
Ultrasonic inspection (UTI) of the main propeller shaft	20000 CSN (*)	5000 FH	UTI	72-10-00. Special Procedure 005
*** FOR CT7-7				
Visual inspection of the main propeller shaft	--	At every propeller removal	VI	72-10-00, INSPECTION – PROPELLER GEARBOX INSPECTION paragraph 5.A.
Fluorescent penetrant inspection (FPI) of the main propeller shaft	20000 CSN (*)	At every propeller removal or 2400 FH, whichever is greater	FPI	72-10-00. Special Procedure 005
Ultrasonic inspection (UTI) of the main propeller shaft	20000 CSN (*)	4800 FH	UTI	72-10-00. Special Procedure 005

NOTE: (*) If the main propeller shaft accumulated time/cycle is unknown, inspection must be done based on the propeller gearbox (PGB) accumulated time/cycle. If the PGB accumulated time/cycle is unknown, threshold must be assumed exceeded.

(2) For affected CT7–9B, CT7–9B1, CT7–9B2, CT7–9C, and CT7–9C3 model engines, revise the ALS of the existing MM and the operator's existing approved maintenance program or inspection program, as applicable, by incorporating the information in Figure 4 to paragraph (h)(2) of this AD.

Figure 4 to Paragraph (h)(2) – CT7-9 Inspection Threshold and Interval

Inspection / Maintenance	Initial Inspection Threshold (cycles since new (CSN))	Repetitive Inspection Interval	Inspection / Maintenance Requirements	Reference
*** FOR CT7-9B				
Visual inspection of the main propeller shaft	--	At every propeller removal	VI	72-10-00, INSPECTION – PROPELLER GEARBOX INSPECTION paragraph 5.A.
Fluorescent penetrant inspection (FPI) of the main propeller shaft	20000 CSN (*)	At every propeller removal or 2100 FH, whichever is greater	FPI	72-10-00. Special Procedure 005
Ultrasonic inspection (UTI) of the main propeller shaft	20000 CSN (*)	5000 FH	UTI	72-10-00. Special Procedure 005
*** FOR CT7-9C/9C3				
Visual inspection of the main propeller shaft	--	At every propeller removal	VI	72-10-00, INSPECTION – PROPELLER GEARBOX INSPECTION paragraph 5.A.
Fluorescent penetrant inspection (FPI) of the main propeller shaft	20000 CSN (*)	At every propeller removal or 2400 FH, whichever is greater	FPI	72-10-00. Special Procedure 005
Ultrasonic inspection (UTI) of the main propeller shaft	20000 CSN (*)	4800 FH	UTI	72-10-00. Special Procedure 005

NOTE: (*) If the main propeller shaft accumulated time/cycle is unknown, inspection must be done based on the propeller gearbox (PGB) accumulated time/cycle. If the PGB accumulated time/cycle is unknown, threshold must be assumed exceeded.

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(3) Thereafter, except as provided in paragraph (k) of this AD, no alternative inspection times or intervals may be approved for this main propeller shaft.

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

(i) Definition

For the purpose of this AD, a ''part eligible for installation'' is a main propeller shaft that has been inspected in accordance with paragraphs (g)(1) or (2), and (3) of this AD, and there was no crack or rejectable indication.

(j) Credit for Previous Actions

You may take credit for the initial visual inspection, FPI, and USI required by paragraphs (g)(1) through (3) of this AD if you performed these initial inspections before the effective date of this AD in accordance with GE SB CT7–TP 72–0541 R00, dated September 9, 2021.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Related Information

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

(m) Material Incorporated by Reference

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

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

(i) GE Service Bulletin CT7–TP 72–0541 R01, dated November 18, 2021.

(ii) [Reserved]

(3) For GE service information identified in this AD, contact General Electric Company, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *aviation.fleetsupport@ae.ge.com;* website: *ge.com.*

(4) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on July 3, 2023.

Michael Linegang,

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

[FR Doc. 2023–14471 Filed 7–10–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–1410; Project Identifier MCAI–2022–01517–E]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2013–26–10, which applies to certain Rolls-Royce Deutschland Ltd & Co KG (RRD) Model RB211–524G2–19, RB211–524G3–19, RB211–524H–36, and RB211–524H2–19 engines. AD 2013–26–10 requires a one-time reduction in the cyclic life of certain high-pressure compressor (HPC) rotor stage 1 and stage 2 disks, and removal of disks that exceed the reduced cycle life. Since the FAA issued AD 2013–26–10, the manufacturer has revised the engine time limits manual (TLM), introducing new and more restrictive instructions. This proposed AD would require revisions to the airworthiness limitations section (ALS) of the operator's existing approved engine maintenance or inspection program, as applicable, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by August 25, 2023.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–1410; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For service information identified in this NPRM, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2023–1410.
- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2023–1410; Project Identifier MCAI–2022–01517–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Sungmo Cho, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2013–26–10, Amendment 39–17719 (79 FR 1315, January 8, 2014) (AD 2013–26–10), for all RRD Model RB211–524G2–19, RB211–524G3–19, RB211–524H–36, and RB211–524H2–19 engines. AD 2013–26–10 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued

EASA AD 2013–0246, dated October 10, 2013, to correct an unsafe condition identified as part failure and consequent release of high-energy debris, possibly resulting in damage to the airplane.

AD 2013–26–10 requires a one-time reduction in the cyclic life of certain HPC stage 1 and stage 2 disks and removal of disks that exceed the reduced cycle life from service. The agency issued AD 2013–26–10 to prevent the failure of certain life-limited parts, which could result in uncontained engine damage and damage to the airplane.

Actions Since AD 2013–26–10 Was Issued

Since the FAA issued AD 2013–26–10, EASA superseded EASA AD 2013–0246 and issued EASA AD 2022–0232, dated November 28, 2022 (EASA AD 2022–0232) (referred to after this as the MCAI). The MCAI states that the ALS for RB211–524G/H engines, which is approved by EASA, is defined and published in TLM T–211(524)-7RR, and that these airworthiness limitations have been identified as mandatory for continued airworthiness. The MCAI also states that since the original issue of TLM T–211(524)-7RR, updated thresholds and intervals were introduced for newly designed parts. EASA AD 2013–0246 was issued to require implementation of the reduced cyclic life limit and replacement of HPC stage 1 and 2 disks before exceeding their life limit. The MCAI also states that the manufacturer published a revised engine TLM since EASA AD 2013–0246 was issued, introducing new and more restrictive instructions. The ALS defined in the revised engine TLM also adds RRD Model RB211–524G2–T–19, RB211–524G3–T–19, RB211–524H–T–36, and RB211–524H2–T–19 engines to the list of affected engines.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2023–1410.

Related Service Information Under 1 CFR Part 51

The FAA reviewed EASA AD 2022–0232, which specifies instructions for accomplishing the actions specified in the applicable TLM, including performing maintenance tasks, replacing life-limited parts, and revising the existing approved maintenance or inspection program, as applicable, by incorporating the limitations, tasks, and associated thresholds and intervals described in the TLM. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would retain none of the requirements of AD 2013–26–10. This proposed AD would require revising the existing approved engine maintenance or inspection program, as applicable, to incorporate new and more restrictive airworthiness limitations, which are specified in EASA AD 2022–0232 described previously, except for any differences identified as exceptions in the regulatory text of this AD and as discussed under ''Differences Between this Proposed AD and the MCAI.''

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and CAAs to use this process. As a result, the FAA proposes to incorporate by reference EASA AD 2022–0232 in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022–0232 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions within the compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2022–0232. Service information required by the EASA AD for compliance will be available at *regulations.gov* by searching for and locating Docket No. FAA–2023–1410 after the FAA final rule is published.

Difference Between This Proposed AD and the MCAI

Where paragraph (3) of EASA AD 2022–0232 specifies revising the approved Aircraft Maintenance Programme within 12 months after the effective date of EASA AD 2022–0232, this proposed AD would require revising the ALS of the existing approved engine maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 22 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise the ALS of the existing approved engine maintenance or inspection program.	1 work-hours × $85 per hour = $85	$0	$85	$1,870

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2013–26–10, Amendment 39–17719 (79 FR 1315, January 8, 2014); and

■ b. Adding the following new airworthiness directive:

Rolls-Royce Deutschland Ltd & Co KG: Docket No. FAA–2023–1410; Project Identifier MCAI–2022–01517–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 25, 2023.

(b) Affected ADs

This AD replaces AD 2013–26–10, Amendment 39–17719 (79 FR 1315, January 8, 2014).

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG (RRD) Model RB211–524G2–19, RB211–524G2–T–19, RB211–524G3–19, RB211–524G3–T–19, RB211–524H–36, RB211–524H–T–36, RB211–524H2–19, and RB211–524H2–T–19 engines.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by the manufacturer revising the engine time limits manual, introducing new and more restrictive instructions. The FAA is issuing this AD to prevent failure of certain life-limited parts. The unsafe condition, if not addressed, could result in uncontained engine damage and damage to the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD: Perform all required actions within the compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0232, dated November 28, 2022 (EASA AD 2022–0232).

(h) Exceptions to EASA AD 2022–0232

(1) Where EASA AD 2022–0232 defines the AMP as the approved Aircraft Maintenance Programme which contains the tasks on the basis of which the scheduled maintenance is conducted to ensure the continuing airworthiness of each operated engine, this AD defines the AMP as the Aircraft Maintenance Program which contains the tasks of which the operator or the owner ensures the continuing airworthiness of each operated airplane.

(2) Where EASA AD 2022–0232 refers to its effective date, this AD requires using the effective date of this AD.

(3) This AD does not require compliance with paragraph (1) of EASA AD 2022–0232.

(4) This AD does not require compliance with paragraph (2) of EASA AD 2022–0232.

(5) Where paragraph (3) of EASA AD 2022–0232 specifies revising the approved Aircraft Maintenance Programme within 12 months after the effective date of EASA AD 2022–0232, this AD requires revising the airworthiness limitations section (ALS) of the existing approved engine maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(6) This AD does not require compliance with paragraph (4) of EASA AD 2022–0232.

(7) This AD does not require compliance with paragraph (5) of EASA AD 2022–0232.

(8) This AD does not adopt the Remarks paragraph of EASA AD 2022–0232.

(i) Provisions for Alternative Actions and Intervals

After performing the actions required by paragraph (g) of this AD, no alternative actions and associated thresholds and intervals, including life limits, are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2022–0232.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

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

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency AD 2022–0232, dated November 28, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0232, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

(4) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on July 6, 2023.

Michael Linegang,

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

[FR Doc. 2023–14587 Filed 7–10–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 419

[CMS–1793–P]

RIN 0938–AV18

Medicare Program; Hospital Outpatient Prospective Payment System: Remedy for the 340B-Acquired Drug Payment Policy for Calendar Years 2018–2022

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Proposed rule.

SUMMARY: This proposed rule describes the agency's proposed actions to comply with the remand from the district court to craft a remedy in light of the United States Supreme Court's decision in *American Hospital Association* v. *Becerra,* 142 S. Ct. 1896 (2022), relating to the adjustment of Medicare payment rates for drugs acquired under the 340B Program from calendar year (CY) 2018 through September 27th of CY 2022.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, by September 11, 2023.

ADDRESSES: In commenting, please refer to file code CMS–1793–P.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *https://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–1793–P, P.O. Box 8010, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–1793–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Elise Barringer, (410) 786–9222.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: *https://www.regulations.gov.* Follow the search instructions on that website to view public comments. CMS will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the individual will take actions to harm the individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to the content of comments submitted by other commenters.

I. Background

A. OPPS Payment Policy for Drugs Acquired Through the 340B Program

1. Overview

Under the Hospital Outpatient Prospective Payment System (''OPPS''), we generally set payment rates for separately payable drugs and biologicals (hereinafter referred to collectively as ''drugs'') under section 1833(t)(14)(A) of the Social Security Act (the Act). Section 1833(t)(14)(A)(iii)(II) of the Act provides that, if hospital acquisition cost data are not available, the payment amount is the average price for the drug in a year established under section 1842(o), section 1847A, or section 1847B of the Act, as the case may be. Payment rates for drugs are usually established under section 1847A of the Act, which generally sets a default rate of the average sales price (ASP) plus 6 percent. Section 1833(t)(14)(A)(iii)(II) of the Act also provides that the average price for the drug in the year as established under section 1847A of the Act is calculated and adjusted by the Secretary of the Department of Health and Human Services (Secretary) as necessary for purposes of paragraph (14).

In the calendar year (CY) 2018 OPPS/ASC final rule with comment period (82 FR 59353 through 59371), the Centers for Medicare & Medicaid Services (CMS) reexamined the appropriateness of paying the ASP plus 6 percent for drugs acquired through the 340B Drug Pricing Program (hereinafter referred to as the ''340B Program''), a Health Resources and Services Administration (HRSA)-administered program that allows covered entities to purchase certain covered outpatient drugs at discounted prices from drug manufacturers. Based on findings of the Government Accountability Office (GAO),[1] the HHS Office of the Inspector General (OIG),[2] and the Medicare Payment Advisory Commission (MedPAC) [3] that 340B hospitals were acquiring drugs at a significant discount under the 340B Program, CMS adopted a policy beginning in 2018 generally to pay an adjusted amount of ASP minus 22.5 percent for certain separately payable drugs or biologicals acquired through the 340B Program. This adjustment amount was based on our concurrence with an analysis by MedPAC that concluded that the estimated average minimum discount of 22.5 percent of ASP adequately represented the average minimum discount that a 340B participating hospital received for separately payable drugs under the OPPS (82 FR 59354 through 59371). Our intent in implementing this payment reduction was to reflect more accurately the actual costs incurred by participating hospitals in acquiring 340B drugs. We stated our belief that such changes would allow Medicare beneficiaries and the Medicare program to pay a more appropriate amount when hospitals participating in the 340B Program furnished drugs to Medicare beneficiaries that were purchased under the 340B Program (82 FR 59353 through 59371).

2. OPPS Payment for 340B Drugs in CY 2018 Through September 27th of 2022

From January 1, 2018, through September 27, 2022, under the OPPS we generally paid for certain separately payable drugs acquired through the 340B Program at ASP minus 22.5 percent. In the CY 2018 OPPS/ASC final rule with comment period (82 FR 59369 through 59370), we finalized our proposal and adjusted the payment rate for separately payable drugs (other than

[1] Government Accountability Office. ''Medicare Part B Drugs: ''Action Needed to Reduce Financial Incentives to Prescribe 340B Drugs at Participating Hospitals.'' June 2015. Available at *https://www.gao.gov/assets/gao-15-442.pdf.*

[2] Office of Inspector General. ''Part B Payment for 340B Purchased Drugs. OEI–12–14–00030''. November 2015. Available at: *https://oig.hhs.gov/oei/reports/oei-12-14-00030.pdf.*

[3] Medicare Payment Advisory Commission. March 2016 Report to the Congress: Medicare Payment Policy. March 2016. Available at Medicare Payment Advisory Commission. March 2016 Report to the Congress: Medicare Payment Policy. March 2016. Available at *https://www.medpac.gov/document/http-www-medpac-gov-docs-default-source-reports-may-2015-report-to-the-congress-overview-of-the-340b-drug-pricing-program-pdf/.*

drugs with pass-through payment status and vaccines) acquired under the 340B Program from ASP plus 6 percent to ASP minus 22.5 percent. We also noted that critical access hospitals are not paid under the OPPS, and therefore were not subject to the OPPS 340B drug payment adjustment policy (hereinafter referred to as the ''340B payment policy''). We also exempted rural sole community hospitals, children's hospitals, and PPS-exempt cancer hospitals from the 340B payment adjustment primarily due to these hospitals receiving special payment adjustments under the OPPS. In addition, as stated in the CY 2018 OPPS/ASC final rule with comment period, this policy change did not apply to drugs with pass-through payment status, which are required to be paid based on the ASP methodology, or vaccines, which are excluded from the 340B Program.

Additionally, as discussed in the CY 2018 OPPS/ASC final rule with comment period (82 FR 59369 through 59370), to effectuate the payment adjustment for 340B-acquired drugs, we implemented modifier ''JG,'' effective January 1, 2018. Hospitals paid under the OPPS, other than types of hospitals excluded from the OPPS (such as critical access hospitals), or exempted from the 340B payment policy for CY 2018, were required to report modifier ''JG'' on the same claim line as the drug Healthcare Common Procedure Coding System (HCPCS) code to identify a 340B-acquired drug. For CY 2018, rural sole community hospitals, children's hospitals, and PPS-exempt cancer hospitals were exempted from the 340B payment adjustment. These hospitals were required to report informational modifier ''TB'' for 340B-acquired drugs, and continued to be paid the full applicable amount, generally ASP plus 6 percent.

In the CY 2019 OPPS/ASC final rule with comment period (83 FR 58981), we continued the Medicare 340B payment policies that were implemented in CY 2018 and adopted a policy to pay for non-pass-through 340B-acquired biosimilars at ASP minus 22.5 percent of the biosimilar's ASP, rather than the reference biological product's ASP. Additionally, in the CY 2019 OPPS/ASC final rule with comment period (83 FR 59015 through 59022), we finalized a policy to pay ASP minus 22.5 percent for 340B-acquired drugs furnished in non-exempted off-campus provider-based departments (PBDs) paid under the Physician Fee Schedule (PFS). We adopted this payment policy for CY 2019 and subsequent years. Also, during the CY 2019 OPPS/ASC rulemaking cycle, we clarified that the 340B payment adjustment applied to drugs priced using either wholesale acquisition cost (WAC) or average wholesale price (AWP), and since the policy was first adopted, we applied the 340B payment adjustment to 340B-acquired drugs priced using these pricing methodologies. The 340B payment adjustment for WAC-priced drugs was WAC minus 22.5 percent. 340B-acquired drugs that were priced using AWP were paid an adjusted amount of 69.46 percent of AWP (83 FR 37125).[4]

For more detailed descriptions of our OPPS payment policy for drugs acquired under the 340B program during this timeframe, we refer readers to the CY 2018 OPPS/ASC final rule with comment period (82 FR 59353 through 59371); the CY 2019 OPPS/ASC final rule with comment period (83 FR 59015 through 59022); the CY 2020 OPPS/ASC final rule with comment period (84 FR 61321 through 61327); the CY 2021 OPPS/ASC final rule with comment period (85 FR 86042 through 86055); the CY 2022 OPPS/ASC final rule with comment period (86 FR 63640 through 63649); and the CY 2023 OPPS/ASC final rule with comment period (87 FR 71972 through 71973).

3. Payment for Non-Drug Items and Services in CY 2018 Through CY 2022

In the CY 2018 OPPS/ASC final rule with comment period (82 FR 59216, 59258), to comply with the statutory budget neutrality requirements under sections 1833(t)(9)(B) and (t)(14)(H) of the Act, we finalized our proposal to redistribute our estimated reduction in payments for separately payable drugs as a result of the 340B payment policy by increasing the conversion factor used to determine the payment amounts for non-drug items and services. As further described in the CY 2018 OPPS/ASC final rule with comment period, we used updated CY 2016 claims data and a list of 340B-eligible providers to calculate an estimated impact of $1.6 billion based on the final CY 2018 policy to pay for OPPS 340B-acquired drugs at a payment rate of generally ASP minus 22.5 percent. In order to effectuate the budget neutrality provisions of the OPPS, the estimated $1.6 billion in reduced drug payments from adoption of the final 340B payment methodology was redistributed in an equal offsetting amount to all hospitals paid under the OPPS by increasing the payment rates by 3.19 percent for nondrug items and services furnished by all hospitals paid under the OPPS for CY 2018. This same conversion factor adjustment applied for CYs 2019 through 2022, increasing payments for non-drug items and services in these CYs as a result of the 340B payment policy.

B. Litigation History of the 340B Payment Policy

The 340B payment policy has been the subject of extensive litigation. On December 27, 2018, in the case of *American Hospital Association* v. *Azar,* 348 F. Supp. 3d 62 (D.D.C. 2018), the United States District Court for the District of Columbia (the District Court) concluded that the Secretary exceeded his statutory authority by adjusting the Medicare payment rates for drugs acquired under the 340B Program to ASP minus 22.5 percent for CY 2018. The District Court subsequently came to the same conclusion for CY 2019. *See Am. Hosp. Ass'n* v. *Azar,* 385 F. Supp. 3d 1 (D.D.C. 2019).

On July 10, 2019, the District Court entered final judgment. *See Am. Hosp. Ass'n* v. *Azar,* No. 18–cv–2084 (RC), 2019 WL 3037306 (D.D.C. July 10, 2019). The agency then appealed to the United States Court of Appeals for the District of Columbia Circuit (the D.C. Circuit), and on July 31, 2020, that court issued an opinion reversing the District Court's judgment. *See Am. Hosp. Ass'n* v. *Azar,* 967 F.3d 818 (D.C. Cir. 2020).

On June 15, 2022, the Supreme Court reversed the decision of the D.C. Circuit, holding that if CMS has not conducted a survey of hospitals' acquisition costs, it may not vary the payment rates for outpatient prescription drugs by hospital group. *See Am. Hosp. Ass'n* v. *Becerra,* 142 S. Ct. 1896 (2022).

The Supreme Court declined to opine on the appropriate remedy and remanded the case to the D.C. Circuit, which in turn remanded it to the District Court. Upon remand to the District Court, the plaintiffs filed motions seeking orders (1) vacating the portion of the CY 2022 final OPPS rule that set the reimbursement rate for 340B drugs at ASP minus 22.5 percent, which was still in effect for the remainder of 2022, and (2) requiring CMS to remedy the reduced payment amounts to 340B hospitals under the final OPPS rules for CY 2018 through CY 2022 by reimbursing them the difference between what they were paid and ASP plus 6 percent. On September 28, 2022, the District Court ruled on the first motion, vacating the 340B

[4] The 69.46 percent of AWP was calculated by first reducing the original 95 percent of AWP price by 6 percent to generate a value that is similar to ASP or WAC with no percentage markup. Then we applied the 22.5 percent reduction to ASP/WAC-similar AWP value to obtain the 69.46 percent of AWP, which was similar to either ASP minus 22.5 percent or WAC minus 22.5 percent.

reimbursement rate for the remainder of 2022. *See Am. Hosp. Ass'n* v. *Becerra,* 18–cv–2084 (RC), 2022 WL 4534617.[5]

On January 10, 2023, the District Court ruled on the second motion, issuing a remand without vacatur to give the agency the opportunity to determine the proper remedy for the reduced payment amounts to 340B hospitals under the payment rates in the final OPPS rules for CY 2018 through CY 2022. *See Am. Hospital Ass'n* v. *Becerra,* 18–cv–2084 (RC), 2023 WL 143337.[6]

C. Payment for 340B-Acquired Drug Claims for September 28, 2022, Through December 31, 2022, and for CY 2023

The agency complied with the District Court's September 28, 2022, decision by uploading revised OPPS drug files to pay the default rate (generally ASP plus 6 percent) for all CY 2022 claims for 340B-acquired drugs paid from September 28, 2022, through the end of CY 2022.[7]

In the CY 2023 OPPS/ASC final rule with comment period, we finalized a policy that drugs acquired through the 340B program would be paid at the default rate (generally ASP plus 6 percent) for CY 2023. Correspondingly, to ensure budget neutrality for CY 2023 OPPS payment rates as required by statute, we finalized a reduction of 3.09 percent to the 2023 OPPS conversion factor. This 3.09 percent reduction for CY 2023 offsets the prior increase of 3.19 percent that was applied to the conversion factor when we implemented the 340B payment policy in CY 2018. This is because a downward adjustment involves a smaller percentage reduction from a larger number to get the same dollar amount as the original upward adjustment from a smaller number. More specifically, in order to achieve the original budget neutrality adjustment for CY 2018, we had to multiply the conversion factor by 1.0319. In order to offset this prior increase for the CY 2023 rule, we had to make a downward adjustment to the conversion factor, which involved dividing 1 by 1.0319, which equals 0.9691. And 1 minus 0.9691 equals 0.0309, which is where we derived the 3.09 percent reduction to the conversion factor for CY 2023. As we explained in the CY 2023 OPPS/ASC final rule, we decreased the OPPS conversion factor to offset the increase the OPPS conversion factor in CY 2018, which originally implemented the 340B policy in a budget neutral manner. We stated: ''This adjustment to the conversion factor is appropriate in these circumstances, including because it removes the effect of the 340B policy as originally adopted in CY 2018, which was recently invalidated by the Supreme Court as explained above, from the CY 2023 conversion factor and ensures it is equivalent to the conversion factor that would be in place if the 340B payment policy had never been implemented'' (87 FR 71975). Additionally, we explained that we agreed with commenters, including the American Hospital Association (AHA), that under these specific circumstances it was appropriate to decrease payments for non-drug items and services by a percentage that would offset the percentage by which they were increased when CMS implemented the 340B policy in CY 2018 (87 FR 71975).

For more detail on the payment rate for drugs acquired under the 340B program for CY 2023 and the corresponding adjustment to the conversion factor to maintain budget neutrality as a result of reversing the 340B adjustment and paying for all separately payable drugs at ASP plus 6 percent (or WAC plus 3 or 6 percent or 95 percent of AWP), we refer readers to the CY 2023 OPPS/ASC final rule with comment period (87 FR 71973 through 71976).

II. Proposal To Remedy Payment Adjustment for 340B-Acquired Drugs From CY 2018 Through September 27th of CY 2022

A. Remedy Options Considered By CMS

We evaluated several options to determine which remedy would best achieve the objective of unwinding the unlawful 340B payment policy while making certain OPPS providers (hereinafter referred to as ''affected 340B covered entity hospitals'')[8] as close to whole as is administratively feasible.

We describe the different remedy options and aspects of those alternative options that we considered below.

1. Make Additional Payments to Affected 340B Covered Entity Hospitals for 340B-Acquired Drugs From CY 2018 Through September 27th of CY 2022 Without Proposing an Adjustment To Maintain Budget Neutrality

We considered calculating the additional amount each affected 340B covered entity hospital would have been paid for 340B-acquired drugs from CY 2018 through September 27th of CY 2022 if not for the 340B payment policy, and then proposing to pay that amount to each hospital without applying a corresponding adjustment to the conversion factor for the increased payments for non-drug items and services that were made from CY 2018 through CY 2022 due to the 340B payment policy. As described in more detail below, we believe that we would have the authority to make remedy payments under sections 1833(t)(2)(E) and 1833(t)(14) of the Act, along with our retroactive rulemaking authority in section 1871(e)(1)(A) of the Act. We note that sections 1833(t)(2)(E) and 1833(t)(14) of the Act require budget neutrality with respect to payment adjustments to the OPPS made under those sections and are not specific to remedy payments. Consequently, we believe the best reading of both of those provisions is that these remedy payments are subject to budget neutrality requirements, at least when the budget neutrality adjustment would not be de minimis. We believe our reading of these provisions is consistent with the statute's general approach of budget neutralizing OPPS payment adjustments, *see, e.g.,* Social Security Act (SSA) section 1833(t)(9)(B), as further explained in the following sections.

Section 1833(t)(2)(E) of the Act straightforwardly requires adjustments made under that provision be made ''in a budget neutral manner.'' (*Accord* 65 FR 18438 (noting (t)(2)(E)'s budget neutrality requirement)) Section 1833(t)(14)(H) of the Act, relating to drug APC payment rates, states that ''Additional expenditures resulting from this paragraph shall not be taken into account in establishing the conversion, weighting, and other adjustment factors for 2004 and 2005 under paragraph (9), but *shall be taken into account for subsequent years.*'' In addition, section 1833(t)(9)(B) of the Act, referenced in section 1833(t)(14)(H), states that ''[i]f the Secretary makes adjustments under subparagraph (A),[9] then the adjustments for a year may not cause the estimated amount of expenditures under this part for the year to increase or decrease from the estimated amount of expenditures under this part that would have been

[5] *https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2018cv2084-79.*

[6] *https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2018cv2084-86.*

[7] See supra note 4.

[8] Throughout the duration of the policy, the 340B payment adjustment did not apply to critical access hospitals, rural sole community hospitals, children's hospitals, and PPS exempt cancer hospitals.

[9] Section 1833(t)(9)(A) Periodic review.—The Secretary shall review not less often than annually and revise the groups, the relative payment weights, and the wage and other adjustments described in paragraph (2) to take into account changes in medical practice, changes in technology, the addition of new services, new cost data, and other relevant information and factors.

made if the adjustments had not been made.''

We believe these statutory requirements require that we maintain budget neutrality when making these remedy payments. To the extent these remedy payments are understood as a payment adjustment under section 1833(t)(2)(E) of the Act, they are subject to that section's budget neutrality constraints. And to the extent these payments are understood as a payment under section 1833(t)(14) of the Act, they are ''[a]dditional expenditures resulting from'' paragraph (t)(14) for years other than 2004 or 2005 and thus are subject to budget neutrality constraints under section 1833(t)(14)(H) of the Act.

This reading of these provisions is consistent with the statute's general approach of budget neutralizing OPPS payment adjustments, *see, e.g.,* SSA section 1833(t)(9)(B), except when expressly exempted, *see* SSA section 1833(t)(7)(I), (t)(14)(H), (t)(16)(D)(iii), (t)(18)(C), (t)(19)(A), (t)(20). Budget neutrality in OPPS serves the important interest of limiting expenditures under Part B and thus protecting the public fisc. *Cf.* H.R. Rep. No. 106–436, at 34 (1999) (noting the goal of prospective payment systems, including the OPPS, is to slow growth rate of Medicare expenditures). The Supplementary Medicare Insurance Trust Fund (hereinafter referred to as the ''Part B Trust Fund'') that makes OPPS payments is mostly financed by premiums from participants and contributions from the general fund of the Treasury. The Trustees of the Part B Trust Fund warn that unexpected increases in Medicare Part B or D expenditures may thus require increases to beneficiary premiums and coinsurance, which already represent a growing share of beneficiaries' total income and are projected to reflect about three-quarters of the average Social Security retired-worker benefit by the end of this century. *See* The 2023 Annual Report of the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Medicare Insurance Trust Funds at 40–41.[10] Additionally, unexpected increases in Medicare Part B or D expenditures could require tax increases or expenditure reductions elsewhere in the Federal budget; the Trustees already project expenditures to consume more than 30 percent of Federal income tax revenue in just 50 years. *Id.* at 43.

Accordingly, when changes to payment policy are made, we make an adjustment to the OPPS conversion factor in order to maintain budget neutrality. (70 FR 68542 (noting outpatient drugs are included in the budget neutrality calculation beginning in 2006)) We do not believe Congress intended the statute to permit regulated entities to achieve policy outcomes through litigation that would be statutorily unavailable to them through the regular rulemaking process—especially policy outcomes that increase total Medicare expenditures.

We acknowledge that, in the past, not all OPPS payment policy changes based on sections 1833(t)(14) and (t)(2)(E) of the Act have resulted in adjustments to the budget neutrality factor or actual expenditures from the Part B Trust Fund equaling zero in all circumstances. The method CMS uses to account for changes to the ''estimated number of expenditures'' referenced in section 1833(t)(9)(B) and incorporated by section 1833(t)(14)(H) is the OPPS conversion factor (*e.g.,* 71 FR 68193 through 68194). In situations that have not had any estimated impact on the OPPS conversion factor or that would otherwise have a de minimis impact, such as a 0.0001 change to the conversion factor, which would have an inconsequential effect on Medicare payments, CMS has effectively rounded the estimated impact on expenditures to zero.[11] Thus, in circumstances when there would be a de minimis impact on estimated OPPS payment to meet the budget neutrality requirements as a result of a post-rulemaking policy change, we have not changed OPPS payments to reflect the minimal impact of the policy change. When considering whether the estimated amount of expenditures is de minimis, we have taken into account relevant context, such as the size of the change comparable to the OPPS payments overall, the relative number of interested parties and any reliance interests, as well as the anticipated impact on the Part B Trust Fund of the change in payment due to the post-annual rulemaking policy versus the anticipated administrative burden and cost of ratesetting disruption.

In the case of the remedy payments for the 340B payment policy, by contrast, we believe a budget neutrality adjustment is statutorily required and, even if not statutorily required, warranted as a matter of sound public policy. The estimated impact of our one-time lump sum remedy payments is significant and reflects a very substantial fraction of total OPPS spending for any one calendar year, one that goes well beyond any impact of which we have previously rounded to zero. The specifics of the lump sum are discussed in greater detail in the following section, II.B.1. Additionally, we do not believe any reliance interests or administrative burdens outweigh the impact of the remedy payments on the Part B Trust Fund sufficiently to justify disregarding the principle of budget neutrality, if that were statutorily possible. As we explain below, though, the potential reliance interests implicated by the need to recover unwarranted payments made over many years, combined with the unique difficulties in calculating and collecting these payments through retroactive rulemaking, should properly affect the way the budget neutrality principle applies to these unique circumstances.

As noted previously in section I.A.3, we budget neutralized the 340B payment policy from CY 2018 to CY 2022 by increasing the rate for non-drug items and services by 3.19 percent. That resulted in $7.8 billion in additional spending on non-drug items and services during that time period. We note that some OPPS providers are still filing, or re-filing, claims for CY 2022; therefore, our estimate of the total amount of additional spending on non-drug items and services during that time period could change as more claims from CY 2022 are processed, or reprocessed. CMS has repeatedly stated in both litigation and OPPS rules in the **Federal Register** that any remedy payments could be subject to budget neutrality constraints. *See, e.g., Am. Hosp. Ass'n* v. *Becerra,* 142 S. Ct. 1896, 1903 (2022) (acknowledging HHS's position that ''a judicial ruling invalidating the 2018 and 2019 reimbursement rates for certain hospitals would require offsets elsewhere in the program''); 84 FR 61323 (''Recognizing Medicare's complexity in formulating an appropriate remedy, any changes to the OPPS must be budget neutral, and reversal of the policy change, which raised rates for non-drug items and services by an estimated $1.6 billion for 2018 alone, could have a significant

[10] *https://www.cms.gov/oact/tr/2023.*

[11] In the CY 2007 OPPS/ASC final rule with comment period, using our authority under section 1833(t)(2)(E) of the Act, we implemented a quality improvement program which required hospitals eligible to participate in the Inpatient Prospective Payment Systems (IPPS) Reporting Hospital Quality Data for the Annual Payment Update (RHQDAPU) to meet the requirements for receiving the full FY 2007 IPPS payment in order to qualify for the CY 2007 OPPS update. Hospitals failing to meet the requirements would receive a reduced OPPS conversion factor update in CY 2007, the amount of which would then, if not deemed ''negligible,'' be offset by a corresponding increase to the OPPS conversion factor to maintain budget neutrality. See 71 FR 68193 through 68194.

economic impact on the approximate 3,900 facilities that are paid for outpatient items and services covered under the OPPS.''). Additionally, because the 340B payment policy this rule proposes to remedy was itself budget neutralized, failing to budget neutralize the remedy payments would mean that the additional payments for non-drug items and services that were made from CY 2018 through CY 2022 to achieve budget neutrality for the 340B payment policy as described under section I.A.3 of this proposed rule would be a windfall, especially to non-340B hospitals that were not subject to decreased drug payments from CY 2018 through CY 2022. The Trust Fund has a strong interest in recovering that windfall, and those who received it have no legitimate reliance interest in permanently retaining that windfall.

As for the administrative burden specific to maintaining budget neutrality, CMS was already required by the remand order to remedy the 340B policy. The decision to include a budget neutrality component in this remedy does not appreciably change this burden, though of course the burden could be greater or lesser depending on how the remedy is crafted. As set forth more fully below, our proposed budget neutrality adjustment does not directly recoup money already paid to providers; rather, it is a proposed adjustment to future payment rates, allowing hospitals to take such rates into account rather than forcing them to open their bank accounts and disgorge their windfall immediately. On balance, the billions of dollars the proposed payments to affected 340B covered entity hospitals would cost the Part B Trust Fund outweigh the potential administrative expenses or disruption resulting from a broad change in OPPS payment to offset these additional costs.

Finally, even if this remedy rule were exempt from budget neutrality requirements as a matter of statutory interpretation, we would still exercise our authority under section 1833(t)(2)(E) of the Act to offset the extra payments we made for non-drug items and services from 2018 through 2022. As discussed, those payments have proven to be an unwarranted windfall, and the Trust Fund has a strong interest in recovering them. This proposal to avoid a windfall to providers would also be consistent with the agency's longstanding inherent and common-law (and common-sense) recoupment authority, through which ''the Secretary generally has the duty and power to protect against overpayments to providers.'' *Chaves Cnty. Home Health Serv., Inc.* v. *Sullivan,* 931 F.2d 914, 918 (D.C. Cir. 1991); *see also, e.g., United States* v. *Lahey Clinic Hosp., Inc.,* 399 F.3d 1, 16 (1st Cir. 2005) (''Although provisions of the Medicare Act expressly authorize the Secretary to reopen initial payment determinations and to recoup overpayments administratively in certain circumstances, *see* 42 U.S.C. 1395g(a) and 1395gg, the statute does not displace the United States' long standing power to collect monies wrongfully paid through an action independent of the administrative scheme, nor is there any inconsistency.''); *Mount Sinai Hosp. of Greater Miami, Inc.* v. *Weinberger,* 517 F.2d 329, 345 (5th Cir.), *modified,* 522 F.2d 179 (5th Cir. 1975) (similar). For that reason and those discussed above, we would find that unwinding those payments would be necessary to ensure equitable payments, even assuming no statutory budget neutrality requirement applies.

Therefore, we believe that it is required by the statute—but even if not required, that it would be consistent with the statute—and consistent with our past practices, and appropriate, to propose to offset the additional payments for non-drug items and services that were made from CY 2018 through CY 2022 in order to maintain budget neutrality or equitable payments when remedying this policy. But the context of this rule remains unique: We are adjusting payments prospectively in order to provide a remedy for a previous unlawful payment decision. And precisely because that previous payment decision itself followed budget neutrality principles; it provided unwarranted payments to some at the same time it improperly took payments from others. In applying budget neutrality principles to this remedy, we seek to rectify this imbalance and restore matters as closely as possible to where they would have been absent the policy the Supreme Court determined to be unlawful. We solicit comments from the public on our proposed interpretation of our statutory budget neutrality obligations, equitable payment authorities, and recoupment authority.

2. Full Claims Reprocessing From CY 2018 Through September 27th of CY 2022

Perhaps the most perfect measure of achieving budget neutrality in circumstances like this would be to turn back the clock to the day the unlawful payment decision was first made, undo that decision, and start over. To do so here, CMS would have to reprocess all OPPS claims for 340B-acquired drugs and non-drug items and services from CY 2018 through September 27th of CY 2022 using the default payment rate under section (t)(14) of the Act and our retroactive rulemaking authority in section 1871(e)(1)(A) of the Act. This approach would have the benefit of putting providers, beneficiaries, and Medicare back in the same situation they would have been in if CMS had never adopted the ASP minus 22.5 percent rate for 340B-acquired drugs in 2018. But we have previously rejected arguments that remedial rulemaking must necessarily provide this type of precise make-whole relief. *See Shands Jacksonville Med. Ctr., Inc.* v. *Azar,* 959 F.3d 1113, 1118 (D.C. Cir. 2020) (agreeing that the agency need not restore ''each individual hospital . . . at least to the position it would have occupied had the rate reduction never taken effect'').

Reprocessing every single claim might be a potential approach to remedy this situation, if it were administratively achievable. But reprocessing such an unprecedentedly large volume of claims and issuing payment to affected providers in a timely fashion would impose an immense administrative burden on CMS, its contractors, and providers. We accordingly believe that this approach is not feasible in this case. This approach would require the reprocessing of virtually all claims submitted to the OPPS system during the affected period of time, but that system processes more than 100 million claims each year. Reprocessing almost 5 years' worth of OPPS claims could take several years, resulting in some affected 340B covered entities having to wait multiple years to receive payment, and leading to widespread beneficiary cost sharing uncertainty, as beneficiaries could be caught by surprise by a significant change in cost sharing responsibility from a claim they thought had been closed many years ago. The large quantity of claims and the amount of time required to reprocess them while continuing normal claims processing likewise would not result in timely payments or adjustments to hospitals. Additionally, reprocessing these claims would lead to the need for significant recoupments of payments for non-drug items and services that would have already been paid at the higher rate based on the budget neutrality adjustment applied as a result of the original 340B payment policy. The D.C. Circuit has held that it is not necessary ''to recalculate each individual claim paid under the reduced rate'' that was the subject of litigation when doing so would have caused significant

administrative burden and delayed payments. *See Shands,* 959 F.3d at 1120. But the expected results of such a calculation can certainly inform an alternative approach to budget neutrality, as we discuss below.

We note that the vast majority of 340B drug claims from CY 2022 have been reprocessed at the higher 340B payment rate, generally ASP plus 6 percent, which we believe was allowable under the District Court's order prospectively vacating the CY2022 340B payment rate and the typical timely filing requirements described at 42 CFR 424.44. We believe this was appropriate for CY 2022 claims given that providers were able to follow the regular claims processing conventions for these claims, and we will ensure CMS does not make duplicate payments for these claims already remedied by the usual claims processing methods. As of this proposed rule, we estimate that for CY 2022, $1.5 billion in remedy payments (including the Medicare and beneficiary portions) have already been made to providers through reprocessed claims, or claims that had dates of service January 1, 2022, through September 27, 2022, but were held until, or reprocessed after, the 340B rule was vacated and the standard drug payment rates were in effect for 340B-acquired drugs. We consider these reprocessed claims to be partially remedied as 340B providers no longer received the lower 340B drug payment rate for these 340B-acquired drugs. We note that the non-drug item and service payment components of these claims were not remedied, which we discuss in subsequent sections. This $1.5 billion is one component of the total remedy payments accounted for in this proposed rule. We also note that these claims only had the 340B drug portion of the claim adjusted, and that for these claims to be fully remedied the non-drug item and service components of these claims would also need to be adjusted as discussed in subsequent sections.

3. Aggregate Hospital Payments From CY 2018 Through September 27th of CY 2022

We also considered calculating one-time aggregate payment adjustments for each provider for the CY 2018 through September 27th of CY 2022 time-period, including both additional payments for 340B-acquired drugs and reduced payments for non-drug items and services under sections 1833(t)(2)(E) and 1833(t)(14) of the Act, along with our retroactive rulemaking authority in section 1871(e)(1)(A) of the Act. This option would have involved: (1) calculating the total additional payments for each hospital that would have been paid for separately payable non-pass-through 340B-acquired drugs from CY 2018 through September 27th of 2022 in the absence of the 340B payment policy; (2) calculating the additional amount each hospital was paid under the OPPS from CY 2018 through CY 2022 for non-drug items and services as a result of the 340B policy; (3) subtracting (2) from (1); and (4) issuing a payment to, or requiring a recoupment from, each hospital for the 5-year period in which the 340B payment policy was in effect.

While this approach would also have satisfied the statutory budget neutrality concerns discussed above, we do not believe the statute mandates such an inflexible approach in these circumstances. *Cf. Shands Jacksonville Med. Ctr., Inc.,* 959 F.3d at 1120. (For further discussion of this point, see section II.B.1.a.) Such an approach would require immediate, and in many cases large, retroactive recoupments from the majority of OPPS hospitals and would impose a substantial, immediate burden on these hospitals as well as an uncertain impact on beneficiaries. Given these burdens, the financial strain many hospitals experienced during the recent public health emergency, and the amount of time that has transpired since the original payments for these drugs, items, and services were made, we decided not to propose this option and overly burden these hospitals in this way.

B. Proposed Remedy

1. Proposed Methodology for Calculating and Process for Remitting Remedy Payments to Affected 340B Covered Entity Hospitals for 340B-Acquired Drugs Furnished and Paid Adjusted Amounts Under the OPPS in CY 2018 Through September 27th of CY 2022

a. Statutory Authority

CMS believes that the best way to remedy our payment policy for 340B-acquired drugs for the period from CY 2018 through September 27th of CY 2022, which the Supreme Court found unlawful, would be to make one-time lump sum payments to affected 340B covered entities calculated as the difference between what they were paid for 340B drugs (ASP minus 22.5 percent or an adjusted WAC or AWP amount) during the relevant time period (from CY 2018 through September 27th of CY 2022) and what they would have been paid had the 340B payment policy not applied. We believe this approach comes as close to providing 340B covered entities with make-whole relief as CMS can reasonably accomplish, without the massive burden that would be associated with manually reprocessing all claims. Assuming hospitals properly assigned the billing codes discussed below when submitting their CY 2018 through 2022 claims, CMS expects the remedy payment to each 340B covered entity for 340B-acquired drugs to be the same as if CMS manually reprocessed those claims.

We propose to make the remedy payments relying principally on: (1) our rate-setting authority under section 1833(t)(14) of the Act; and (2) our equitable adjustment authority under section 1833(t)(2)(E) of the Act. To the extent this proposed rule is retroactive (in whole or in part), we would rely on our retroactive rulemaking authority in section 1871(e)(1)(A) of the Act.

The Supreme Court has held that if CMS has not conducted a survey of hospitals' acquisition costs, it may not vary the payment rates for outpatient prescription drugs by hospital group. Because we did not use any survey of hospitals' acquisition costs, we believe it is necessary for the remedy to apply the default rate (generally ASP plus 6 percent) to comply with paragraph (14)(A)(iii) of section 1833(t) of the Act for those years, as interpreted by the Supreme Court. Even if a retroactive rule were not necessary to comply with section 1833(t)(14) of the Act, we believe that failing to apply the default rate retroactively would be contrary to the public interest in this specific situation in part because it would leave the plaintiff 340B hospitals paid at a substantially lower rate, due to the magnitude of payment, than we now believe to be proper under the statute and that they have continually pressed in court since we first announced the adjustment. We believe the equities weigh in favor of a partially retroactive remedy here, because a significant number of plaintiff hospitals have been advocating for our current policy in court since we first announced our 340B payment policy for CY 2018 despite our view that there was no administrative or judicial review for such claims, and because the impact on the Part B Trust Fund will be lessened because we are applying budget neutrality principles. We note that the position of those plaintiff hospitals was ultimately vindicated by the Supreme Court.

Section 1871(e)(1)(A) of the Act prohibits the application of a substantive change in regulations to items and services furnished before the effective date of the substantive change unless, ''such retroactive application is necessary to comply with statutory requirements'' or the ''failure to apply

the change retroactively would be contrary to the public interest.'' Assuming this proposal is viewed as a retroactive remedy (in whole or in part), we believe it would be necessary to use this retroactive rulemaking authority to implement the remedy by revising 340B payment rates for this prior period to comply with the Supreme Court's interpretation of the requirements of section 1833(t)(14) of the Act.

Section 1833(t)(2)(E) of the Act requires the Secretary to, ''establish, in a budget neutral manner, outlier adjustments . . . transitional pass-through payments . . . and other adjustments as determined to be necessary to ensure equitable payments, such as adjustments for certain classes of hospitals.'' In this case, we propose that the lump sum payment, calculated as the difference between what an affected 340B covered entity hospital received for 340B-acquired drugs during the time period at issue and what they would have received for 340B-acquired drugs if the 340B adjustment had not been in place, would be an equitable retroactive adjustment. Such an adjustment is necessary to ensure equitable payments to affected 340B covered entity hospitals by making them whole for the decreased payments for 340B-acquired drugs they received from CY 2018 through September 27th of CY 2022 that are no longer proper in light of the Supreme Court's decision. To the extent necessary, we are applying the adjustment retroactively in accordance with the Court's ruling and for the reasons discussed in the above paragraph.

We are proposing to use our authority under 1833(t)(14) of the Act in conjunction with our equitable adjustment authority under 1833(t)(2)(E) of the Act, to accomplish an equitable outcome as we remedy past payments made under the 340B payment policy. To the extent necessary, we also propose to use our retroactive rulemaking authority under section 1871(e)(1)(A) of the Act.

We solicit comment from the public on our proposed use of these authorities in the remedy policies discussed in the rule. We also solicit comment on other possible authorities (including implied authority or common law authority) that might also be applicable to the remedy policies discussed in this rule or on which we could rely to make remedy payments.

b. Estimated Reduction in Drug Payments to Affected 340B Covered Entity Hospitals in CY 2018 Through September 27, 2022

An estimated 1,649 340B covered entity hospitals were paid at the 340B payment rate, which was generally ASP minus 22.5 percent for 340B-acquired drugs for CY 2018 through September 27th of 2022, rather than the default rate, which is generally ASP plus 6 percent, due to the 340B payment policy. CMS estimates that these hospitals received approximately $10.5 billion less in 340B drug payments (including money that would have been paid by Medicare and money that would have come from beneficiaries as copayments) than they would have for drugs provided in CY 2018 through September 27th of 2022 had the 340B policy not been implemented. We will update these estimated figures in the final rule as we continue to receive updated CY 2022 claims data. We expect to have sufficient CY 2022 340B drug claims at issue submitted by September 27, 2023; therefore, by the publication date for the final rule that corresponds to this proposed rule, we should have sufficient claims data to state with more specificity the reduction in drug payments to affected 340B covered entity hospitals in CY 2018 through September 27, 2022. As previously discussed, we estimate that 340B providers have already received $1.5 billion in remedy payments through reprocessed claims for 340B drugs provided from January 1, 2022, through September 27, 2022. Since $1.5 billion of the total $10.5 billion that we calculated affected 340B covered entity hospitals did not receive as a result of this payment policy has already been remedied through reprocessed claims, we estimate the remaining remedy amount that affected 340B covered entity hospitals have not yet received as a result of this policy is $9.0 billion.[12]

We have calculated the estimated aggregate payments by isolating 340B drugs assigned status indicator ''K''(non-pass-through drugs and non-implantable biologicals, including therapeutic radiopharmaceuticals) and billed with modifier ''JG'' (drug or biological acquired with 340B Program discount, reported for informational purposes). We then calculated the difference between these drugs' CY 2018 through 2022 340B payment rate and the 340B rate proposed in this rule, which was generally the difference between ASP minus 22.5 percent and ASP plus 6 percent. We used a similar process to estimate aggregate payments owed for drugs with payment amounts based on WAC or AWP. In particular, for drugs priced using WAC, we calculated the difference between WAC minus 22.5 percent and WAC plus 3 or 6 percent, as applicable, and for drugs priced using AWP, we calculated the difference between 69.46 percent of AWP and 95 percent of AWP. We note that the WAC and AWP based payment rates outlined in this paragraph are the common longstanding default OPPS drug payment rates if ASP data are not available.

We welcome comment on this proposed methodology of estimating the reduction in drug payments to affected 340B covered entity hospitals in CY 2018 through September 27, 2022.

c. Proposed Methodology for Calculating Remedy Payments Owed to Each Affected 340B Covered Entity Hospital

We propose the following process for calculating the amount of payment owed to each affected 340B covered entity hospital and issuing that payment. For each affected 340B covered entity hospital, we propose to calculate the amount the hospital would have been paid under the OPPS from CY 2018 through September 27th of CY 2022 for drugs the hospital acquired through the 340B Program had that 340B policy not been in effect. We would then subtract from this amount the amount each affected 340B covered entity hospital was paid under the OPPS for 340B-acquired drugs during the period of CY 2018 to September 27th of CY 2022.

When added to the adjusted amount paid under the OPPS from CY 2018 through September 27th of CY 2022 for separately payable drugs acquired under the 340B Program, this proposed additional lump sum payment amount would result in the affected 340B covered entity hospital receiving the default ASP plus 6 percent rate (or WAC plus 3 or 6 percent or 95 percent of AWP, as applicable) for drugs acquired

[12] We note that the additional amount CMS pays affected 340B covered entity hospitals through this remedy could decrease if additional CY 2022 claims are processed at the higher payment rate, as discussed under section I.C. As previously explained, the agency complied with the District Court's September 28, 2022, decision by paying the default rate (generally ASP plus 6 percent) for all CY 2022 claims for 340B-acquired drugs paid from September 28, 2022, onward. However, as some affected 340B providers are still filing, or re-filing, claims for CY 2022, we are paying those claims at the higher default payment rate for drugs, which is generally ASP plus 6 percent. Therefore, our estimate of the total amount of additional drug payments that would be made through this remedy could change as more claims from CY 2022 are processed, or reprocessed, at the default payment rate of ASP plus 6 percent.

under the 340B Program for CY 2018 through September 27th of CY 2022.

We illustrate the proposed process for calculating and paying an affected 340B covered entity hospital's additional lump sum OPPS payments for 340B drugs furnished from CY 2018 through September 27th of CY 2022 in the following example. Based on claims data from CY 2018 through September 27th of CY 2022 for which those claims have been processed and OPPS payments already made, we would calculate that a particular 340B-covered entity hospital would have been paid an estimated $10 million for 340B drugs had that 340B payment policy not been in effect during that time period. Then, based on claims data for the same hospital from the same time period, we would calculate that the hospital was actually paid $7.31 million for 340B drugs from CY 2018 through September 27th of CY 2022. The difference between these two amounts—$2.69 million—would be the amount of the additional lump sum payment the 340B covered entity hospital would receive. Another method to estimate the total amount an affected 340B covered entity hospital would have been paid had the 340B payment policy not been in effect (X) is to use the following formula:

$X = (Y/0.775) * 1.06$

Where Y is the total amount received under the 340B policy from CY 2018 to September 27th of CY 2022.

In this example, the Y is $7.31 million. Therefore, ($7.31 million/0.775) * 1.06 = $10 million. The lump sum payment would be $10 million minus $7.31 million, which equals $2.69 million. We solicit comment from the public on our proposed calculation methodology for calculating remedy payments owed to each affected 340B covered entity hospital.

d. Instruction to MACs To Remit Remedy Payments

Consistent with our past practice of remitting payments owed due to litigation, we propose to make additional payments to each 340B covered entity hospital by issuing instructions (such as a Change Request (CR) or a Technical Direction Letter (TDL)) to the 340B covered entity hospital's Medicare Administrative Contractor (MAC), instructing the MAC to issue a one-time lump sum payment to the hospital in the amount calculated using the above described methodology within a specified timeframe, which we propose would be within 60 calendar days of the MAC's receipt of the instruction. For instance, in the example above CMS would issue instructions to the relevant MAC instructing it to issue a payment to the 340B covered entity hospital in the amount of $2.7 million within 60 calendar days of the MAC's receipt of the instructions. (*Note:* MACs will continue to follow normal accounting processes for collecting repayment amounts stemming from provider-specific overpayment obligations, as well as other unique situations such as provider bankruptcy or payment suspension, any of which may impact the provider's net payment amount.) We solicit comment from the public on our proposed approach to remitting remedy payments. We specifically seek comment on the timeframe of 60 calendar days in which we are proposing to have the MACs make the proposed lump sum payments. Given the number of one-time lump-sum payments to hospitals, the size of the payments, and the overall complexity of this remedy, we believe 60 calendar days is necessary for the MACs to accurately and precisely make these payments to individual hospitals. With that being said, we seek comment on this timeframe and if another such timeframe, such as 30 calendar days, is supported by rationale from commenters.

e. Accounting for Beneficiary Cost-Sharing

In most circumstances, beneficiaries would pay in the form of coinsurance approximately 20 percent of any additional 340B drug payments that affected 340B covered entity hospitals would have received, absent the CY 2018 through 2022 340B policy. But as described above, we are proposing to make each remedy payment as a one-time lump sum payment through MAC instructions using a combination of statutory authorities, including, if necessary, our retroactive rulemaking authority under section 1871(e)(1)(A) of the Act and our equitable adjustment authority under section 1833(t)(2)(E) of the Act. Because these payments are remedy payments issued through MAC instructions relying in part on our equitable adjustment authority under section 1833(t)(2)(E) of the Act, we do not believe these payments would be 340B drug payments subject to beneficiary copayments. Rather, we believe that these remedy payments are analogous to the type of cost report adjustments under section 1833(t)(2)(E) of the Act that we have previously found do not authorize providers to seek additional beneficiary copayments.[13]

We acknowledge that we have previously suggested that any remedy might affect beneficiary cost-sharing. *See, e.g.,* 84 FR 61323. But we made that statement in 2019, before the litigation was concluded, and well before we proposed here how to structure any remedy and determine how it should impact beneficiary cost sharing many years later. With the benefit of a concrete proposed remedy, we can clarify that our proposed lump sum payments for the difference in 340B-acquired drug payments due to the 340B payment policy would not affect beneficiary cost-sharing.

We believe that in these unique circumstances, it is appropriate to exercise our authority under section 1833(t)(2)(E) of the Act to make adjustments ''as necessary to ensure equitable payments'' and for Medicare to pay the full $9.0 billion difference between what 340B hospitals were paid for 340B-acquired drugs from CY 2018 through September 27, 2022, and what they would have been paid for 340B-acquired drugs absent the 340B payment policy during this time period, so that affected 340B covered entity hospitals are paid the amount they would have been paid in full without application of the 340B payment policy. While we do not believe it would necessarily be appropriate to make this kind of adjustment under section 1833(t)(2)(E) of the Act to ensure hospitals receive what they would have been paid from Medicare and beneficiaries absent the 340B payment policy every time we make a policy change or lose a lawsuit, we propose finding that such an adjustment is necessary for equitable payments in these unique circumstances in part because of the unprecedented

[13] For example, section 3138 of the Affordable Care Act added a new section 1833(t)(18) to the Social Security Act, providing for an adjustment under section 1833(t)(2)(E) of the Social Security Act to address higher costs incurred by cancer hospitals. Section 1833(t)(2)(E) of the Act, in turn, directs the Secretary to establish, ''in a budget neutral manner,'' payment ''adjustments as determined to be necessary to ensure equitable payments, such as adjustments for certain classes of hospitals.'' In response to CMS's proposal to implement this adjustment on a per claim basis through increased APC payments, commenters expressed concern that doing so would increase beneficiary copayments since beneficiary copayment is a percentage of the APC payment. These commenters encouraged CMS to implement the adjustment in a way that did not increase beneficiary copayments. Consequently, CMS determined it was appropriate to make the cancer hospital payment adjustment through the form of an aggregate payment to each cancer hospital determined at cost report settlement, as opposed to an adjustment at the APC level, thereby eliminating the higher copayments for beneficiaries associated with providing the adjustment on a claims basis through increased APC payments. *See* CY 2012 OPPS/ASC final rule, 76 FR 74121, 74204 (2011), for our prior use of our equitable adjustment authority under section 1833(t)(2)(E) of the Act to adjust cancer hospital payments.

scope of the remedy in terms of the amount of money at issue; the number of services, beneficiaries, and claims affected; and the number of years that have passed between the claims and the remedy.

Accordingly, we believe that here, where we are remedying prior payments, it would be appropriate to set the remedy payment amount under section 1833(t)(2)(E) of the Act so that affected 340B covered entity hospitals would be paid amounts that approximate what they would have been paid for these drugs absent the 340B payment policy, which includes what affected 340B covered entity hospitals would otherwise have been paid by the beneficiary. Therefore, the $9.0 billion payment amount includes $1.8 billion, an amount that is equivalent to what affected 340B covered entity hospitals would have collected from beneficiaries for these 340B-acquired drugs if the 340B payment policy had not been in effect.

We emphasize that, if our proposal is finalized, affected 340B covered entity hospitals may not bill beneficiaries for coinsurance on remedy payments—regardless of this adjustment—because we would issue this remedy payment through MAC instructions relying in part on our equitable adjustment authority under section 1833(t)(2)(E). CMS would consider appropriate administrative action for providers who nevertheless bill beneficiaries for coinsurance. We solicit comments from the public on our proposed approach to accounting for beneficiary cost sharing.

f. Proposed Remedy Payment Amounts

The following data file contains our calculations of the amounts owed under the above-described methodology to each affected 340B covered entity hospital: *https://www.cms.gov/medicare/medicare-fee-for-service-payment/hospitaloutpatientpps.* We solicit comment from the public on the accuracy of the data in Addendum AAA of this proposed rule, particularly with respect to the estimated amount of remedy payment due to each hospital. This addendum can be found online through the CMS OPPS website.[14]

g. Anticipated Timing of Proposed Remedy Payments

If we finalize the proposal to pay affected 340B covered entity hospitals in the manner described above, we would propose to make these additional payments at the end of CY 2023 or beginning of CY 2024, after this rule has been finalized and the MAC instructions for each affected 340B covered entity hospital have been issued.

h. Eligibility of Proposed Remedy Payments for Interest

CMS also considered its authority to pay interest on the remedy payments but does not believe it has the authority to do so.

2. OPPS Non-Drug Item and Service Payments From CY 2018 Through CY 2022

a. Background

As mentioned earlier in section I.A.3, the 340B payment policy was implemented in a budget neutral manner under sections 1833(t)(9)(B) and 1833(t)(14)(H) of the Act by increasing non-drug item and service payments to all OPPS providers for CY 2018 through CY 2022. To comply with the statutory budget neutrality requirements in sections 1833(t)(9)(B) of the Act and 1833(t)(14)(H) of the Act, as well as section 1833(t)(2)(E), CMS must account for these additional payments, which were made solely due to the 340B payment policy that was in effect from CY 2018 through CY 2022, in determining a remedy for the 340B policy. After the Supreme Court's decision in *American Hospital Association,* those additional payments became a windfall—payments the hospitals should not have received but did anyway. To comply with budget neutrality and restore the situation as closely as reasonably possible to the state that would exist if we simply re-ran all the claims from 2018 to 2022 under the correct payment rules, we must find a means of recovering this windfall.

The reduction in 340B drug payments made to affected 340B covered entity hospitals from CY 2018 through CY 2022 was offset by an increase in non-drug item and service payments made to all hospitals paid under the OPPS during the same time period to comply with statutory budget neutrality requirements. In other words, all hospitals were paid more under the OPPS for non-drug items and services for CY 2018 through CY 2022 than they would have been paid in the absence of the 340B payment policy. Starting in CY 2018, CMS applied an approximate 3.19 percent increase to the OPPS conversion factor to offset the decreased OPPS 340B drug payments in order to maintain budget neutrality in those years. Because we are now making additional payments to affected 340B covered entity hospitals to pay them what they would have been paid had the 340B policy never been implemented, we must correspondingly make an offset to maintain budget neutrality as if the 340B payment policy had not been in effect during CY 2018 through CY 2022. This is consistent with the policy finalized in the CY 2023 OPPS/ASC final rule with comment period (87 FR 71976) where CMS finalized a minus 3.09 percent adjustment to the conversion factor as this adjustment removes the effect of the 340B policy as originally adopted in CY 2018, again, as described in more detail above in section I.C. The CY 2023 adjustment to the conversion factor ensures it is equivalent to the conversion factor that would be in place if the 340B payment policy had never been implemented.

To calculate the additional amount CMS paid for non-drug items and services, we propose to include those assigned the following status indicators, SI = J1, J2, P, Q1, Q2, Q3, R, S, T, U, V. These status indicators generally capture the non-drug items and services impacted by a change in the OPPS conversion factor. For additional details on these status indicators, we refer readers to Addenda D1 of the CY 2023 OPPS/ASC final rule with comment period for the most recent OPPS status indicators and their definitions. This file is available on the CMS website.[15] We calculated the adjusted payment (the payment that would have been made for the non-drug item or service absent the budget neutrality adjustment to the conversion factor due to the 340B payment policy) by taking the amount paid for the non-drug item or service and dividing it by 1.0319 (the amount by which the conversion factor was increased during CYs 2018 through 2022 to budget neutralize the effect of the 340B payment policy). We propose that the amount that would need to be offset to maintain budget neutrality in crafting this remedy would be based on the payments to providers that would have been made for non-drug items and services absent the 340B payment policy during CY 2018 through CY 2022, and the Medicare payment to 340B providers for the amount equivalent to the additional drug payments that would have otherwise been paid as beneficiary cost-sharing. Based on these factors, we are proposing prospectively to offset $7.8 billion in order to maintain budget neutrality. This figure was calculated based on past claims data with 80 percent of this amount based on the Medicare share and 20 percent based on the beneficiary share.

[14] *https://www.cms.gov/medicare/medicare-fee-for-service-payment/hospitaloutpatientpps.*

[15] *https://www.cms.gov/medicaremedicare-fee-service-paymenthospitaloutpatientppshospital-outpatient-regulations-and-notices/cms-1772-fc.*

As we explain below, our budget-neutrality adjustment in the 2018 through 2022 OPPS rules reflected a prediction regarding how much we would spend on 340B drugs—a prediction that turned out to be too low. As it turns out, 340B hospitals spent more on drugs than we expected, so our policy ended up saving the Trust Fund (and beneficiaries) more money from cutting the rates paid for 340B drugs than the Trust Fund (and beneficiaries) paid for non-drug services in our budget-neutrality adjustment to offset the savings. Our proposed remedy achieves budget neutrality by reversing that imbalance. In aggregate, the total additional payment that providers will receive as a result of this remedy, $10.5 billion, will be larger than the amount of payment that will be prospectively offset, $7.8 billion. As we explain below, we believe that our proposed remedy, which effectively reverses the imbalance that arose under the policy the Supreme Court deemed unlawful, and reasonably approximates the results that would occur if we simply re-ran the claims after eliminating the 340B adjustment, reflects the best approach to budget neutrality in these unique circumstances. We solicit comments from the public on our proposed approach to implementing budget neutrality.

b. Proposed Prospective Adjustment to Payments for Non-Drug Items and Services To Offset the Increased Payments for Non-Drug Items and Services Made in CY 2018 Through CY 2022

As discussed previously in section II.A.1, we believe that sections 1833(t)(2)(E) and 1833(t)(14) of the Act, under which we propose to make this proposed remedy payment, are properly read to require budget neutrality. Section 1833(t)(2)(E) of the Act provides that adjustments under that provision must be made in a budget neutral manner. Section 1833(t)(14)(H) of the Act states that additional expenditures resulting from this paragraph shall not be taken into account in establishing the conversion, weighting, and other adjustment factors for 2004 and 2005 under paragraph (9), but shall be taken into account for subsequent years, while section 1833(t)(9)(B) of the Act states that the adjustments for a year may not cause the estimated amount of expenditures under this part for the year to increase or decrease from the estimated amount of expenditures under this part that would have been made if the adjustments had not been made. To implement these requirements, we propose to unwind the additional payments that were made for non-drug items and services to all providers from CY 2018 through CY 2022. In other words, along with reversing the rate change discussed earlier in this rule, we propose to reverse the accompanying increase in the conversion factor for CYs 2018 through 2022 that was solely attributable to the adoption of the 340B payment policy.

In order to reduce the burden on providers of offsetting this amount required to maintain budget neutrality, estimated to be $7.8 billion, we are proposing to implement this adjustment prospectively. We propose to, beginning in CY 2025, reduce all payments for non-drug items and services to all OPPS providers, except new providers as defined later in this section, by 0.5 percent each year until the total offset is reached (approximately 16 years). We believe starting this reduction in CY 2025 would allow CMS time to finalize the appropriate methodology, and then calculate and publish the payment rates derived from this policy in the CY 2025 OPPS/ASC proposed rule, allowing adequate time for impacted parties to assess and prepare for the new payment rates that would be calculated using a reduced conversion factor. Additionally, we believe a 0.5 percent annual reduction in the conversion factor would be appropriate because it would balance the need to address the past payments for non-drug items and services to ensure budget neutrality while also ensuring the offset is not overly financially burdensome on impacted entities, especially those in rural communities, which we believe would be the case if we were to apply an adjustment for the full offset amount in a single year.

We acknowledge that, in litigation, we at one point questioned the American Hospital Association's suggestion that we could achieve budget neutrality by decreasing Medicare payments in future years, noting that section 1833(t)(9) of the Act requires budget neutrality for a particular ''year.'' *See Am. Hosp. Ass'n* v. *Becerra,* Br. for the Respondents, at 30 (U.S. No. 20–1114).[16] At the same time, however, the government pointed to the district court's conclusion that if the Secretary was to retroactively increase the 2018 and 2019 payments for 340B hospitals, ''budget neutrality would require him to retroactively lower the 2018 and 2019 rates for other Medicare Part B products and services.'' *Ibid.* We have now further considered section 1833(t)(9) in light of the Supreme Court's decision holding that judicial review is available and also recognizing the statutory requirement of budget neutrality, and distinct possible ways of approaching the remedy issue have come into focus.

As explained below, we believe that the proposal here is consistent with paragraph (t)(9) of the Act: It would offset the amounts of money that constitute excess payments in past years—which are effectively overpayments for each past year in question (that is, 2018 to 2022) in light of the Supreme Court's decision. In other words, while we propose reducing the conversion factor in future years, we would be doing so not by seeking to budget neutralize payments across a period of years rather than in a particular ''year'', but instead by adjusting payment rates for each year from 2018 to 2022 to account for the Supreme Court's decision. We would then make the requisite additional payments to 340B hospitals for those years, and collect the excess payments from other hospitals in future years. Because the estimated amount of expenditures for each of 2018 to 2022 would still be budget neutralized—indeed, it is our best effort to implement the policy that would have been in effect had the 340B policy never been implemented in the first place—we believe it is consistent with the provision that adjustments may not ''cause the estimated amount of expenditures under this part for the year to increase or decrease.'' *See* SSA section 1833(t)(9)(B). We believe that this interpretation would balance any reliance interests hospitals may have in payments already made while staying consistent with the budget neutrality requirements repeated throughout the OPPS statute in sections 1833(t)(2)(E), 1833(t)(9), and 1833(t)(14)(H). And, as discussed above in section II.A.1, avoiding a windfall to providers is consistent with the agency's recoupment authority. We welcome comments on these aspects of our proposal.

We also acknowledge that under our proposal the Part B Trust Fund would pay out more for remedial payments than it would recover over time based on the reduction in payments for non-drug items and services. That is a consequence of many factors, including our estimate in the CY 2018 OPPS/ASC final rule of the amount that expenditures for 340B-acquired drugs would decrease under the 340B payment policy, which we budget neutralized by applying a corresponding adjustment to the conversion factor to increase expenditures for non-drug

[16] *https://www.supremecourt.gov/DocketPDF/20/20-1114/197027/20211020212647625_20-1114bsUnitedStates.pdf.*

items and services by 3.19 percent. We acknowledged this limitation in Medicare's ability to calculate a precise estimate for purposes of the CY 2018 final rule with comment period in which this original budget neutrality adjustment was made. In the CY 2018 final rule with comment period we discussed that because data on drugs that are purchased with a 340B discount are not publicly available, we did not believe it was possible to more accurately estimate the amount of the aggregate payment reduction and the offsetting amount of the adjustment that was necessary to ensure budget neutrality through higher payment rates for other services. Further we discussed that there were potential offsetting factors, including possible changes in provider behavior and overall market changes that would likely have lowered the impact of the payment reduction (82 FR 52623).

As previously discussed, we now know our estimate of the reduction in expenditures for 340B drugs was lower than the actual amount by which expenditures for 340B drugs were reduced in CYs 2018 through 2022. Therefore, our budget neutrality calculations for those years ended up increasing payments for non-drug services by less than we decreased payments for 340B drugs. In an effort to come as close as is reasonably possible to turning back the clock to restore the position in which we would have been absent the policy the Supreme Court invalidated, we believe the budget neutrality calculation should reverse that result. The total amount of our proposed remedy payments to 340B hospitals for 340B drugs would thus be greater than the prospective reduction to the conversion factor. Given the unique posture of this remedy rule, we do not propose at this time to revise retroactively our estimated expenditures for CY 2018 through 2022, as readjusting our past estimated expenditures in order to prospectively adjust the conversion factor is not our standard practice for budget neutrality, nor is it required by the statute.

While our CY 2018 through 2022 predictions are the primary reasons that our proposed method of budget neutralization would not fully align with the money we predict the Part B Trust Fund would pay out in lump sum payments for 340B-acquired drugs as a result of this remedy, there are additional reasons. Some of these reasons increase the gap between our lump sum payment and our reduction in prospective non-drug spending; others do the opposite. First, as previously discussed, a large portion of the CY 2022 340B drug claims for dates of service between January 1, 2022, and September 27, 2022, have already been remedied as a result of being processed or reprocessed at the default drug payment rate. However, none of the non-drug item and service claims from CY 2022 have been offset yet to account for our proposed method of budget neutralization. Second, as previously noted, during CY 2022 CMS began making payment for 340B drugs at the default drug payment rate, generally ASP plus 6 percent, for claims processed after September 28, 2022; however, no adjustment was made for the increased payment of the non-drug item and service claims that were processed during this time. Therefore, there is over an entire quarter of claims for non-drug items and services that were paid a higher rate due to the 340B payment policy that still need to be offset, while the 340B drug claims for this quarter have already been paid correctly. We note that in aggregate, the total additional payment that providers will receive as a result of this remedy, $10.5 billion ($9 billion in lump sum payments and $1.5 billion for claims in 2022 that were processed or reprocessed at the default drug payment rate), will be larger than the amount of payment that will be prospectively offset, $7.8 billion. All of these figures include the beneficiary co-insurance portion in order to ensure providers receive what they would have absent the unlawful 340B payment policy.

As discussed above at section II.B.1.e, our proposal includes in the remedy payments the amount that affected 340B covered entity hospitals would otherwise have been paid by the beneficiary, so that the payments approximate what the hospitals would have been paid for these drugs absent the previous policy. Because the statute requires that this adjustment be budget neutral, we are proposing to include in the prospective offset calculation an amount to offset this increase in Medicare payments. As also discussed, we are proposing a total prospective offset of $7.8 billion to maintain budget neutrality as if the 340B payment policy had never been in effect and therefore had never adjusted the OPPS conversion factor. That offset encompasses both the money hospitals unwarrantedly received from the Medicare Trust Fund for non-drug services between 2018 and 2022, as well as the additional copayments they received from beneficiaries on those services. And we are using it to offset both the payments we are making to compensate 340B hospitals for the lower amounts Medicare paid them and the equitable adjustment we are making to compensate for the additional beneficiary copayments they would have received.

To avoid potentially overburdening providers with an immediate downward adjustment to the OPPS conversion factor, we believe applying a delayed offset to every non-drug item and service for every hospital is appropriate over a period of time. This is similar to the original 340B payment policy budget neutrality adjustment that increased the payment for every non-drug item and service for CY 2018 through CY 2022 to offset the downward adjustment in the payment rate for drugs acquired under the 340B program. We are aware that, depending on how a hospital's future mix of drug and non-drug services compares to its past mix of drug and non-drug services, as well as any absolute growth in a hospital's non-drug services, some hospitals may ultimately receive slightly more (or less) of a payment reduction than the payment increase they received in CY 2018 through CY 2022. But there is often some imprecision inherent in budget neutrality calculations, and the alternative would require that we recalculate the additional amount that each hospital received under the prior policy and then apply a specific reduction to that hospital's future non-drug service payment rates to offset that amount. That is very similar to the claims reprocessing alternative that we discussed previously in section II.A.2, which would impose significant burdens and payment delays for 340B providers and it is faster and more certain than prospectively offsetting for all OPPS providers. In addition, it would be administratively unworkable to tailor individual payment reductions for each of the thousands of impacted hospitals for over a decade and a half, meaning we would likely need to collect a lump sum budget neutrality recoupment. That would impose all the burdens of an up-front budget neutrality recoupment we decided against proposing, as explained previously in section II.A.3. Except in the case of truly new hospitals, which we propose to exclude from the prospective offset as described under section II.B.2.c below, we generally do not believe our proposed approach would so significantly undercompensate hospitals to require that outcome, despite these potential distributional consequences. *See Shands Jacksonville Med. Ctr., Inc.* v. *Azar,* 959 F.3d 1113, 1120 (D.C. Cir. 2020) (rejecting challenge to remedy rule even when it left some hospitals

''slightly better off and others slightly worse off than they would have been had the rate reduction never taken effect''). Rather, we believe that our remedy would come as close as reasonably possible to turning back the clock to restore us to the place in which we would have been absent the policy the Supreme Court held unlawful. This remedy applies in truly unique circumstances: we must apply budget neutrality not purely prospectively but in a partially retroactive rulemaking to rectify an adjudicated past violation of law. As previously discussed, re-running all the relevant claims as if the 340B payment policy didn't occur would be close to impossible administratively. In these unique circumstances, we believe our proposed approach properly applies the budget neutrality principle, even if it results in some effectively unavoidable imprecision.

Accordingly, beginning in CY 2025, we propose annually to reduce OPPS payments for non-drug items and services, by decreasing the OPPS conversion factor by 0.5 percent each year until the total offset, estimated to be $7.8 billion, is reached. We recognize this rule is unique and therefore requires a unique prospective offset period. We believe an annual reduction of 0.5 percent would offset this amount in a reasonable amount of time while not imposing too significant of a reduction on hospitals in any particular year. At this time, we estimate that this process would take approximately 16 years (Table 1). This estimate is based on current OPPS payments that are made through the OPPS conversion factor and typical year-over-year increases in OPPS payments over the past ten years. We note that, similar to the original 340B budget neutrality adjustment to the conversion factor, both Medicare payments under the OPPS and beneficiary cost-sharing will be impacted by the change in the conversion factor. In this instance, beneficiaries will generally have lower co-insurance payments for non-drug items and services as a result of this proposed 0.5 percent annual reduction to the OPPS conversion factor for the duration of the required budget neutrality offset. We invite comment on our estimated budget neutrality offset calculations, including the discussion of our method of budget neutralization not fully aligning with the money we predict the Part B Trust Fund would pay out in lump sum payments for 340B-acquired drugs as a result of this remedy, in advance of our application of the 0.5 percent reduction to the conversion factor starting in CY 2025. We would adjust this estimate in future CY annual OPPS rules after CY 2025, based on updated data, such as claims and aggregate OPPS spending estimates, to account for how much of the total additional non-drug item and service payment amount has been offset by the time of each annual rule. In the final CY rulemaking for this process, we propose that when we estimate the remaining amount of Medicare payment that would be needed to be fully offset within the prospective year, we propose that the 0.5 percent reduction amount would be reduced in the final year in which the adjustment applies, if needed, to the percentage estimated to be sufficient to offset the remaining amount by the end of that calendar year. After this final prospective adjustment is made, we propose that we would not make any additional adjustments to the OPPS conversion factor for purposes of offsetting the additional Medicare payments made to remedy the OPPS 340B payment policy, nor would we make any additional future adjustments if the amount of the offset in the final year of this adjustment is more or less than we had estimated in rulemaking for that CY. We propose to codify the 0.5 percent reduction in the OPPS conversion factor effective for CY 2025 in the regulations by adding new paragraph (b)(1)(iv)(B)(*12*) to § 419.32.

TABLE 1—ILLUSTRATION OF THE PROPOSED 0.5 PERCENT CONVERSION FACTOR ADJUSTMENT TO THE OPPS NON-DRUG ITEMS AND SERVICES BEGINNING CY 2025 TO MAINTAIN BUDGET NEUTRALITY

	CY 2024	CY 2025	CY 2026	CY 2027	CY 2028	CY 2029
Total Applicable OPPS Non-Drug Item and Service Spending (millions)	$63,724	$66,910	$70,256	$73,769	$77,457	$81,330
0.5-Percent Payment Reduction Amount (millions)	.....	335	351	369	387	407
Estimated Total Cumulative Offset (millions)	.....	335	686	1,055	1,442	1,849
	CY 2030	CY 2031	CY 2032	CY 2033	CY 2034	CY 2035
Total Applicable OPPS Non-Drug Item and Service Spending (millions)	$85,369	$89,667	$94,150	$98,858	$103,801	$108,991
0.5-Percent Payment Reduction Amount (millions)	427	448	471	494	519	545
Estimated Total Cumulative Offset (millions)	2,276	2,724	3,195	3,689	4,208	4,753
		CY 2036	CY 2037	CY 2038	CY 2039	CY 2040
Total Applicable OPPS Non-Drug Item and Service Spending (millions)		$114,440	$120,162	$126,170	$132,479	$139,102
0.5-Percent Payment Reduction Amount (millions)		572	601	631	662	*581
Estimated Total Cumulative Offset (millions)		5,325	5,926	6,557	7,219	7,800

*Note, the final year's offset is estimated to be less than 0.5 percent in order to meet the total estimated offset of $7.8 billion.

We also note the Total Applicable OPPS Non-Drug Item and Service Spending are estimates based on an assumption of 5 percent annual growth. The 5 percent annual growth is determined from a 10-year baseline percentage increase.

We seek comments on the annual percent reduction method described above and whether an alternative option—including those discussed previously in section II.A—would be appropriate. Additional possible alternative timelines for maintaining budget neutrality could be to offset a fixed dollar amount each year over a fixed period of time, such as 5, 10, or 15 years. For example, we could divide the $7.8 billion number by ten in order to offset $780 million per year from CY 2025 through CY 2034 by making an adjustment to the conversion factor to reflect an estimated $780 million reduction in non-drug item and service spending for each year.

We are also considering whether hospitals need additional time to prepare following any finalized policy, and, as such, seek comment on whether delaying the proposed reduction in the conversation factor from CY 2025 to CY 2026 would provide hospitals with additional time to make necessary arrangements.

c. Exclusion of New Providers

CMS recognizes that any hospital that enrolled in Medicare after January 1, 2018, received less than the full amount of the increased non-drug item and service payments made during that time than they otherwise would have received if enrolled prior to that date. This is because the increased non-drug item and service payments were being paid during all of CY 2018 through CY 2022, so any hospital that was not enrolled in Medicare for the full duration of this time period did not receive the full amount of increased non-drug items and service payments. We note that while the 340B drug payments increased to the default rate effective September 28, 2022 following the Supreme Court's decision, the increased conversion factor and associated increased non-drug item and service payments were in effect until December 31, 2022. We are therefore proposing that these providers would not be subject to the prospective rate reduction, which is predominantly designed to offset those non-drug item and service payments made during CY 2018 through CY 2022.

Consequently, we propose to designate any hospital that enrolled in Medicare after January 1, 2018, as a ''new provider'' for purposes of the conversion factor adjustment to offset those additional expenditures by Medicare to remedy the 340B payment policy and to pay these hospitals the rate for non-drug items and services that would apply in the absence of the conversion factor adjustment implemented due to the 340B payment policy remedy. This means that we would calculate payment rates for new providers using the conversion factor before applying the proposed 0.5 percent annual adjustment that would apply for hospitals that are not ''new providers'' for purposes of this policy. For the purpose of designating a new provider, we are proposing the date of enrollment in Medicare as the provider's CMS certification number (CCN) effective date. Providers that would meet this definition, and that we propose would be excluded from the prospective payment adjustment, are listed in the Addendum BBB to this proposed rule. This addendum can be found online through the CMS OPPS website.[17] As reflected in this file, we have determined that approximately 300 providers of the approximately 3,900 OPPS providers meet this definition. We propose to codify the exclusion of new providers from the prospective payment adjustment to the conversion factor for the duration of its application in the regulations by adding new paragraph (b)(1)(iv)(B)(*12*) to § 419.32.

This proposed ''new provider'' designation is intended to apply only to truly new providers, meaning those that were not enrolled in Medicare as of January 1, 2018. Our proposal to exclude ''new providers'' from the prospective rate reduction would not apply to providers that were enrolled in Medicare before January 1, 2018, and subsequently had a change in ownership that resulted in a new CCN, in part due to the fact that these providers would have received increased non-drug item and service payments for the duration of the 340B payment policy from CY 2018 through CY 2022. We recognize that this approach will exempt some hospitals receiving the 340B lump sum payment from the prospective offset. We considered creating various levels of exclusion from the proposed prospective offset depending on how long the specific hospital received increased non-drug item and service payments as a result of the 340B payment policy. However, we do not think it is feasible for CMS, or likely preferred by providers, to create many different sets of payment rates for different groups of hospitals for the duration of the proposed 16-year offset period depending on how much of the period of CY 2018 through CY 2022 the provider was enrolled in Medicare for. This is why we are proposing that any hospital that enrolled in Medicare after January 1, 2018, which would have received less than the full amount of the increased non-drug item and service payments made during CY 2018 through CY 2022 due to the 340B payment policy than they otherwise would have received if enrolled prior to that date, would be exempt from the annual adjustment to the conversion factor to offset lump sum payments to affected 340B covered entity hospitals.

We solicit comments on our proposed definition of a ''new provider'' and our proposal to exempt new providers from the annual adjustment to the conversion factor to offset lump sum payments to affected 340B covered entity hospitals. We also solicit comments on whether there are any other easily-identifiable categories of providers who should be similarly exempted from the annual adjustment to the conversion factor.

III. Collection of Information Requirements

This document does not impose information collection requirements; that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

V. Regulatory Impact Analysis

A. Statement of Need

From CY 2018 through September 27th of CY 2022, CMS paid a lower rate (generally ASP minus 22.5 percent) to certain hospitals for drugs acquired through the 340B discount program. The purpose of this policy was to pay these hospitals for 340B drugs at a rate that more accurately reflected the actual costs they incurred to acquire them. This 340B policy was the subject of several years of litigation, which culminated in a decision of the Supreme Court of the United States in *American Hospital Association* v. *Becerra,* 142 S. Ct. 1896 (2022), which held that if CMS has not conducted a survey of hospitals' acquisition costs, it may not vary the payment rates for outpatient prescription drugs by hospital group. The Supreme Court subsequently remanded the case, and the district court ultimately ordered CMS to implement a remedy to address the reduced payment amounts to the plaintiff hospitals from CY 2018 through September 27th of CY 2022.

This proposed rule describes the remedy CMS is proposing to comply with the district court's remand. It would remedy the reduced payment amounts to the affected 340B covered entity hospitals by (1) calculating the amount each hospital would have received for 340B drugs from CY 2018 through September 27th of 2022 had the 340B policy not been in place; (2) subtracting from that total the amount each hospital received for 340B drugs from CY 2018 through September 27th of CY 2022; and (3) paying each affected 340B covered entity hospital the difference between these amounts by issuing instructions to the relevant MAC instructing it to issue a one-time lump sum payment to the hospital. The

[17] *https://www.cms.gov/medicare/medicare-fee-for-service-payment/hospitaloutpatientpps.*

amount of the lump sum payment would include the portion of the payment amount that would have been paid from the Part B Trust Fund and the portion of the payment amount that would have been paid in the form of beneficiary coinsurance if not for the 340B payment policy.

To comply with statutory budget neutrality requirements, we are proposing to annually reduce OPPS payments for non-drug items and services beginning in CY 2025 by decreasing the OPPS conversion factor by 0.5 percent each year, until a total offset of an estimated $7.8 billion is reached.

B. Overall Impact

We have examined the impacts of this proposed rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), Executive Order 14094 on Modernizing Regulatory Review (April 6, 2023), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), and Executive Order 13132 on Federalism (August 4, 1999), and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 14094 amends section 3(f) of the Executive Order 12866 to define a ''significant regulatory action'' as an action that is likely to result in a rule: (1) having an annual effect on the economy of $200 million or more in any 1 year, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or tribal governments or communities; (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising legal or policy issues for which centralized review would meaningfully further the President's priorities or the principles set forth in this Executive order.

A regulatory impact analysis (RIA) must be prepared for rules with significant regulatory action(s) and/or with significant effects as per section 3(f)(1) as measured by the $200 million or more in any 1 year. Based on our estimates, the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs has determined this rulemaking is significant per section 3(f)(1) as measured by the $200 million or more in any 1 year. Accordingly, we have prepared a Regulatory Impact Analysis that to the best of our ability presents the costs and benefits of the rulemaking. Therefore, OMB has reviewed these proposed regulations, and the Department has provided the following assessment of their impact. We solicit comments on the regulatory impact analysis provided.

As required by statute, we are implementing this court-ordered remedy in a budget neutral manner, and we estimate that the total increase in Federal Government expenditures, due only to the proposed changes in this proposed rule, would be $2.8 billion. We took into consideration the additional Medicare drug payments of $9.0 billion to the estimated 1,649 340B covered entity hospitals to which the drug payment remedy would apply, and the $6.2 billion in reduced Medicare prospective payments for non-drug items and services beginning in CY 2025 to offset the additional payments that were made for non-drug items and services from CY 2018 through CY 2022 as part of the 340B payment policy and the amount of the 340B drug remedy payments that would otherwise have been paid by the beneficiary. We note that this $6.2 billion figure is the portion of reduced Medicare prospective payments specifically, and this represents approximately 80 percent of the total $7.8 billion offset that we are proposing. Beneficiaries will experience reduced prospective co-insurance payments representing approximately the remaining 20 percent of the total $7.8 billion offset. The $9.0 billion amount is an estimate of the total aggregate additional payments that still need to be made to 340B hospitals for drugs that were paid less due to the 340B policy from CY 2018 through September 27, 2022.

While we consider the amount of additional payment made to affected 340B covered entity hospitals for 340B-acquired drug claims with dates of service from January 1, 2022, through September 27, 2022, that were processed or reprocessed at the default drug payment rate after the 340B payment policy was vacated, estimated at $1.5 billion, for purposes of the total aggregate remedy payment to affected 340B covered entity hospitals, we are not including that $1.5 billion in our calculation here, which estimates the total increase in Federal Government expenditures due only to the proposed changes in this proposed rule. This $1.5 billion in remedy payments has already been made after the District Court's order.

The two amounts described above, $9.0 billion and $6.2 billion, are not equal because the separate amounts associated with restoring 340B-acquired drug payments to ASP plus 6 and offsetting the impact of additional Medicare spending to remedy this 340B payment policy are not equal to each other. This is due to many factors, including but not limited to, (1) Medicare's payment policy adjustment for 340B acquired drugs ended on September 27, 2022, while the original conversion factor adjustment of minus 3.19 percent remained in effect until December 31, 2022, (2) most of the 340B drug claims with dates of service between January 1, 2022, and September 27, 2022, have already been reprocessed at the higher default drug payment rate, while none of the increased non-drug item and service payment during this time period have been remedied, (3) Medicare's payment of an amount equivalent to the increased beneficiary cost-sharing 340B providers would have received for 340B-acquired drugs if the 340B payment policy had not been in effect as part of the lump sum payments to providers, and (4) the original budget neutrality adjustment to increase the conversion factor in CY 2018 did not keep pace with the reduction in 340B drug payments for the remainder of the years for which the 340B payment policy previously applied. We note that, in aggregate, the total additional payment that providers will receive as a result of this remedy, $10.5 billion, will be larger than the amount of payment that will be prospectively offset, $7.8 billion.

Most notable of the aforementioned factors is factor (4). From CY 2018 through CY 2022, the actual spending associated with 340B-acquired drugs changed from what was prospectively projected. The actual total reduction in 340B-acquired drug payments during this time period outpaced the corresponding increase in non-drug item and service payments. The proposed changes in this proposed rule are to maintain budget neutrality by undoing the original 340B payment policy. Additionally, this is consistent with our past practice described in the CY 2023 OPPS/ASC final rule with comment period (87 FR 71975), which

had the support of commenters, where we maintained budget neutrality by removing the effect of the 340B policy as originally implemented in CY 2018 from the CY 2023 conversion factor and ensured it was equivalent to the conversion factor that would be in place if the 340B payment policy had never existed, rather than budget neutralizing the increase in 340B drug spending by making a corresponding conversion factor decrease to account for the actual increase in the payment rates for these drugs. This proposed remedy complies with the budget neutrality requirement that Medicare should pay a total amount for the additional 340B-acquired drug payments that is generally offset by the estimated amount that would have paid absent the 340B payment policy. In Table 2 of this proposed rule, we display the impact of these proposed policy changes on drug payments, including aggregate payment by hospital type. Specific proposed additional 340B-acquired drug lump sum payment amounts by individual hospital can be found in Addendum AAA. If we adopt our proposal as proposed, the impact for specific hospital types of the reduced prospective payment for non-drug items and services beginning in CY 2025 would be included in each proposed and final rule for calendar years in which the prospective reduction would apply, beginning in CY 2025.

C. Detailed Economic Analysis

Column 1: Total Number of Hospitals

The first line in Column 1 in Table 2 shows the total number of facilities (1,661), including designated cancer and children's hospitals and Community Mental Health Centers (CMHCs), for which we expect that the remedy payments included in this proposed rule, if finalized, would be made. We excluded all hospitals and CMHCs for which we would not expect any direct effect from the remedy payments in this proposed rule. We show the total number of OPPS hospitals (1,649) for which we expect remedy payments would be made, excluding the PPS-exempt cancer and children's hospitals and CMHCs, on the second line of the table. We excluded cancer and children's hospitals because section 1833(t)(7)(D)(ii) of the Act provides transitional outpatient payments (TOPs) which permanently holds harmless cancer hospitals and children's hospitals to their ''pre-Balanced Budget Act of 1997 (BBA) amount'' as specified under the terms of the statute.

Column 2: Remedy for the 340B Payment Policy (in Millions)

Column 2 shows the estimated remedy payments that would be made under this proposed rule to various categories of affected providers. We note that certain categories of providers may experience limited effects due to either having no providers in the category or limited billing associated with 340B-acquired drugs. We also note that a provider's placement within the categories may vary due to their characteristic information potentially changing across the years in question (CY 2018 through CY 2022).

Column 3 displays the estimated payment impact of any CY 2022 claims that have been reprocessed by the MACs. We note that if these claims, which include dates of service for services furnished prior to September 28, 2022, were not reprocessed their payments would otherwise have been included as remedy payments in Column 2. Column 4 includes the total remedy payments, which is the sum of column 2 and column 3.

TABLE 2—ESTIMATED FINANCIAL IMPACT OF THE PROPOSED REMEDY PAYMENTS ON OPPS PROVIDERS

Row		(1) Number of hospitals	(2) Lump sum drug remedy payment (in millions)	(3) CY 2022 reprocessed drug payment remedy (in millions)	(4) Total 340B drug remedy payments (sum of Columns 2 and 3)
1	ALL PROVIDERS *	1,661	9,003.4	1,540.5	10,543.9
2	ALL HOSPITALS (excludes hospitals held harmless and CMHCs)	1,649	9,003.4	1,540.5	10,543.9
3	URBAN HOSPITALS	1,297	8,538.2	1,491.5	10,029.7
4	LARGE URBAN	611	4,326.8	815	5,141.8
5	(GT 1 MILL.).				
6	OTHER URBAN (LE 1 MILL.)	686	4,211.4	676.5	4,887.9
7	RURAL HOSPITALS	324	457.3	47.2	504.5
8	SOLE COMMUNITY	147	95.1	5.9	101.0
9	OTHER RURAL	177	362.2	41.4	403.6
	BEDS (URBAN).				
10	0–99 BEDS	213	258.3	44.4	302.7
11	100–199 BEDS	374	827.1	124.7	951.8
12	200–299 BEDS	252	1,208.8	192.6	1,401.4
13	300–499 BEDS	267	1,982.7	338.9	2,321.6
14	500 + BEDS	191	4,261.3	790.9	5,052.2
	BEDS (RURAL).				
15	0–49 BEDS	124	80.6	7.7	88.3
16	50–100 BEDS	116	104.3	13.3	117.6
17	101–149 BEDS	40	89.4	8.7	98.1
18	150–199 BEDS	21	89.9	8.1	98.0
19	200 + BEDS	23	93.2	9.3	102.5
	REGION (URBAN).				
20	NEW ENGLAND	73	613.4	114.8	728.2
21	MIDDLE ATLANTIC	163	1,173.0	2,36.3	1,409.3
22	SOUTH ATLANTIC	218	1,593.3	280.2	1,873.5
23	EAST NORTH CENT	232	1,318.6	240	1,558.6
24	EAST SOUTH CENT	75	644.2	106	750.2
25	WEST NORTH CENT	79	749.3	129.4	878.7
26	WEST SOUTH CENT	145	610.5	99.6	710.1
27	MOUNTAIN	86	566.2	90.2	656.4
28	PACIFIC	223	1,269.7	195.1	1,464.8
29	PUERTO RICO	3	0.0	0	0.0
	REGION (RURAL).				
30	NEW ENGLAND	11	25.0	1.4	26.4
31	MIDDLE ATLANTIC	22	32.1	3.5	35.6
32	SOUTH ATLANTIC	52	97.1	5.5	102.6
33	EAST NORTH CENT	48	66.9	8	74.9

TABLE 2—ESTIMATED FINANCIAL IMPACT OF THE PROPOSED REMEDY PAYMENTS ON OPPS PROVIDERS—Continued

Row		(1) Number of hospitals	(2) Lump sum drug remedy payment (in millions)	(3) CY 2022 reprocessed drug payment remedy (in millions)	(4) Total 340B drug remedy payments (sum of Columns 2 and 3)
34	EAST SOUTH CENT	75	145.5	19.5	165.0
35	WEST NORTH CENT	29	6.8	0.6	7.4
36	WEST SOUTH CENT	54	19.6	1.4	21.0
37	MOUNTAIN	20	28.9	2.7	31.6
38	PACIFIC	13	35.4	4.6	40.0
	TEACHING STATUS.				
39	NON-TEACHING	795	1,682.2	273.2	1,955.4
40	MINOR	514	2,792.9	435.5	3,228.4
41	MAJOR	312	4,520.3	830	5,350.3
	DSH PATIENT PERCENT.				
42	0	0	0.0	0	0.0
43	GT 0–0.10	31	16.5	0.4	16.9
44	0.10–0.16	62	6.9	0.1	7.0
45	0.16–0.23	167	53.7	15.5	69.2
46	0.23–0.35	715	3,819.4	6,71.4	4,490.8
47	GE 0.35	635	5,098.9	8,51.4	5,950.3
48	DSH NOT AVAILABLE**	11	0.1	0	0.1
	URBAN TEACHING/DSH.				
49	TEACHING & DSH	766	7,157.8	1,252	8,409.8
50	NO TEACHING/DSH	521	1,380.3	239.5	1,619.8
51	NO TEACHING/NO DSH	0	0.0	0	0.0
52	DSH NOT AVAILABLE2	10	0.1	0	0.1
	TYPE OF OWNERSHIP.				
53	VOLUNTARY	1,215	7,202.2	1,241.7	8,443.9
54	PROPRIETARY	150	32.2	6.6	38.8
55	GOVERNMENT	256	1,761.1	290.5	2,051.6

Column (1) shows total hospitals that are expected to receive payments related to the 340B policy under this proposed rule.

Column (2) includes the estimated drug remedy payment made to account for the policies described in this proposed rule during the time period of CY 2018 through CY 2022.

Column (3) displays the estimated payment impact of any CY 2022 claims that have been reprocessed by the MACs. We note that if these claims, which include dates of service for services furnished prior to September 28, 2022, were not reprocessed their payments would otherwise have been included as remedy payments in Column 2.

Column (4) includes the total remedy payments, which is the sum of column 2 and column 3.

These 1,661 providers include children and cancer hospitals, which are held harmless to pre-BBA amounts, and CMHCs.

** Complete disproportionate share hospital (DSH) numbers are not available for providers that are not paid under IPPS, including rehabilitation, psychiatric, and long-term care hospitals.

We estimate that the total proposed monetary transfer in this proposed rule would be approximately $9.0 billion. The $9.0 billion includes the proposed additional lump sum drug payments to the 1,649 affected 340B covered entity hospitals. The $9.0 billion amount is an estimate of the total aggregate additional payments that would need to be made to the affected 340B covered entity hospitals for drugs that were paid less due to the 340B policy from CY 2018 through September 27th of CY 2022. As noted previously, the estimated total amount required to remedy providers is $10.5 billion, which includes the $1.5 billion that has already been paid through 340B drug claims processing and reprocessing that occurred for CY 2022 claims.

We note that in this proposed rule we also describe our proposal to annually reduce OPPS payments for non-drug items and services beginning in the CY 2025 OPPS, by decreasing the OPPS conversion factor by 0.5 percent each year until we have offset the full amount of the additional payments made for non-drug items and services from CY 2018 through CY 2022 due to the increase in the conversion factor in those years in response to the 340B payment policy. This proposed prospective offset will apply to all OPPS providers, including 340B providers, aside from those OPPS providers explicitly excluded as previously discussed. The overall impact of these prospective reductions is estimated to be minus $6.2 billion in Medicare payments alone over the full span of this proposed offset. The estimated impact of this offset for each calendar year for which the offset is estimated to apply is detailed in Table 1 of this proposed rule.[18] The impact of this offset on payments to each provider type for each calendar year in which the offset is in effect would be included in the regulatory impact analysis for the applicable annual OPPS rulemaking, beginning for CY 2025. However, we note that generally the impact of that annual 0.5 percent reduction to the OPPS conversion factor on individual providers as well as categories of providers will depend on the percentage of their OPPS payments that are conversion factor based, and in most cases will be a decrease of slightly less than 0.5 percent relative to overall OPPS payment. Please see Table 3 below for our estimated total impact to the OPPS payments based on the information provided in Table 1.

[18] We note that Table 1 illustrates the prospective reductions of $7.8 billion that represent the reduced Medicare payments as well as reduced cost-sharing paid by the beneficiary. The $6.2 billion of the financial impacts discussed here represents only the Medicare payments over the full span of this proposed offset.

TABLE 3—ESTIMATED ANNUAL IMPACT TO OPPS SPENDING BASED ON 0.5 PERCENT ADJUSTMENT TO THE CONVERSION FACTOR

	CY 2025	CY 2026	CY 2027	CY 2028	CY 2029	CY 2030
0.5-Percent Payment Reduction Amount (millions)	$335	$351	$369	$387	$407	$427
	CY 2031	CY 2032	CY 2033	CY 2034	CY 2035	CY 2036
0.5-Percent Payment Reduction Amount (millions)	$448	$471	$494	$519	$545	$572
	CY 2037	CY 2038	CY 2039	CY 2040		
0.5-Percent Payment Reduction Amount (millions)	$601	$631	$662	$581		
Total Offset			$7.8 billion			

4. Regulatory Review Cost Estimation

If regulations impose administrative costs on private entities, such as the time needed to read and interpret this proposed rule, we should estimate the cost associated with regulatory review. Due to the uncertainty involved with accurately quantifying the number of entities that will review the rule, we assume that the total number of unique commenters on last year's CY 2023 OPPS/ASC proposed rule will be the number of reviewers of this proposed rule. We acknowledge that this assumption may understate or overstate the costs of reviewing this rule. It is possible that not all commenters reviewed last year's rule in detail, and it is also possible that some reviewers chose not to comment on the proposed rule. For these reasons we thought that the number of past commenters would be a fair estimate of the number of reviewers of this rule. We welcome any comments on the approach in estimating the number of entities which will review this proposed rule.

For the purposes of our estimate we assume that each reviewer reads 100 percent of the proposed rule. We seek comments on this assumption.

Using the mean hourly wage information from the Bureau of Labor Statistics (BLS) for medical and health service managers (Code 11–9111), we estimate that the cost of reviewing this rule is $123.06 per hour, which is double the BLS hourly rate in order to account for fringe benefits and other indirect costs in addition to the hourly wage itself.[19] Assuming an average reading speed, we estimate that it would take approximately 3 hours for the staff to review this proposed rule. For each entity that reviews the rule, the estimated cost is $369.18 (3 hours × $123.06). Therefore, we estimate that the total cost of reviewing this regulation is $608,778 ($369.18 × 1,649).

D. Alternatives Considered

We evaluated several options to determine which remedy would best achieve the objectives of unwinding the unlawful 340B payment policy while making certain OPPS providers as close to whole as is administratively feasible.

For example, we considered making additional payments to affected 340B covered entity hospitals for 340B-acquired drugs from CY 2018 through September 27th of CY 2022 without implementing a budget neutral adjustment. Additionally, we considered retrospectively reprocessing all claims from CY 2018 through September 27th of CY 2022, which as for the reasons stated in section II.A.2 we determined not to be operationally feasible. We further considered making additional payments to affected 340B covered entity hospitals for 340B-acquired drugs from CY 2018 through September 27th of CY 2022 without proposing an adjustment to maintain budget neutrality, which as for the reasons stated in section II.A.1 we determined not to be operationally feasible.

We also considered calculating one-time aggregate payment adjustments for each provider for the CY 2018 through September 27th of CY 2022 time-period, including both additional payments for 340B-acquired drugs and reduced payments for non-drug items and services under sections 1833(t)(2)(E) and 1833(t)(14) of the Act, along with our retroactive rulemaking authority in section 1871(e)(1)(A) of the Act. This option would have involved: (1) calculating the total additional payments for each hospital that would have been paid for separately payable non-pass-through 340B-acquired drugs from CY 2018 through September 27th of 2022 in the absence of the 340B payment policy; (2) calculating the additional amount each hospital was paid under the OPPS from CY 2018 through CY 2022 for non-drug items and services as a result of the 340B policy; (3) subtracting (2) from (1); and (4) issuing a payment to, or requiring a recoupment from, each hospital for the 5-year period in which the 340B payment policy was in effect, which as for the reasons stated in section II.A.3 we determined not to be feasible or appropriate. Such an approach would require immediate, and in many cases large, recoupments from the majority of OPPS hospitals and would impose a substantial, immediate burden on these hospitals as well as an uncertain impact on beneficiaries. Given this burden, the financial strain many hospitals experienced during the recent public health emergency, and the amount of time that has transpired since the original payments for these drugs, items, and services were made, we decided not to propose this option and overly burden these hospitals in this way, making our proposed option much more generous to OPPS providers.

We refer readers to section II.A of this proposed rule for additional discussion of all the alternatives we considered, including our reasons for not proposing them.

As previously discussed, we are proposing the prospective offset to begin in CY 2025, which we believe is appropriate rather than other years, as we believe starting this reduction in CY 2025 would allow CMS time to finalize the appropriate methodology, and then calculate and publish the payment rates derived from this policy in the CY 2025 OPPS/ASC proposed rule, allowing adequate time for impacted parties to assess and prepare for the new payment rates that would be calculated using a reduced conversion factor.

E. Accounting Statement and Table

As required by OMB Circular A–4 (available at *https://*

[19] *https://ww.bls.gov/oes/current/oes_nat.htm.*

www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A4/a-4.pdf), we have prepared an accounting statement in Table 4 showing the classification of the impact associated with the provisions of this proposed rule.

We note readers can find provider-level estimates of proposed Medicare payments in Addendum AAA to this proposed rule. We welcome comment on these payment estimates because, if finalized without further comment by affected providers, these payment amounts will be made by MACs 60 calendar days after receiving relevant instructions from CMS.

TABLE 4—ACCOUNTING STATEMENT

Category	Estimate	Source citation	Year dollar
Transfers			
One-time monetized transfers.	$9.0 billion	Impact table and impact file, based on the respective 2018 through 2022 claims.	CY 2018 through CY 2022.
From whom to whom?	Federal Government to affected 340B covered entity hospitals.		
Previously monetized transfers (occurring before the finalization of this rule).	$1.5 billion	340 drug claims with dates of service from January 1, 2022, through September 27, 2022, that have already been processed or reprocessed at the default drug payment rate, generally ASP plus 6 percent.	CY 2022.
From whom to whom?	Federal Government and beneficiaries to affected 340B covered entity hospitals.		
Total	$10.5 billion.		
Monetized transfers	$7.8 billion	Future reductions to the OPPS conversion factor based on the parameters in this proposed rule (estimated 2025 through 2040).	Estimated to be CY 2025 through CY 2040.
From whom to whom?	Hospitals and other providers who receive payment under the hospital OPPS (other than new providers) to the Federal Government and beneficiaries.		
Total	$7.8 billion.		

We note that the approximately $9.0 billion of expected transfers in this proposed rule is the $9.0 billion in expected additional lump sum drug remedy payments associated with this proposed rule. $1.5 billion of the total $10.5 billion in transfers to providers has already been remedied through processed or reprocessed 340B drug claims for claims with dates of service from January 1, 2022, through September 27, 2022. We also outline the anticipated $7.8 billion offset to Medicare spending and beneficiary cost-sharing to be implemented through a 0.5 percent reduction to the OPPS conversion factor for certain providers.

F. Regulatory Flexibility Act (RFA)

The RFA requires agencies to analyze options for regulatory relief of small entities, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, many hospitals are considered small businesses either by the Small Business Administration's size standards with total revenues of $41.5 million or less in any single year or by the hospital's not-for-profit status. For details, we refer readers to the Small Business Administration's ''Table of Size Standards'' at *https://www.sba.gov/content/table-small-business-size* standards. As its measure of significant economic impact on a substantial number of small entities, HHS uses a change in revenue of more than 3 to 5 percent. We believe that this threshold will be reached by the requirements in this proposed rule with comment period. As a result, the Secretary has determined that this rule will have a significant impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has 100 or fewer beds. We estimate that this proposed rule with comment period would result in approximately $190 million in remedy payments to 240 small rural hospitals. We note that the estimated payment impact for any category of small entity would depend on the degree to which these entities furnished 340B-acquired drugs.

The analysis, together with the remainder of this proposed rule, provides a regulatory flexibility analysis and a regulatory impact analysis. We note that the policies contained in this proposed rule would apply more broadly to OPPS providers and would not specifically focus on small rural hospitals. As a result, the impact on those providers may depend more significantly on their case mix of services provided as well as the extent to which they furnished 340B-acquired drugs.

G. Unfunded Mandates Reform Act (UMRA)

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2023, that threshold is approximately $177 million. This proposed rule does not mandate any requirements for State, local, or tribal governments, or for the private sector.

H. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has federalism implications.

We have examined the OPPS and ASC provisions included in this proposed rule in accordance with Executive Order 13132, Federalism, and have determined that they will not have a substantial direct effect on State, local, or tribal governments, preempt State law, or otherwise have a federalism implication. As reflected in Table 2 of this proposed rule, we estimate that payments to impacted governmental hospitals (including State and local governmental hospitals) would increase by approximately $1,800,000,000 if the policies included in this proposed rule

are finalized. Future adjustments to the OPPS conversion factor to offset the additional non-drug item and service payments made from CY 2018 through CY 2022 due to the 340B payment policy would be discussed in the annual rulemaking to which the adjustment would apply. The analyses we have provided in this section of this proposed rule, in conjunction with the remainder of this document, demonstrate that this proposed rule is consistent with the regulatory philosophy and principles identified in Executive Order 12866 as amended by Executive Order 14094, the RFA, and section 1102(b) of the Act. This proposed rule would affect payments to a small number of small rural hospitals, as well as other classes of hospitals, and some effects may be significant.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

Chiquita Brooks-LaSure, Administrator of the Centers for Medicare & Medicaid Services, approved this document on June 15, 2023.

List of Subjects in 42 CFR Part 419

Hospitals, Medicare, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR chapter IV as set forth below:

PART 419—PROSPECTIVE PAYMENT SYSTEMS FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES

■ 1. The authority citation for part 419 continues to read as follows:

Authority: 42 U.S.C. 1302, 1395l(t), and 1395hh.

■ 2. Section 419.32 is amended by revising paragraph (b)(1)(iv)(B)(*11*) and adding paragraph (b)(1)(iv)(B)(*12*) to read as follows:

§ 419.32 Calculation of prospective payment rates for hospital outpatient services.

* * * * *

(b) * * *

(1) * * *

(iv) * * *

(B) * * *

(*11*) For calendar year 2020 through calendar year 2024, a multifactor productivity adjustment (as determined by CMS).

(*12*) Beginning in calendar year 2025, a multifactor productivity adjustment (as determined by CMS) and 0.5 percentage point, except that the 0.5 percentage point reduction shall not apply to hospital outpatient items and services, not including separately payable drugs, furnished by a hospital with a CMS certification number (CCN) effective date of January 2, 2018, or later. This reduction and associated exception to the reduction will be in effect until such time that estimated payment reductions equal $7.8 billion.

* * * * *

Dated: July 6, 2023.

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2023–14623 Filed 7–7–23; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

RTID 0648–XD130

Notice of Intent To Prepare an Environmental Impact Statement for Minimizing Non-Chinook Salmon Bycatch in the Bering Sea Pollock Fishery in the Bering Sea/Aleutian Islands Fishery Management Plan Area

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

ACTION: Notification; intent to prepare an environmental impact statement; request for written comments.

SUMMARY: NMFS, in consultation with the North Pacific Fishery Management Council (Council), announces its intent to prepare an Environmental Impact Statement (EIS) on management measures to minimize non-Chinook salmon bycatch, particularly bycatch of chum salmon (*Oncorhynchus keta*) of western Alaska origin (Western Alaska chum), in accordance with the National Environmental Policy Act of 1969 (NEPA). The management measures analyzed in this EIS would apply exclusively to participants in the Bering Sea pollock (*Gadus chalcogrammus*) fishery, managed under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP), and consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), National Standards, and other applicable law. The scope of the EIS will be to analyze the impacts to the human environment resulting from alternatives for measures to minimize non-Chinook salmon bycatch. NMFS will accept written comments from the public to identify the issues of concern and assist the Council and NMFS in determining the appropriate range of alternatives for the EIS.

DATES: Written comments will be accepted through September 15, 2023.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2023–0089, by any 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–2023–0089 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Gretchen Harrington, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Susan Meyer. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Bridget Mansfield, (907) 586–7228, *Bridget.Mansfield@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Authority for Action

Under the Magnuson-Stevens Act, the United States has exclusive fishery management authority over all living marine resources found within the exclusive economic zone (EEZ) (*i.e.,* those waters that are 3 to 200 nautical miles (approximately 6 to 370 kilometers) from shore). The management of these marine resources, with the exception of birds and some marine mammals, is vested in the Secretary of Commerce. The Council shares responsibility for preparing FMPs for the fisheries that require conservation and management in the EEZ off Alaska. Management of the Federal groundfish fisheries in the BSAI

is carried out under the BSAI FMP. The BSAI FMP, its amendments, and implementing regulations (found at 50 CFR part 679) are developed in accordance with the requirements of the Magnuson-Stevens Act and other applicable Federal laws and executive orders, notably NEPA and the Endangered Species Act.

Non-Chinook (Chum) Salmon Bycatch Management in the BSAI Groundfish Fisheries

The Magnuson-Stevens Act authorizes the Council and NMFS to manage groundfish fisheries in the Alaska EEZ. Some of these fisheries incidentally catch salmon as bycatch while targeting groundfish. The Council has designated salmon and several other species (herring, Pacific halibut, steelhead, and king and Tanner crab) as ''prohibited species'' (Section 3.6.1 of the BSAI FMP). By regulation, the operator of any vessel fishing for groundfish in the BSAI must minimize the catch of prohibited species (§ 679.21(a)(2)(i)). For catch accounting purposes, NMFS monitors salmon prohibited species catch (PSC) as either ' ''Chinook (*Oncorhynchus tshawytscha*) PSC'' ' or ' ''non-Chinook PSC.'' ' Sockeye (*O. nerka*), coho (*O. kisutch*), pink (*O. gorbuscha*), and chum salmon are included in the non-Chinook PSC category. However, over 99 percent of the salmon bycatch in the non-Chinook category are chum salmon. PSC limits are the upper bound of the PSC allowances apportioned to BSAI groundfish fisheries as specified annually under § 679.21. NMFS closes a fishery to avoid exceeding some specified PSC limits.

The Council and NMFS have been actively managing salmon bycatch in the Bering Sea since the mid-1990s. The Council's current salmon bycatch management program is designed to minimize salmon bycatch at all levels of salmon and pollock abundance, although the PSC limit for Chinook salmon in the Bering Sea pollock fishery is reduced in years of low Chinook salmon abundance (§ 679.21(f)(2)). Much of the salmon bycatch reduction focus has been on Chinook salmon, although salmon bycatch reduction measures also include chum salmon. Salmon bycatch reduction actions previously implemented include the following measures.

The Chum Salmon Savings Area, established in 1994 by emergency rule, was formalized through BSAI FMP Amendment 35 in 1995 (60 FR 34904, July 5, 1995). These actions closed the Chum Salmon Savings Area in the Bering Sea to all trawling from August 1 through August 31 and stipulated it would remain closed through October 14 if the bycatch limit of 42,000 non-Chinook salmon was met in the Catcher Vessel Operational Area (CVOA) after August 31. The CVOA encompasses the Chum Salmon Savings Area, effectively closing both areas to trawling if the limit was reached.

The voluntary rolling hot spot closure system (VRHS) was implemented by the pollock industry for chum salmon in 2001 and Chinook salmon in 2002 to facilitate sharing real-time salmon bycatch information to avoid areas with high Chinook and chum salmon bycatch rates (*i.e.,* the number of salmon incidentally caught per metric ton of pollock).

In 2007, BSAI FMP Amendment 84 implementing regulations addressed increases in Chinook and chum salmon bycatch that were occurring despite the PSC limits in place to trigger closures of the Chinook and Chum Salmon Savings Areas (72 FR 61070, October 29, 2007). These regulations established the salmon bycatch Intercooperative Agreement (ICA), which allowed vessels participating in the Bering Sea pollock fishery to use their internal cooperative structure to reduce Chinook and chum salmon bycatch using the VRHS. Under Amendment 84 vessels participating in the VRHS under the ICA were exempt from the Salmon Savings Area closures. Amendment 84 also requires the efficacy of the VRHS program and bycatch reduction efforts to be reported to the Council annually.

Prior to Amendment 84's implementing regulations, the Council began to work on a comprehensive bycatch management package for both Chinook and chum salmon which considered updated closure areas and a range of overall PSC limits by fishery sector, season, and species. However, 2007 saw the highest historical bycatch of Chinook salmon coincide with ongoing observations of and concerns about declining Chinook stocks of western Alaska origin. Therefore, the Council prioritized management measures for Chinook salmon bycatch, resulting in BSAI FMP Amendment 91 in 2010 (75 FR 53026, August 30, 2010).

Amendment 91 substantially changed Chinook salmon bycatch management in the Bering Sea pollock fishery by creating two Chinook salmon PSC limits or ''hard caps.'' The Chinook salmon PSC limits were implemented alongside industry-developed contractual arrangements called Incentive Plan Agreements (IPAs). IPAs are designed to incentivize the pollock industry to minimize their Chinook salmon bycatch at all levels of Chinook salmon abundance. This combined approach also provides the pollock industry with the flexibility to harvest the Bering Sea pollock Total Allowable Catch (TAC) in years when encounter rates for Chinook salmon are higher and salmon are difficult to avoid on the fishing grounds. Under Amendment 91, if the pollock industry developed IPAs, an overall cap of 60,000 Chinook salmon was implemented. If the pollock industry did not develop IPAs, a lower limit of 47,591 Chinook salmon applied fleet wide. Three IPAs have been in place since 2010. The overall hard cap is divided between the A and B pollock seasons and allocated among the catcher/processor (CP), mothership, inshore catcher vessel (CV), and Community Development Quota (CDQ) sectors. Amendment 91 also created a performance standard that required that each sector not exceed its allocation of 47,591 Chinook salmon in any 3 out of 7 consecutive years.

Salmon bycatch monitoring in the Bering Sea pollock fishery changed in 2011 to enable Chinook salmon bycatch accounting, although the measures are applied to all salmon. Bycatch monitoring of all salmon species in the Bering Sea pollock fishery is accomplished through the following measures: (1) requirements for 100 percent observer coverage for all vessels and processing plants; (2) salmon retention requirements; (3) specific areas to store and count all salmon, regardless of species; (4) video monitoring on at-sea processors; and (5) electronic reporting of salmon, by species, by haul (for CPs) or delivery (for motherships and shoreside processors). Full retention of all salmon is required because it is difficult to differentiate Chinook salmon from other salmon species, and salmon of all species are counted using the same methods. The North Pacific Observer Program also implemented more robust genetic sampling, which is required to achieve the Council's priority of minimizing Western Alaska chum salmon bycatch. Every salmon caught as bycatch in the Bering Sea pollock fishery is counted and recorded. Every 10th Chinook salmon and every 30th chum salmon are sampled by a NMFS-certified observer and are used to collect biological information including length and tissues used to determine the genetic stock of origin, among other data.

Amendment 110 to the BSAI FMP, implemented in 2016, further refined salmon bycatch management in the Bering Sea pollock fishery to improve the incentives to avoid Chinook and chum salmon, while providing more flexibility to the pollock fleet to change

fishing operations to improve its opportunity to harvest the pollock TAC (81 FR 37534, June 10, 2016). Key elements of Amendment 110 and implementing regulations that addressed salmon bycatch included:

- Incorporate chum salmon avoidance into the IPAs established under Amendment 91, and remove the non-Chinook salmon bycatch reduction ICA previously established under Amendment 84 to the FMP;
- Modify the requirements for the content of the IPAs to increase the incentives for fishermen to avoid Chinook salmon;
- Change the seasonal apportionments of the pollock TAC to allow more pollock to be harvested earlier in the year when Chinook salmon PSC use tends to be lower;
- Reduce the Chinook salmon PSC limit to 45,000 Chinook salmon and performance standard to 33,318 Chinook salmon in years with low Chinook salmon abundance in western Alaska; and
- Improve the monitoring of salmon bycatch in the pollock fishery.

Amendment 110 further clarified and strengthened salmon monitoring regulations implemented under Amendment 91. Those changes: (1) revised salmon retention and handling requirements on catcher vessels; (2) improved observer data entry and transmission requirements for catcher vessels; (3) clarified requirements applicable to viewing salmon in a storage container; and (4) clarified requirements for the removal of salmon from an observer sampling station at the end of a haul or delivery.

Proposed Action

The Council is now considering management measures to further minimize non-Chinook salmon bycatch in light of the ongoing declines in chum salmon run strength across western and Interior Alaska. Concurrent with the changes in chum salmon stock abundance, the Council reviewed scientific reports outlining the impact of warming ocean conditions on salmon mortality at sea and received substantial public comment from western and Interior Alaska Tribes, Tribal Consortia, and subsistence salmon fishermen describing the importance of chum salmon for food security, wellbeing, and the continuation of meaningful cultural practices and related Traditional Knowledge (TK) systems. The Council also received public comments and annual presentations from IPA representatives on the industry's efforts to minimize their salmon bycatch. As part of this action, the EIS will analyze the extent to which implementing additional chum salmon bycatch management measures could have some positive benefit on the number of chum salmon that return to western Alaska rivers. Any additional chum salmon returning to Alaska river systems improves the ability to meet the State's spawning escapement goals, which is necessary for the long-term sustainability of chum salmon.

The Council's intent for this proposed action is to minimize the bycatch of chum salmon, particularly those of western Alaska origin. The management measures to be analyzed in this EIS would apply exclusively to participants in the Bering Sea pollock fishery because the majority of non-Chinook bycatch occurs in the Bering Sea pollock fishery (~98%). The EIS will analyze a range of alternatives considered for the proposed action to minimize non-Chinook salmon bycatch, particularly the bycatch of Western Alaska chum salmon, in the Bering Sea pollock fishery. The chum salmon bycatch reduction measures under consideration would augment current bycatch reduction measures in the Bering Sea pollock fishery. The BSAI area is defined at § 679.2 and shown in Figures 1 to 50 CFR part 679.

In June 2023, the Council and NMFS agreed that NMFS would initiate public scoping to prepare an EIS for the proposed action to minimize non-Chinook salmon bycatch, particularly bycatch of Western Alaska chum salmon in the Bering Sea pollock fishery. Additional information on the Council's proposed action to minimize chum salmon bycatch is available on the Council's website at *https://www.npfmc.org/*.

Purpose and Need Statement

In April 2023, the Council adopted the following Purpose and Need Statement with additional language added by NMFS that addresses National Standard 9:

Salmon are an important fishery resource throughout Alaska, and chum salmon that rear in the Bering Sea support subsistence, commercial, sport, and recreational fisheries throughout western and Interior Alaska. Western and Interior Alaska salmon stocks are undergoing extreme crises and collapses, with long-running stock problems and consecutive years' failures to achieve escapement goals, U.S.-Canada fish passage treaty requirements, and subsistence harvest needs in the Yukon, Kuskokwim, and Norton Sound regions. These multi-salmon species declines have created adverse impacts to culture and food security and have resulted in reduced access to traditional foods and commercial salmon fisheries.

The best available science suggests that ecosystem and climate changes are the leading causes of recent chum salmon run failures; however, non-Chinook (primarily chum) salmon are taken in the Eastern Bering Sea pollock trawl fishery, which reduces the amount of salmon that return to western and Interior Alaska rivers and subsistence fisheries. It is important to acknowledge and understand all sources of chum mortality and the cumulative impact of various fishing activities. In light of the critical importance of chum salmon to western Alaska communities and ecosystems, the Council is considering additional measures to further minimize Western Alaska chum bycatch in the pollock fishery.

The purpose of this proposed action is to develop actions to minimize bycatch of Western Alaska chum salmon in the Eastern Bering Sea pollock fishery consistent with the Magnuson-Stevens Act, National Standards, and other applicable law. In particular, National Standard 9 provides that conservation and management measures shall, to the extent practicable, (a) minimize bycatch and (b) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch. Consistent, annual genetics stock composition information indicates that the majority of non-Chinook bycatch in the pollock fishery is of Russian/Asian hatchery origin; therefore, alternatives should structure non-Chinook bycatch management measures around improving performance in avoiding Western Alaska chum salmon specifically.

The Council intends to consider establishing additional regulatory non-Chinook bycatch management measures that reduce Western Alaska chum bycatch and meet the following objectives; (1) provide additional opportunities for the pollock trawl fleet to improve performance in avoiding non-Chinook salmon, while maintaining the priority of the objectives of the Amendment 91 and Amendment 110 Chinook salmon bycatch avoidance program; (2) meet and balance the requirements of the Magnuson-Stevens Act, particularly to minimize salmon bycatch to the extent practicable under National Standard 9; (3) include the best scientific information available including Local Knowledge and TK as required by National Standard 2; (4) take into account the importance of fishery resources to fishing communities including those that are dependent on Bering Sea pollock and subsistence salmon fisheries as required under National Standard 8; and (5) achieve

optimum yield in the BSAI groundfish fisheries on a continuing basis, in the groundfish fisheries as required under National Standard 1.

Alternatives and Options for Non-Chinook (Chum) Salmon Bycatch Reduction

NMFS, in coordination with the Council, will evaluate a range of alternative methods to minimize non-Chinook salmon bycatch, with a primary focus on reducing Western Alaska chum salmon bycatch in the Bering Sea pollock fishery in accordance with the Magnuson-Stevens Act. NMFS and the Council recognize that implementation of additional measures to minimize chum PSC could change aspects of the existing management measures for non-Chinook PSC in the Bering Sea pollock fishery.

Possible alternatives for minimizing non-Chinook bycatch in the Bering Sea pollock fishery could be constructed from one or more of the following draft alternatives and options developed by the Council, in addition to those developed through the public scoping and future Council processes:

Alternative 1: Status Quo, No Action

Alternative 1 is the current management of the Bering Sea pollock fishery with the measures to minimize non-Chinook salmon PSC under Amendment 110, as described above, and the associated monitoring and genetic data collection and analysis.

All action alternatives apply to the entire Bering Sea pollock B season, the season in which chum salmon are taken as bycatch.

Alternative 2: Overall PSC Limit for Chum Salmon

Option 1: Chum salmon PSC limit (a range to be informed by PSC data).

PSC limits are apportioned among CDQ, CP, mothership, and inshore sectors based on historical total bycatch by sector. The inshore limit is further apportioned among the inshore cooperatives. The CDQ limit is further apportioned among the CDQ groups. Reaching a PSC limit closes the pollock fishery sector to which the PSC limit applies.

Option 2: Weighted, step-down PSC limit triggered by a three-river chum index (Kwiniuk (or index developed for Norton Sound area), Yukon, Kuskokwim) that is linked to prior years' chum abundance/amount necessary for subsistence (ANS)/escapement and weighted to account for variance in stock sizes across river systems.

PSC limits would be triggered and in effect when one or more Western Alaska chum index areas fails to meet index thresholds. As more areas fail to meet index thresholds, chum PSC limits would step-down and become more restrictive. PSC limits are apportioned among CDQ, CP, mothership and inshore sectors. The inshore limit is further apportioned among the inshore cooperatives. The CDQ limit is further apportioned among the CDQ groups. Reaching a PSC limit closes the pollock fishery sector to which the PSC limit applies.

Alternative 3: PSC Limit for Western Alaska Chum Salmon

Option 1: Western Alaska chum salmon PSC limit (range to be informed by PSC data).

PSC limits are apportioned among CDQ, CP, mothership, and inshore sectors based on historical total bycatch by sector. The inshore limit is further apportioned among the inshore cooperatives. The CDQ limit is further apportioned among the CDQ groups. Reaching a PSC limit closes the pollock fishery sector to which the PSC limit applies.

Option 2: Weighted, step-down Western Alaska chum PSC limit triggered by a three-river chum index (Kwiniuk (or index developed for Norton Sound area), Yukon, Kuskokwim) that is linked to prior years' chum abundance/ANS/escapement and weighted to account for variance in stock sizes across river systems.

PSC limits would be triggered and in effect when one or more Western Alaska chum index areas fails to meet index thresholds. As more areas fail to meet index thresholds, chum PSC limits would step-down and become more restrictive. PSC limits are apportioned among CDQ, CP, mothership, and inshore sectors. The inshore limit is further apportioned among the inshore cooperatives. The CDQ limit is further apportioned among the CDQ groups. Reaching a PSC limit closes the pollock fishery sector to which the PSC limit applies.

Alternative 4: Additional Regulatory Requirements for IPAs To Be Managed by Either NMFS or Within the IPAs

Option 1: Require a chum salmon reduction plan agreement to prioritize avoidance in Genetic Cluster Areas 1 and 2 for a specified amount of time based on two triggers: (1) exceeding an established chum salmon incidental catch rate; and (2) exceeding a historical genetic composition (proportion) of Western Alaska chum salmon to non-Western Alaska chum salmon.

Option 2: Additional regulatory provisions requiring IPAs to utilize the most refined genetic information available to further prioritize avoidance of areas and times with higher proportions of Western Alaska and Upper/Middle Yukon chum stocks.

Issues To Be Analyzed

The EIS will analyze these alternatives, and any additional alternatives developed through the scoping and Council processes, and their likely impacts on non-Chinook salmon stocks, elements of associated marine resources, and participants in the directed pollock fishery. The EIS also will analyze the likely impacts of such additional non-Chinook salmon PSC limits on related Chinook salmon stocks and on participants in subsistence salmon fisheries in the area.

When the Council adopted a Purpose and Need statement in April 2023, the Council asked for a preliminary analysis, which will be presented at the October 2023 Council meeting, along with a summary of scoping comments received in response to this notice, to provide information to inform a reasonable range of PSC limits and an index associated with Western Alaska chum salmon stock status under the action alternatives. The preliminary analysis will address:

- Non-Chinook PSC data by year from 2011 through 2022; 3-, 5-, 10-year average non-Chinook PSC levels from 2011 through 2022; and potential ranges for average PSC levels during warm/cold years from 2011 through 2022.
- Whether the identified areas (Kwiniuk (or Norton Sound area), Kuskokwim, Yukon) are appropriate as indices to determine Western Alaska chum salmon abundance and whether there are data to support consistent use of each area in an index.
- Which criteria should be used to define low index abundance in each area (*i.e.,* a number of chum defining poor abundance) for each area? Examples:

—abundance (*e.g.,* a percentile of historical abundance)
—subsistence harvest performance (*e.g.,* subsistence harvest in relation to historical subsistence harvest and/or ANS)
—achievement of escapement goals (*e.g.,* a percentage of total escapement goals met or exceeded)

- The feasibility of NMFS implementing a Western Alaska chum PSC limit under Alternative 3. For example, can NMFS apply the Western

Alaska chum stock proportion available in spring 2025 to total chum PSC at the end of year 2024 to trigger management measures in B season 2025? Or a measure whereby Western Alaska chum PSC limit is reduced if exceeded for a maximum number of consecutive years (*e.g.,* 2 out of 5 years or 3 out of 7 years)?

- Additional information necessary to analyze IPAs such as the base rate for triggering action, *e.g.,* the proportion of Western Alaska and non-Western Alaska chum salmon for the second trigger in Alternative 4, Option 1.
- A summary of research and TK that can be gathered to understand all causes of the population decline.

Public Involvement

Scoping is an early and open process for determining the scope of issues to be addressed in an EIS and for identifying the significant issues related to the proposed action (40 CFR 1501.9). An EIS is a detailed statement on a proposed agency action, but it does not mandate particular results or substantive outcomes as the purpose and function of NEPA is satisfied if the agency considered relevant environmental information and the public has been informed regarding the decision-making process (40 CFR 1500.1(a)). A principal objective of the scoping and public involvement process is to identify a range of reasonable management alternatives that, with adequate analysis in an EIS, will delineate critical issues and provide a clear basis for distinguishing among those alternatives and informing the selection of a preferred alternative. Through this notice, NMFS is notifying the public that an EIS and a decision-making process for this proposed action have been initiated so that interested or affected people may participate and contribute to the final decision.

NMFS is seeking written public comments on the scope of issues, including potential impacts, and alternatives that should be considered to minimize non-Chinook salmon bycatch, particularly the bycatch of Western Alaska chum salmon, in the Bering Sea pollock fishery. Written comments should be as specific as possible to be the most helpful. Written comments received during the scoping process, including the names and addresses of those submitting them, will be considered part of the public record of this proposal and will be available for public inspection. Written comments will be accepted at the address above (see **ADDRESSES**). Please visit the NMFS Alaska Region website at *https://www.alaskafisheries.noaa.gov* for more information on salmon bycatch management in Alaska.

Subsequent to the formal scoping period for written comments, which this notice announces, the public is invited to participate and provide additional relevant input at Council meetings, where the latest scientific information regarding chum bycatch in the Bering Sea pollock fishery is reviewed and alternatives will be developed and evaluated for this EIS. Notice of future Council meetings will be published in the **Federal Register** and on the internet at *https://www.npfmc.org/*. Please visit this website for information and guidance on participating in Council meetings.

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

Dated July 5, 2023.

Jennifer M. Wallace,

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

[FR Doc. 2023–14581 Filed 7–10–23; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 88, No. 131
Tuesday, July 11, 2023

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

[Docket No. USDA–2023–0007]

Notice of Request for Public Comment on 2023 Update to Technical Guidelines for Quantifying Greenhouse Gas (GHG) Emissions and Carbon Sequestration at the Entity-Scale for Agriculture and Forestry

AGENCY: Office of the Chief Economist, U.S. Department of Agriculture.

ACTION: Request for public comment; reopening of comment period.

SUMMARY: We are reopening the comment period for our request for comments on the 2023 update to the report *Quantifying Greenhouse Gas Fluxes in Agriculture and Forestry: Methods for Entity-Scale Inventory,* Technical Bulletin Number 1939, Office of the Chief Economist, USDA, Washington, DC. This action will allow interested persons additional time to prepare and submit comments.

DATES: The comment period for the notice published at 88 FR 37846 on June 9, 2023, is reopened. We will consider all comments that we receive on or before August 9, 2023.

ADDRESSES: Comments submitted in response to this notice may be submitted online via the Federal eRulemaking Portal. Go to *https://www.regulations.gov* and search for Docket No. USDA–2023–0007. Follow the online instructions for submitting comments. Comments will be posted without change and publicly available on *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Any questions about this notice should be sent to Wes Hanson, Office of Energy and Environmental Policy via email: *wes.hanson@usda.gov,* or telephone: 202–425–1596.

SUPPLEMENTARY INFORMATION: On June 9, 2023, we published in the **Federal Register** (88 FR 37846–37847, Docket No. USDA–2023–0007) a notice requesting comments on the 2023 update to the report *Quantifying Greenhouse Gas Fluxes in Agriculture and Forestry: Methods for Entity-Scale Inventory,* Technical Bulletin Number 1939, Office of the Chief Economist, USDA, Washington, DC.

Comments on the report update were required to be received on or before July 10, 2023. We are reopening the comment period on Docket No. USDA–2023–0007 for an additional 30 days. This action will allow interested persons additional time to prepare and submit comments.

Seth Meyer,

Chief Economist.

[FR Doc. 2023–14613 Filed 7–10–23; 8:45 am]

BILLING CODE 3410–GL–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request; Reinstatement

The Department of Agriculture will submit the following information collection requirement(s) to the Office of Management and Budget (OMB) for review and reinstatement under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on 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 these information collections are best assured of having their full effect if received by August 10, 2023. 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.

National Agricultural Statistics Service

Title: Census of Aquaculture.

OMB Control Number: 0535–0237.

Summary of Collection: The Census of Aquaculture is one of a series of special study programs that comprise the follow-on study to the Census of Agriculture and is designed to provide detailed statistics on the aquaculture industry. The primary objective of the 2023 Census of Aquaculture is to obtain a comprehensive and detailed picture of the aquaculture sector of the economy. The Census of Aquaculture is the only source of comparable and consistent data at the national and State levels for the aquaculture industry. The Census of Aquaculture will cover all operations, commercial or noncommercial, for which $1,000 or more of aquaculture products were sold or normally would have been sold during the census year. Data from the 2023 Census of Aquaculture will be tabulated to provide benchmark statistics at the U.S. and State levels. These data will provide information on the aquaculture industry necessary for policy makers to implement regulations affecting the growth of the industry and the wellbeing of the economy.

The census of agriculture is required by law under the ''Census of Agriculture Act of 1997,'' Public Law 105–113 (Title 7, United States Code, section 2204g). The law authorizes the Secretary of Agriculture to conduct surveys deemed necessary to furnish annual or other data on the subjects covered by the census. The 2023 Census of Aquaculture Survey will be conducted under the provisions of this section. Response to this follow-on census is required by law.

Need and Use of the Information: The National Agricultural Statistics Service will collect data to provide a comprehensive inventory on the

number of operations, freshwater and saltwater acreage used for aquaculture production, water sources used for production, methods of production, total production, sales outlets, value of aquaculture products sold and sales by aquaculture species, products distributed for recreation, restoration, or conservation by species. These data will provide information on the aquaculture industry necessary for farmers, government, and various groups, concerned with the aquaculture industry to evaluate policy and programs, make marketing decisions, and determine the economic impact on the economy.

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 6,600.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 3,326.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2023–14591 Filed 7–10–23; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request; Reinstatement

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and reinstatement under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by August 10, 2023 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: SF–299: Application for Transportation, Utility Systems, Telecommunication and Facilities on Federal Lands and Property.

OMB Control Number: 0596–0249.

Summary of Collection: This information collection is used by the Forest Service to evaluate and ensure that authorized uses of National Forest System (NFS) lands are in the public interest and are compatible with the agency's mission. The information helps the agency identify environmental and social impacts of special uses for purposes of compliance with the National Environmental Policy Act (NEPA) and program administration. In addition, the agency uses the information to ascertain whether the land use fee being charged for special use authorizations is based on market value. The information is collected through application forms and terms and conditions in special use authorizations and operating plans. Ongoing uses must be monitored to ensure compliance with the terms of the corresponding authorizations. In certain situations, information from the authorization holder is the only way the Forest Service can verify compliance with the terms of an authorization.

Need and Use of the Information: The information collected is used to issue permits and leases, enforce compliance with agreements, and reports are generated to ensure fees are paid (Such as Recreation Residence Cabins) & to monitor growth of the Special Use Program, this helps with budget forecasting & program development.

Description of Respondents: Individuals or households.

Number of Respondents: 3,233.

Frequency of Responses: Annually.

Total Burden Hours: 25,864.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2023–14574 Filed 7–10–23; 8:45 am]

BILLING CODE 3411–15–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; 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 August 10, 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 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 person are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Office of the Chief Financial Officer

Title: Build America, Buy America (BABA) Waiver.

OMB Control Number: 0505–0028.

Summary of Collection: In accordance with section 70914 of the Build America Buy America Act (Pub. L. 117–58 §§ 70901–70952) (BABAA), recipients and subrecipients funded under USDA Federal financial assistance programs for infrastructure projects may not use their funds for these infrastructure projects unless they comply with the following BABAA sourcing requirements:

1. All iron and steel used in the project are produced in the United States.

2. All manufactured products used in the project are produced in the United States.

3. All construction materials are manufactured in the United States.

USDA agencies and staff offices may, in accordance with BABAA sections 70914(b) and (d), 70921(b), and 70935,, and the Office of Management and Budget (OMB) Memorandum M 22–11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, approve waivers to BABAA sourcing requirements submitted by recipients and subrecipients under a Federal financial assistance program the USDA agency or staff office has identified as an infrastructure project, regardless of whether infrastructure is the primary purpose of the award.

Need and Use of the Information: The information will be collected by accessing the data collection electronically submitted by recipients and subrecipients. BABAA Waiver Request Data Collection and supporting documentation will be submitted via email to the USDA awarding agency or staff office point of contact. The information for each recipient and subrecipient is unique and, therefore, cannot take significant advantage of this technology. The BABAA Waiver Request Data Collection will be provided to the recipient and subrecipient to submit a waiver request from BABAA requirements as explained in the OMB Memorandum M–22–11 and required by the Infrastructure, Investments and Jobs Act (IIJA) sections 70901 through 70952.

The General Services Administration (GSA), in accordance with BABAA, is working with Federal agencies and OMB to develop a web based BABAA electronic data submission system that USDA anticipates participating in when the system becomes available. GSA began work on this endeavor and a completion date has not been established.

Description of Respondents: State, local and Indian tribal governments, Institutions of Higher Education (IHE), and nonprofit organizations.

Number of Respondents: 1.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 6.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2023–14619 Filed 7–10–23; 8:45 am]

BILLING CODE 3410–KS–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2023–0011]

Notice of Request for a New Information Collection: Qualitative Research on Food Safety Behaviors Among Parents and Caregivers Who Prepare Meals for Minors or Older Adults. In Depth Interview Research

AGENCY: Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, FSIS is announcing its intention to collect information from interviews on consumer food safety knowledge, attitudes, and behaviors. FSIS will also collect consumer responses to food safety messages related to home cooking to gather feedback on message content and format. This is a new information collection with 547 hours.

DATES: Submit comments on or before September 11, 2023.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to *https://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Washington, DC 20250–3700.
- *Hand- or Courier-Delivered Submittals:* Deliver to 1400 Independence Avenue SW, Jamie L. Whitten Building, Room 350–E, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2023–0011. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *https://www.regulations.gov.*

Docket: For access to background documents or comments received, call (202) 937–4272 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; (202) 937–4272.

SUPPLEMENTARY INFORMATION:

Title: Qualitative Research on Food Safety Behaviors Among Parents and Caregivers who prepare meals for minors or older adults. In Depth Interview Research.

OMB Number: 0583–NEW.

Type of Request: Request for a new information collection.

Abstract: FSIS is announcing its intention to collect information from interviews on consumer food safety knowledge, attitudes, and behaviors. FSIS will also collect consumer responses to food safety messages related to home cooking to gather feedback on message content and format. This is a new information collection with 547 hours.

FSIS' Office of Public Affairs and Consumer Education makes sure members of the American public are equipped with the tools they need to reduce their risk of foodborne illness by teaching the public how to safely handle, prepare, and store food. Consumer education campaigns developed by OPACE's staff are created to promote safe food handling procedures and reduce the likelihood of foodborne illness.

OPACE works to continuously increase consumer knowledge of food safety practices with the intention of improving food-handling behaviors at home. Now, OPACE seeks to plan a new consumer education effort to promote food safety behaviors among populations that have not previously benefited from direct and tailored consumer food safety outreach in the past.

To extend its commitment to educating the public about food safety, FSIS is seeking to focus on the parents and caregivers or those who are providing care and preparing meals to at least one child or one older adult, as a priority audience for this new food safety campaign. To date, no known

large-scale campaign efforts have been undertaken to provide specific and tailored messaging to address the individualized needs of African American/Black and Hispanic/Latino parents and caregivers who are preparing meals for minors or older adults. Therefore, this effort will specifically focus on African American/Black and Hispanic/Latino parents and caregivers who are preparing meals for minors or older adults. FSIS is taking this approach to carry out its commitment to reaching a broader range of audiences, including those who speak Spanish, with culturally appropriate outreach.

This proposed campaign directly supports the FSIS 2023–2026 Strategic Plan, which focuses on the need to continue to expand consumer education pertaining to food safety while also reaching out to larger and more diverse audiences.

Preliminary research is necessary to learn more about how to best tailor campaign messages to suit the needs of the audiences of focus. The goal of the proposed research study is to learn more about African American/Black and Hispanic/Latino parent and caregiver knowledge, attitudes, and current behaviors regarding food safety. The information collected from this research will be used to develop and tailor messages to suit audience needs. Further, audience feedback about draft messaging strategies and approaches is necessary to ensure that campaign messages will appeal to audiences.

The proposed effort seeks to undertake two rounds of interviews with members of target audiences to gain a greater understanding of the knowledge, attitudes, and current behaviors of those who have the potential to benefit from this campaign. These research activities will involve collecting qualitative information about consumer food safety knowledge, attitudes, practices, culture, and preferred food safety information sources. A final goal will be to gather feedback on proposed FSIS food safety messages and understand their possible influence on future food safety behaviors among consumers.

Findings from the proposed interviews will provide FSIS with the information needed to create a messaging campaign focused on Black/African American and Hispanic/Latino parent and caregivers to enhance food safety in home and personal food preparation contexts. Specifically, findings from the interviews will provide insight into how to effectively inform the focal audiences about recommended safe food handling practices. They will also inform message design to improve food safety behaviors among parents and caregivers.

FSIS has contracted with Fors Marsh to conduct two series of interviews with adults from the segments of focus. Each series will include 15 interviews. The first set of 15 interviews will be conducted with African American/Black adults and first-generation Hispanic/Latino adults who are parents and caregivers (*e.g.,* providing care and preparing meals for at least one child or at least one older adult). These interviews will be organized based on ethnicity. To be eligible, participants also cannot be current or previous federal employees or have an immediate family member who works for the federal government.

The goals of the first phase of interviews will be to: (a) gather information about consumers' knowledge, attitudes, and behaviors about food safety, (b) learn more about preferred communication channels used by consumers to learn about food safety, and (c) gather consumer feedback relating to potential messaging directions for the campaign effort (*e.g.,* statements, images, or colors used).

A team of creative experts will be working to draft initial ideas for food safety campaign efforts. Before developing specific campaign materials, the campaign team would first like to get feedback from prospective audience members about proposed campaign themes and gain more feedback on possible methods of message distribution (*e.g.,* television, radio, social media). This type of preliminary feedback is essential in culturally tailored campaign efforts to make sure that messages will connect with audience members before more resources are spent on turning the proposed themes into actual campaign materials (*e.g.,* social media posts, factsheets).

After information is collected from the first set of interviews, it will be used to inform the creation of specific promotional materials. At this point, a second set/phase of 15 interviews will be completed to better understand audience reactions to proposed campaign messaging approaches and materials. These messages will focus on enhancing food safety and reducing cross-contamination; however, the specific message content, form, and structure will be decided based on essential information drawn from the first round of interviews.

Phase two interviews will also be completed with African American/Black adults and first-generation Hispanic/Latino adults who are parents and caregivers who prepare meals for minors or older adults.

The same enrollment criteria (*e.g.,* ethnicity, caretaker status, language spoken) that was used for the first round of interviews will be used for this round as well. The need for the second round of interviews is to build on information drawn from the first round of interviews. Data collected from the first round of interviews will be used to develop campaign messages and materials. The second round of interviews are needed to ensure the text and images used are culturally appropriate. Since this project will gather feedback on materials for a completely new campaign effort, no existing datasets are able to provide the information needed to inform the design of these new messages.

To recruit participants, the contractor will partner with a recruitment vendor to screen and identify participants who are eligible to participate in the interviews based on ethnicity and status as a parent or caregiver (specifically an individual who is providing care and preparing meals to at least one child or one older adult). The recruiter will send invitations to screen to 3,050 individuals and then screen 1,440 individuals to find the 30 individuals who will take part in the study (15 in interview phase 1 and 15 in interview phase 2). Up to 30 interviews will be conducted in total. Each interview will last no longer than 60 minutes. Participants will receive a $75 incentive for participation.

Need and Use of the Information: Information will be collected using interviews. Interviews will provide OPACE with the information needed to develop and disseminate effective messaging to help reduce foodborne illness among parents and caregivers. The lack of information in this area would impede the Agency's ability to provide more useful information to consumers to help reduce foodborne illness in the United States.

Estimate of Burden: Participants will be recruited for the study through 3,050 emails sent from a recruitment vendor to members of their research panel. It is expected that 1,440 individuals will complete a screener to determine eligibility for the interviews with 30 individuals completing the interviews. The screener is expected to last 15 minutes. The interviews are expected to last 60 minutes.

Estimated Annual Reporting Burden for Interviews

ESTIMATED ANNUAL REPORTING BURDEN FOR SCREENER AND INTERVIEWS

Study component	Sample size	Freq	Responses				Non-responses				Total hours
			Count	Freq × count	Min\resp	Burden hours	Count	Freq × count	Min\resp	Burden hours	
Screener											
Email Invitation	3,050	1	1,440	1,440	3	72	1,610	1,610	3	80.5	152.5
Screener	1,440	1	36	36	15	9	1,404	1,404	15	351	360
In Depth Interview											
Email Invitation	36	1	30	30	7	3.5	6	6	7	0.7	4.2
Interview	36	1	30	30	60	30	6	6	0	0	30
Total Burden	4,562	.....	.....	.....	.....	114.5	.....	.....	.....	432.2	546.7

Respondents: Consumers.

Estimated Number of Respondents: 4,562.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Total Burden on Respondents: 547 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; (202) 937–4272.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of FSIS' functions, including whether the information will have practical utility; (b) the accuracy of FSIS' estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20253.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *https://www.fsis.usda.gov/federal-register.*

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *https://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

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Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (*e.g.,* Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720–2600 (voice and TTY); or the Federal Relay Service at (800) 877–8339.

To file a program discrimination complaint, a complainant should complete a Form AD–3027, *USDA Program Discrimination Complaint Form,* which can be obtained online at *https://www.ocio.usda.gov/document/ad-3027,* from any USDA office, by calling (866) 632–9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD–3027 form or letter must be submitted to USDA by:

(1) *Mail:* U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue SW, Washington, DC 20250–9410;

(2) *Fax:* (833) 256–1665 or (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

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Paul Kiecker,

Administrator.

[FR Doc. 2023–14533 Filed 7–10–23; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF COMMERCE

Census Bureau

National Advisory Committee

AGENCY: Census Bureau, Department of Commerce.

ACTION: Notice of public virtual meeting.

SUMMARY: The Census Bureau is giving notice of a virtual meeting of the National Advisory Committee (NAC or Committee). From August 17–November 15, 2022, the Census Bureau posted a **Federal Register** Notice to seek input from the public to develop and implement strategies to improve participation in the 2030 Census. During the NAC Spring 2023 meeting, the Committee was asked to evaluate the comments received and provide the top ten research ideas for four of five categories, which included: technology, new data sources, how we contact respondents, and respondent support services.

During this virtual meeting, the Committee will provide the top ten research ideas for the comments related to the fifth category, reaching and motivating everyone. Last minute changes to the schedule are possible, which could prevent giving advance public notice of schedule adjustments.

DATES: The virtual meeting will be held Wednesday, July 26, 2023, from 1:00 p.m. to 4:00 p.m. EDT.

ADDRESSES: Please visit the Census Advisory Committee website at *https://www.census.gov/about/cac/nac/meetings/2023-07-special-session.html* for the NAC meeting information, including the agenda, and how to join the meeting.

FOR FURTHER INFORMATION CONTACT: Shana Banks, Advisory Committee Branch Chief, Office of Program, Performance and Stakeholder Integration (PPSI), *shana.j.banks@census.gov,* Department of Commerce, Census Bureau, telephone 301–763–3815. For TTY callers, please use the Federal Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The NAC provides technical expertise to address Census Bureau program needs and objectives. The members of the NAC are appointed by the Director of the Census Bureau. The NAC has been established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 1009).

All meetings are open to the public. Public comments will be accepted in writing only to *shana.j.banks@census.gov* (subject line ''NAC 2030 **Federal Register** Notice (FRN) Comments/Feedback Virtual Meeting Public Comment''). A brief period will be set aside during the meeting to read public comments received in advance of 12:00 p.m. EDT, July 26, 2023. Any public comments received after the deadline will be posted to the website listed in the **ADDRESSES** section.

Robert L. Santos, Director, Census Bureau, approved the publication of this Notice in the **Federal Register**.

Dated: July 6, 2023.

Mary Reuling Lenaiyasa,

Program Manager, Paperwork Reduction Act, Policy Coordination Office, U.S. Census Bureau.

[FR Doc. 2023–14640 Filed 7–10–23; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of National Advisory Council on Innovation and Entrepreneurship Meeting

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The National Advisory Council on Innovation and Entrepreneurship (NACIE) will hold a virtual public meeting on Tuesday, July 27, 2023. In 2022, U.S. Secretary of Commerce Gina M. Raimondo appointed a cohort of 33 members to NACIE, and this will be this cohort's fourth meeting. During this meeting, NACIE expects to discuss workforce, capital, entrepreneurship, and diversity, equity, inclusion, and accessibility in the technology and innovation economies in furtherance of NACIE's development of a national strategy to strengthen technology- and innovation-centric entrepreneurship.

DATES: Tuesday, July 27, 2023, 9 a.m.–4 p.m. Eastern Time (ET).

ADDRESSES: Herbert Clark Hoover Building (HCHB), 1401 Constitution Ave. NW, Washington, DC 20230. Visitors to HCHB must comply with and adhere to the Department of Commerce's COVID–19 policies and protocols in effect at the time of the meeting, which can be found at the Department's COVID–19 Information Hub at *https://www.commerce.gov/covid-19-information-hub.* Please note that pre-clearance is required both to attend the meeting in person and to make a statement during the public comment portion of the meeting. Please limit comments to five minutes or less and submit a brief statement summarizing your comments to Eric Smith (see contact information below) no later than 11:59 p.m. ET on Thursday, July 20, 2023. Teleconference or web conference connection information will be published prior to the meeting along with the agenda on the NACIE website at *https://www.eda.gov/oie/nacie/.*

FOR FURTHER INFORMATION CONTACT: Eric Smith, Office of the Assistant Secretary, 1401 Constitution Avenue NW, Room 78018, Washington, DC 20230; email: *nacie@doc.gov;* telephone: +1 202 482 8001. Please reference ''NACIE July 2023 Meeting'' in the subject line of your correspondence.

SUPPLEMENTARY INFORMATION: NACIE, established pursuant to Section 25(c) of the Stevenson-Wydler Technology Innovation Act of 1980, as amended (15 U.S.C. 3720(c)), is a Federal Advisory Committee Act committee that provides advice directly to the Secretary of Commerce.

NACIE has been charged with developing a national entrepreneurship strategy that strengthens America's ability to compete and win as the world's leading startup nation and as the world's leading innovator in critical emerging technologies. NACIE also has been charged with identifying and recommending solutions to drive the innovation economy, including growing a skilled STEM workforce and removing barriers for entrepreneurs ushering innovative technologies into the market. The Council facilitates federal dialogue with the innovation, entrepreneurship, and workforce development communities. Throughout its history, NACIE has presented recommendations to the Secretary of Commerce along the research-to-jobs continuum, such as increasing access to capital, growing and connecting entrepreneurial communities, fostering small business-driven research and development, supporting the commercialization of key technologies, and developing the workforce of the future.

The final agenda for the meeting will be posted on the NACIE website at *https://www.eda.gov/strategic-initiatives/national-advisory-council-on-innovation-and-entrepreneurship/meetings* prior to the meeting. Any member of the public may submit pertinent questions and comments concerning NACIE's affairs at any time before or after the meeting. Comments may be submitted to Eric Smith (see contact information above). Those wishing to listen to the proceedings can do so via teleconference or web

conference (see above). Copies of the meeting minutes will be available by request within 90 days of the meeting date.

Dated: July 6, 2023.

Eric Smith,

Tech Hubs Program Director.

[FR Doc. 2023–14605 Filed 7–10–23; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Sensors and Instrumentation Technical Advisory Committee; Revised: Notice of Partially Closed Meeting—VIRTUAL

The Sensors and Instrumentation Technical Advisory Committee (SITAC) will meet on Tuesday, July 18, 2023, at 1 p.m., Eastern Daylight Time. This meeting will be virtual.

The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology. The purpose of the meeting is to have Committee members and U.S. Government representatives mutually review updated technical data and policy-driving information that has been gathered.

Agenda

Open Session

1. Welcome and Introductions.
2. Remarks from the Bureau of Industry and Security Management.
3. Industry Presentations.
4. New Business.

Closed Session

5. Discussion of matters determined to be exempt from the open meeting and public participation requirements found in Sections 1009(a)(1) and 1009(a)(3) of the Federal Advisory Committee Act (FACA) (5 U.S.C. 1001–1014). The exemption is authorized by section 1009(d) of the FACA, which permits the closure of advisory committee meetings, or portions thereof, if the head of the agency to which the advisory committee reports determines such meetings may be closed to the public in accordance with subsection (c) of the Government in the Sunshine Act (5 U.S.C. 552b(c)). In this case, the applicable provisions of 5 U.S.C. 552b(c) are subsection 552b(c)(4), which permits closure to protect trade secrets and commercial or financial information that is privileged or confidential, and subsection 552b(c)(9)(B), which permits closure to protect information that would be likely to significantly frustrate implementation of a proposed agency action were it to be disclosed prematurely. The closed session of the meeting will involve committee discussions and guidance regarding U.S. Government strategies and policies.

The open session will be accessible via teleconference. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* 202–482–2813, no later than July 11, 2023.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 3, 2023, pursuant to 5 U.S.C. 1009(d) of the FACA, that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. 1009(a)(1) and 1009(a)(3). The remaining portions of the meeting will be open to the public.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 3, 2023, pursuant to 5 U.S.C. chapter 10 of the FACA, (5 U.S.C. 1009(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. 1009(a)(1) and 1009(a)(3). The remaining portions of the meeting will be open to the public.

For more information, contact Ms. Springer via email.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2023–14612 Filed 7–10–23; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Information Systems Technical Advisory Committee; Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on July 26 and 27, 2023, 9:00 a.m., Eastern Daylight Time, in the Herbert C. Hoover Building, Room 3884, 1401 Constitution Avenue NW, Washington, DC (enter through Main Entrance on 14th Street between Constitution and Pennsylvania Avenues). The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology. The purpose of the meeting is to have Committee members and U.S. Government representatives mutually review updated technical data and policy-driving information that has been gathered.

Wednesday, July 26

Open Session

1. Welcome and Introductions
2. Working Group Reports
3. Old Business

Thursday, July 27

Closed Session

Discussion of matters determined to be exempt from the open meeting and public participation requirements found in Sections 1009(a)(1) and 1009(a)(3) of the Federal Advisory Committee Act (FACA) (5 U.S.C. 1001–1014). The exemption is authorized by Section 1009(d) of the FACA, which permits the closure of advisory committee meetings, or portions thereof, if the head of the agency to which the advisory committee reports determines such meetings may be closed to the public in accordance with subsection (c) of the Government in the Sunshine Act (5 U.S.C. 552b(c)). In this case, the applicable provisions of 5 U.S.C. 552b(c) are subsection 552b(c)(4), which permits closure to protect trade secrets and commercial or financial information that is privileged or confidential, and subsection 552b(c)(9)(B), which permits closure to protect information that would be likely to significantly frustrate implementation of a proposed agency action were it to be disclosed prematurely. The closed session of the meeting will involve committee discussions and guidance regarding U.S. Government strategies and policies.

The open session will be accessible via teleconference. To join the

conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than July 19, 2023.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on July 5, 2023, pursuant to 5 U.S.C. chapter 10 of the FACA, (5 U.S.C. 1009(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. 1009(a)(1) and 1009(a)(3). The remaining portions of the meeting will be open to the public.

For more information, contact Ms. Springer via email.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2023–14560 Filed 7–10–23; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers/exporters of crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (China) during the period of review (POR) January 1, 2020, through December 31, 2020. Commerce is also rescinding this review with respect to sixty companies that had no reviewable entries during the POR.

DATES: Applicable July 11, 2023.

FOR FURTHER INFORMATION CONTACT: Lingjun Wang, 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) 482–2316.

SUPPLEMENTARY INFORMATION:

Background

On January 10, 2023, Commerce published the preliminary results of this administrative review.[1] For a description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[2]

Scope of the Order

The products covered by the *Order* are solar cells from China.[3] For a full description of the scope of the *Order, see* the Issues and Decision Memorandum.

Analysis of Comments Received

The Issues and Decision Memorandum addresses all issues raised in the interested parties' briefs. A list of topics discussed in the Issues and Decision Memorandum is provided in Appendix I 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/FRNoticesListLayout.aspx.*

Verification

Pursuant to section 782(i) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.307(b)(v), we conducted verification of the questionnaire responses of Risen Energy Co., Ltd. (Risen).[4]

Changes Since the Preliminary Results

Based on comments received from interested parties and record information, we made certain changes from the *Preliminary Results* regarding the calculations of Risen's and Jinko Solar Import and Export Co., Ltd.'s (Jinko) program rates. These changes are explained in the Issues and Decision Memorandum.

Methodology

Commerce conducted this administrative review in accordance with section 751(a)(1)(A) of the Act. For each subsidy program found to be countervailable, Commerce finds that there is a subsidy, *i.e.,* a financial contribution from a government or public entity that gives rise to a benefit to the recipient, and that the subsidy is specific.[5] For a description of the methodology underlying all of Commerce's conclusions, including any determination that relied upon the use of adverse facts available pursuant to section 776(a) and (b) of the Act, *see* the Issues and Decision Memorandum.

Partial Rescission of Administrative Review

It is Commerce's practice to rescind an administrative review of a countervailing duty order, pursuant to 19 CFR 351.213(d)(3), when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.[6] Normally, upon completion of an administrative review, the suspended entries are liquidated at the countervailing duty assessment rate calculated for the review period.[7] Therefore, for an administrative review of a company to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs

[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, Rescission, and Intent to Rescind, in Part; 2020,* 88 FR 1355 (January 10, 2023) (*Preliminary Results*).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results and Partial Rescission of the Administrative Review of the Countervailing Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China; 2020,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] On December 7, 2012, the *Order* was published. *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Countervailing Duty Order,* 77 FR 73017 (December 7, 2012). On December 17, 2021, based on a changed circumstances review, the *Order* was amended. *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Final Results of Changed Circumstances Reviews, and Revocation of the Antidumping and Countervailing Duty Orders, in Part,* 86 FR 71615 (December 21, 2021) (*Order*).

[4] *See* Memorandum, ''Verification of Risen's Questionnaire Responses,'' dated January 13, 2023.

[5] *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.

[6] *See, e.g., Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review; 2015,* 82 FR 14349 (March 20, 2017); and *Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2017,* 84 FR 14650 (April 11, 2019).

[7] *See* 19 CFR 351.212(b)(2).

and Border Protection (CBP) to liquidate at the calculated countervailing duty assessment rate calculated for the review period.[8]

We continue to find that sixty companies subject to this review did not have reviewable entries of subject merchandise for which liquidation is suspended. Because there is no evidence on the record to indicate that these companies had entries, exports, or sales of subject merchandise during the POR, we are rescinding this review with respect to these companies consistent with 19 CFR 351.213(d)(3). *See* Appendix III for a complete list of these companies.

Companies Not Selected for Individual Review

The Act and Commerce's regulations do not directly address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. Generally, Commerce looks to section 705(c)(5) of the Act, which provides instructions for determining the all-others rate in an investigation, for guidance when calculating the rate for companies that were not selected for individual examination in an administrative review. Section 777A(e)(2) of the Act provides that ''the individual countervailable subsidy rates determined under subparagraph (A) shall be used to determine the all-others rate under section 705(c)(5) {of the Act}.'' Under section 705(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted average of the countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero or *de minimis* countervailable subsidy rates, and any rates determined entirely {on the basis of facts available}.''

For these final results, we calculated above *de minimis* rates for Risen and Jinko. Therefore, for the remaining companies under review, we calculated the rate for the non-examined companies using a weighted average of the individual subsidy rates calculated for the two mandatory respondents, which is 12.61 percent *ad valorem*.[9] *See* Appendix II for a complete list of these companies.

Final Results of Review

In accordance with 19 CFR 351.221(b)(5), we determine that, for the period January 1, 2020, through December 31, 2020, the following net countervailable subsidy rates exist:

Producer/exporter	Subsidy rate (percent *ad valorem*)
Jinko Solar Import and Export Co., Ltd.[10]	10.33
Risen Energy Co., Ltd.[11]	14.27
Non-Examined Companies[12]	12.61

Disclosure

Commerce will disclose to the parties in this proceeding the calculations performed for these final results within five days of the date of publication of this notice in the **Federal Register**.[13]

Assessment Rates

Pursuant to sections 751(a)(1) and (a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce shall determine, and CBP shall assess, countervailing 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 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 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 POR in accordance with 19 CFR 351.212(c)(l)(i).

Cash Deposit Instructions

In accordance with section 751(a)(1) and (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 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 administrative review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposits, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a reminder to parties subject to the 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/destruction of APO materials or conversion to a 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 the final results and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: June 29, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

[8] *See* 19 CFR 351.213(d)(3).

[9] *See* Rate for Non-Examined Companies Memorandum.

[10] This rate applies to: Jinko Solar Import and Export Co., Ltd. and its cross-owned companies: Zhejiang Jinko Solar Co., Ltd.; JinkoSolar Technology (Haining) Co., Ltd.; Jinko Solar Co., Ltd.; Yuhuan Jinko Solar Co., Ltd.; JinkoSolar (Chuzhou) Co., Ltd.; JinkoSolar (Yiwu) Co., Ltd.; JinkoSolar (Shangrao) Co., Ltd.; Xinjiang Jinko Solar Co., Ltd.; JinkoSolar (Sichuan) Co., Ltd.; Jiangxi Jinko Photovoltaic Materials Co., Ltd.; Ruixu Industrial Co., Ltd.; and Jinko Solar (Shanghai) Management Co., Ltd.

[11] This rate applies to: Risen Energy Co., Ltd. and its cross-owned companies: Risen Energy (Luoyang) Co., Ltd.; Risen Energy (Wuhai) Co., Ltd.; Risen Energy (Changzhou) Co., Ltd.; Risen Energy (Ningbo) Co., Ltd.; Risen Energy (Yiwu) Co., Ltd.; Zhejiang Boxin Investment Co., Ltd.; Zhejiang Twinsel Electronic Technology Co., Ltd.; Jiangsu Sveck New Material Co., Ltd.; Changzhou Sveck Photovoltaic New Material Co., Ltd. (including Changzhou Sveck Photovoltaic New Material Co., Ltd. Jintan Danfeng Road Branch); Changzhou Sveck New Material Technology Co., Ltd.; Ninghai Risen Energy Power Development Co., Ltd.; Risen (Ningbo) Electric Power Development Co., Ltd.; Changzhou Jintan Ningsheng Electricity Power Co., Ltd.; and Risen (Changzhou) Import and Export Co., Ltd.

[12] *See* Appendix II of this notice for a list of all companies that remain under review but were not selected for individual examination and to which Commerce has assigned the non-examined company rate.

[13] *See* 19 CFR 351.224(b).

Appendix II

Non-Examined Companies Under Review

1. Anji Dasol Solar Energy Science & Technology Co., Ltd.
2. BYD (Shangluo) Industrial Co., Ltd.; Shanghai BYD Co., Ltd.
3. Chint New Energy Technology (Haining) Co., Ltd.
4. Chint Solar (Zhejiang) Co., Ltd.
5. JA Solar (Xingtai) Co., Ltd.
6. JA Solar Technology Yangzhou Co., Ltd.
7. Jiangsu High Hope Int'l Group
8. Jiangsu Huayou International Logistics
9. LONGi Solar Technology Co., Ltd.
10. Shanghai JA Solar Technology Co., Ltd.
11. Shenzhen Sungold Solar Co., Ltd.
12. Suntech Power Co., Ltd.
13. Toenergy Technology Hangzhou Co., Ltd.
14. Trina Solar (Changzhou) Science and Technology Co., Ltd.
15. Trina Solar Co., Ltd.
16. Wuxi Tianran Photovoltaic Co., Ltd.
17. Yingli Energy (China) Co., Ltd.
18. Changzhou Trina Solar Energy Co., Ltd.; Changzhou Trina Solar Yabang Energy Co., Ltd.; Hubei Trina Solar Energy Co., Ltd.; Turpan Trina Solar Energy Co., Ltd.; Yancheng Trina Solar Energy Technology Co., Ltd.; Changzhou Trina PV Ribbon Materials Co., Ltd.

Appendix III

List of Rescinded Companies

1. Canadian Solar Inc.; Canadian Solar International Limited; Canadian Solar Manufacturing; Canadian Solar Manufacturing (Changshu) Inc.; Canadian Solar Manufacturing (Luoyang) Inc.; CSI Cells Co., Ltd.; CSI Modules (Dafeng) Co., Ltd.; CSI Solar Power (China) Inc.; CSI–GCL Solar Manufacturing (Yancheng) Co., Ltd.
2. Changzhou Trina Hezhong Photoelectric Co., Ltd.
3. Trina (Hefei) Science and Technology Co., Ltd.
4. Yancheng Trinasolar Guoneng Science
5. Astronergy Co., Ltd.
6. Astronergy Solar
7. Baoding Jiasheng Photovoltaic Technology Co., Ltd.
8. Baoding Tianwei Yingli New Energy Resources Co., Ltd.
9. Beijing Tianneng Yingli New Energy Resources Co., Ltd.
10. Boviet Solar Technology Co., Ltd.
11. BYD (Shaoguan) Co., Ltd.
12. Chint Solar (HongKong) Company Limited
13. Chint Solar (Jiuquan) Co., Ltd.
14. DelSolar (Wujiang) Ltd.
15. DelSolar Co., Ltd.
16. De-Tech Trading Limited HK
17. Dongguan Sunworth Solar Energy Co., Ltd.
18. Eoplly New Energy Technology Co., Ltd.
19. ERA Solar Co., Ltd.
20. ET Solar Energy Limited
21. Fuzhou Sunmodo New Energy Equipment Co., Ltd.
22. GCL System Integration Technology Co., Ltd.
23. Hainan Yingli New Energy Resources Co., Ltd.
24. Hangzhou Sunny Energy Science and Technology Co., Ltd.
25. Hefei JA Solar Technology Co., Ltd.
26. Hengdian Group DMEGC Magnetics Co., Ltd.
27. Hengshui Yingli New Energy Resources Co., Ltd.
28. JA Solar Co., Ltd. (aka JingAo Solar Co., Ltd.)
29. JA Solar International Limited
30. Jiangsu Jinko Tiansheng Solar Co., Ltd.
31. Jinko Solar International Limited
32. Jiujiang Shengzhao Xinye Technology Co., Ltd.
33. Light Way Green New Energy Co., Ltd.
34. Lixian Yingli New Energy Resources Co., Ltd.
35. Longi (HK) Trading Ltd.
36. Luoyang Suntech Power Co., Ltd.
37. Nice Sun PV Co., Ltd.
38. Ningbo ETDZ Holdings Ltd.
39. Penglai Jutal Offshore Engineering
40. ReneSola Jiangsu Ltd.
41. Renesola Zhejiang Ltd.
42. Risen Energy (HongKong) Co., Ltd.
43. Shenzhen Topray Solar Co., Ltd.
44. Shenzhen Yingli New Energy Resources Co., Ltd.
45. Solar Philippines Module
46. Sumec Hardware and Tools Co., Ltd.
47. Sunpreme Solar Technology (Jiaxing) Co., Ltd.
48. Suntimes Technology Co., Limited
49. Systemes Versilis, Inc.
50. Taimax Technologies Inc.
51. Taizhou BD Trade Co., Ltd.
52. Talesun Energy
53. Talesun Solar
54. tenKsolar (Shanghai) Co., Ltd.
55. Tianjin Yingli New Energy Resources Co., Ltd.
56. Vina Solar Technology Co., Ltd.
57. Wuxi Suntech Power Co., Ltd.
58. Yingli Green Energy International Trading Company Limited
59. Zhejiang ERA Solar Technology Co., Ltd.
60. Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company

[FR Doc. 2023–14563 Filed 7–10–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD140]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The MAFMC will hold a public meeting (webinar) of its Mackerel, Squid, and Butterfish (MSB) Monitoring Committee. See **SUPPLEMENTARY INFORMATION** for agenda details.

DATES: The meeting will be held on Thursday, July 27, 2023, from 9 a.m. to 12 p.m.

ADDRESSES: Webinar connection information will be posted to the calendar prior to the meeting at *www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The main purpose of the meeting is for the Monitoring Committee to develop recommendations for future longfin squid and Atlantic mackerel specifications (including the river herring and shad cap for the Atlantic mackerel fishery). Recent evaluations of

scup Gear Restricted Areas (GRAs), which impact longfin squid fishing, may be discussed if related analyses have been completed. Public comments will also be taken.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: July 6, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–14627 Filed 7–10–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD135]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to U.S. Navy Marine Structure Maintenance and Pile Replacement in Washington

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

ACTION: Notice of issuance of Letters of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that two Letters of Authorization (LOA) have been issued to the U.S. Navy (Navy) for the take of marine mammals incidental to maintenance construction activities at facilities in Washington.

DATES: The LOAs are effective from July 16, 2023, through January 15, 2024, and from July 16, 2023, through February 15, 2024.

ADDRESSES: The LOAs and supporting documentation are available online at: *www.fisheries.noaa.gov/action/incidental-take-authorization-us-navy-marine-structure-maintenance-and-pile-replacement-wa.* In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Ben Laws, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Summary of Request

On April 17, 2019, we issued a final rule upon request from the Navy for authorization to take marine mammals incidental to maintenance construction activities at six facilities in Washington (84 FR 15963). The Navy plans to conduct construction necessary for maintenance of existing in-water structures at the following facilities: Naval Base Kitsap (NBK) Bangor, NBK Bremerton, NBK Keyport, NBK Manchester, Zelatched Point, and Naval Station Everett (NS Everett). These repairs include use of impact and vibratory pile driving, including installation and removal of steel, concrete, plastic, and timber piles. The use of both vibratory and impact pile driving is expected to produce underwater sound at levels that have the potential to result in harassment of marine mammals.

For the 2023–2024 in-water work season, the Navy requested issuance of LOAs for work planned at NBK Bremerton and NBK Bangor. The Navy submitted site-specific monitoring plans. Following NMFS review and approval of the required plans, we have issued the requested LOAs. The approved plans are available online at: *www.fisheries.noaa.gov/action/incidental-take-authorization-us-navy-marine-structure-maintenance-and-pile-replacement-wa.*

Authorization

We have issued two LOAs to the Navy authorizing the take of marine mammals incidental to maintenance construction activities, as described above. Take of marine mammals will be minimized through the implementation of the following planned mitigation measures: (1) required monitoring of the construction areas to detect the presence of marine mammals before beginning construction activities; (2) shutdown of construction activities under certain circumstances to avoid injury of marine mammals; and (3) soft start for impact pile driving to allow marine mammals the opportunity to leave the area prior to beginning impact pile driving at full power. Additionally, the rule includes an adaptive management component that allows for timely modification of mitigation or monitoring measures based on new information, when appropriate. The Navy will submit reports as required.

Based on these findings and the information discussed in the preamble to the final rule, the activities described under these LOAs will have a negligible impact on marine mammal stocks and will not have an unmitigable adverse impact on the availability of the affected marine mammal stock for subsistence uses.

Dated: July 5, 2023.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2023–14529 Filed 7–10–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD141]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC) Bluefish Advisory Panel (AP) will hold a public meeting, jointly with the Atlantic States Marine Fisheries Commission (ASMFC) Bluefish Advisory Panel.

DATES: The meeting will be held on Monday, July 31, 2023, from 4:30 p.m. to 5:30 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar. Webinar connection, agenda items, and any additional information will be available at *www.mafmc.org/council-events.*

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331 or on their website at *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is for the Bluefish Advisory Panel to comment on bluefish specifications for 2024–25 with a focus on recreational management measures. Feedback will be solicited on the Monitoring Committee recommendations and AP feedback will be provided to inform the Council and Board's specifications discussions.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden at the Council Office, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: July 6, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–14630 Filed 7–10–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD139]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will hold a public webinar meeting.

DATES: The meeting will be held on Thursday, July 27, 2023, from 9 a.m. until 3 p.m. EDT. For agenda details, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The meeting will be held via webinar. Connection information will be posted to the calendar prior to the meeting at *www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will meet via webinar to discuss management measures for all three species. The objectives of this meeting are for the Monitoring Committee to: (1) Review recent stock assessment information, fishery performance, and recommendations from the Advisory Panel, Scientific and Statistical Committee, and staff; (2) Recommend commercial and recreational annual catch limits, annual catch targets, commercial quotas, and recreational harvest limits for summer flounder and scup for 2024–25, and for black sea bass for 2024; (3) Review commercial management measures for all three species and recommend changes if needed; and (4) review and provide feedback on an evaluation of commercial scup discards through 2022. Meeting materials will be posted to *www.mafmc.org.*

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: July 6, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–14626 Filed 7–10–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD108]

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of the Scientific and Statistical Committee (SSC) on July 27, 2023. See **SUPPLEMENTARY INFORMATION**.

DATES: The SSC meeting will be held via webinar from 9 a.m. until 4 p.m. EDT on July 27, 2023.

ADDRESSES: The meeting will be held via webinar.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public via webinar as it occurs. Webinar registration is required. Information regarding webinar registration will be posted to the Council's website at: *https://safmc.net/events/july-2023-ssc-meeting/* as it becomes available. The meeting agenda, briefing book materials, and online comment form will be posted to the Council's website two weeks prior to the meeting. Written comment on SSC agenda topics is to be distributed to the Committee through the Council office, similar to all other briefing materials. For this meeting, the deadline for submission of written comment is 9 a.m. EDT July 27, 2023.

The SSC meeting agenda includes the review of rebuilding projections and

setting of catch level recommendations for the SEDAR (Southeast Data, Assessment, and Review) 76 Black Sea Bass Operational Assessment. The SSC will receive an update on the South Atlantic Greater Amberjack Research Project, review the National Standard 1 Technical Guidance Document, review scopes of work for 2026 stock assessments, and discuss other business as needed. The SSC will provide guidance to staff and make recommendations for Council consideration.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: July 6, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–14629 Filed 7–10–23; 8:45 am]

BILLING CODE 3510–22–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; Response to Office Action and Voluntary Amendment Forms

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 extension and revision of an existing information collection: 0651–0050 (Response to Office Action and Voluntary Amendment Forms). 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 September 11, 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 Catherine Cain, Attorney Advisor, Office of the Commissioner for Trademarks, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–8946; or by email at *Catherine.Cain@uspto.gov* with ''0651–0050 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

This collection of information is required by the Trademark Act (Act), 15 U.S.C. 1051 *et seq.,* which provides for the registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses that use or intend to use such marks in commerce may file an application to register their marks with the United States Patent and Trademark Office (USPTO). The USPTO administers the Act through title 37 of the Code of Federal Regulations. These rules allow the USPTO to request and receive information required to process applications. These rules also allow applicants to submit certain amendments to their applications. This information collection generally contains information that is not submitted with the initial trademark application but is associated with, or required for, the USPTO review of applications for registration.

In some cases, the USPTO issues Office Actions to applicants who have applied to register a mark, requesting information that was not provided with the initial submission, but is required before the issuance of a registration. Also, the USPTO may determine that a mark is not entitled to registration, pursuant to one or more provisions of the Act. In such cases, the USPTO will issue an Office Action advising the applicant of the refusal to register the mark. Applicants reply to these Office Actions by providing the required information and/or by putting forth legal arguments as to why the refusal of registration should be withdrawn.

Applicants may also supplement their applications and provide further information by filing the items included in this information collection. These items include a Voluntary Amendment Not in Response to USPTO Office Action/Letter, a Request for Reconsideration after Final Office Action, a Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment, a Petition to Amend Basis Post-Publication, or a Response to Suspension Inquiry or Letter of Suspension.

II. Method of Collection

Items in this information collection must be submitted electronically through the Trademark Electronic Application System (TEAS). In limited circumstances, applicants may also be permitted to submit the information in paper form by mail or hand delivery.

III. Data

OMB Control Number: 0651–0050.

Forms: None.

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Estimated Number of Annual Respondents: 518,643 respondents.

Estimated Number of Annual Responses: 518,643 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately between 25 minutes (0.42 hours) and 50 minutes (0.83 hours) to complete. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 420,113 hours.

Estimated Total Annual Respondent Hourly Cost Burden: $182,749,155.

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	Response to Office Action (TEAS).	467,083	1	467,083	0.83 (50 minutes)	387,679	$435	$168,640,365
2	Voluntary Amendment Not in Response to USPTO Office Action/Letter (TEAS).	21,312	1	21,312	0.58 (35 minutes)	12,361	435	5,377,035
3	Request for Reconsideration After Final Office Action (TEAS).	16,446	1	16,446	0.83 (50 minutes)	13,650	435	5,937,750
4	Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment (TEAS).	3,330	1	3,330	0.58 (35 minutes)	1,931	435	839,985
5	Petition to Amend Basis Post-Publication (TEAS).	590	1	590	0.58 (35 minutes)	342	435	148,770
6	Response to Suspension Inquiry or Letter of Suspension (TEAS).	9,882	1	9,882	0.42 (25 minutes)	4,150	435	1,805,250
Totals		518,643		518,643		420,113		182,749,155

[1] 2021 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); pg. F–27. The USPTO uses the average billing rate for intellectual property attorneys in private firms which is $435 per hour.

Estimated Total Annual Respondent Non-hourly Cost Burden: $699,101. There are no capital start-up, maintenance cost, or recordkeeping costs associated with this information collection. However, USPTO estimates that the total annual (non-hour) cost burden for this information collection, in the form of filing fees ($647,500) and postage costs ($51,601) is $699,101.

Filing Fees

There are 2 filing fees associated with this information collection as listed in the table below:

TABLE 2—FILING FEES

Item No.	Fee code	Item	Estimated annual responses (a)	Estimated cost (b)	Estimated non-hour cost burden (a) × (b) = (c)
1	7008	Additional processing fee for application that does not meet TEAS Plus filing requirements, per Class.	5,000	$100	$500,000
5	7005	Petition to Amend Basis Post-Publication (TEAS Global)	590	250	147,500
Total			5,590		647,500

Postage Costs

Although the USPTO requires that the items in this information collection be submitted electronically, in rare cases, the items may be submitted by mail through the United States Postal Service (USPS). The USPTO estimates that 1% of the 518,643 items will be submitted in the mail resulting in 5,186 mailed items. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail flat rate legal envelope, will be $9.95. Therefore, the USPTO estimates the total mailing costs for this information collection at $51,601.

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) Evaluate 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;

(b) Evaluate the accuracy of the Agency's estimate of the burden of the 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. 2023–14607 Filed 7–10–23; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2023–SCC–0127]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; 2023–24 National Postsecondary Student Aid Study (NPSAS:24) Full-Scale Study—Institution Contacting and List Collection

AGENCY: National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before August 10, 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 Carrie Clarady, (202) 245–6347.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: 2023–24 National Postsecondary Student Aid Study (NPSAS:24) Full-Scale Study—Institution Contacting and List Collection.

OMB Control Number: 1850–0666.

Type of Review: Revision of a currently approved ICR.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 3,298.

Total Estimated Number of Annual Burden Hours: 8,036.

Abstract: This request is to conduct the 2023–24 National Postsecondary Student Aid Study Institution Contacting and List Collection (NPSAS:24). This study is being conducted by the National Center for Education Statistics (NCES), within the Institute of Education Sciences (IES), part of the U.S. Department of Education. This submission covers materials and procedures related to institution sampling, enrollment list collection, and matching to administrative data files as part of the NPSAS:24 data collection. The materials and procedures are based on those developed for previous institution-based data collections, including the 2019–20 National Postsecondary Student Aid Study (NPSAS:20) [OMB #1850–0666 v.23], and the 2017–18 National Postsecondary Student Aid Study Administrative Collection (NPSAS:18–AC) [1850–0666 v.21]. The first NPSAS was implemented by NCES during the 1986–87 academic year to meet the need for national data about significant financial aid issues.

Since 1987, NPSAS has been fielded every 2 to 4 years, most recently during the 2019–20 academic year (NPSAS:20). NPSAS:24 will be nationally-representative. The NPSAS:24 sample size will include about 2,000 institutions from which will be sampled 137,000 nationally representative undergraduate and 25,000 nationally representative graduate students who will be asked to complete a survey and for whom we will collect student records and administrative data. Also, NPSAS:24 is scheduled to serve as the base year for the 2024 cohort of the Baccalaureate and Beyond (B&B) Longitudinal Study, but no funding is available to field follow-up surveys. In the event Congress appropriates additional funds, the NPSAS:24 sampling design will include a nationally representative sample of students who will complete requirements for the bachelor's degree during the NPSAS year (*i.e.,* completed at some point between July 1, 2023, to June 30, 2024). Subsets of questions in the student survey will focus on describing aspects of the experience of students in their last year of postsecondary education, including student debt, education experiences, and preparation activities for those planning to teach at the preK through 12th grade level.

This submission is designed to adequately justify the need for and overall practical utility of the full study, presenting the overarching plan for all of the phases of the institution sampling and enrollment list data collection and providing as much detail about the measures to be used as is available at the time of this submission. As part of the completed field test, NCES published a notice in the **Federal Register** allowing first a 60- and then a 30-day public comment period. Field test materials, procedures, and results have informed this request for clearance for the full-scale study. For this full-scale study, NCES is publishing this notice in the **Federal Register** allowing an additional 30-day public comment period on the final details of the NPSAS:24 full-scale study. NCES will submit a separate clearance package covering the student data collection, including the student record data abstraction and student surveys, for an additional 30-day public comment period in the fall of 2023.

Dated: July 5, 2023.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2023–14516 Filed 7–10–23; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Reopening; Applications for New Awards; Fostering Diverse Schools Demonstration Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: On May 8, 2023, the Department of Education (Department) published in the **Federal Register** a notice inviting applications (NIA) for the fiscal year (FY) 2023 Fostering Diverse Schools Demonstration Program (84.424G). The NIA established a deadline date of July 7, 2023, for the transmittal of applications. This notice reopens the competition to allow for

transmittal of applications until July 28, 2023, and extends the deadline for intergovernmental review until September 26, 2023.

DATES:

Deadline for Transmittal of Applications: July 28, 2023.

Deadline for Intergovernmental Review: September 26, 2023.

FOR FURTHER INFORMATION CONTACT: Rich Wilson, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202–6450. Telephone: (202) 453–6709. Email: *FDS@ed.gov.*

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: On May 8, 2023, we published the NIA in the **Federal Register** (88 FR 29641). The NIA established a deadline date of July 7, 2023, for the transmittal of applications. We are reopening the competition to allow applicants more time to prepare and submit their applications. Accordingly, this notice extends the deadline for intergovernmental review.

Applicants that have submitted applications on or before the original deadline date of July 7, 2023, may resubmit their applications on or before the new application deadline date of July 28, 2023, but are not required to do so. If a new application is not submitted, the Department will use the application that was submitted by the original deadline. If a new application is submitted, the Department will consider the application that was last successfully submitted and received by 11:59:59 p.m., Eastern Time, on July 28, 2023.

Note: All information in the NIA for this competition remains the same, except for the deadline for the transmittal of applications and the deadline for intergovernmental review.

Program Authority: Section 4103(a)(3) of the ESEA (20 U.S.C. 7113(a)(3)).

Accessible Format: On request to the program contact listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this notice, the NIA, and a copy of the application package 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.

James Lane,

Principal Deputy Assistant Secretary, Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2023–14643 Filed 7–7–23; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2023–SCC–0128]

Agency Information Collection Activities; Comment Request; Teacher Education Assistance for College and Higher Education Grant Program (TEACH Grant) Agreement To Serve or Repay

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before September 11, 2023.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2023–SCC–0128. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Manager of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W203, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, (202) 377–4018.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Teacher Education Assistance for College and Higher Education Grant Program (TEACH Grant) Agreement to Serve or Repay.

OMB Control Number: 1845–0083.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 50,793.

Total Estimated Number of Annual Burden Hours: 25,397.

Abstract: The U.S. Department of Education is requesting a revision of the

TEACH Grant Agreement currently approved under OMB No. 1845–0083. The Consider Teachers Act of 2021 (Pub. L. 117–49) made certain changes to the provisions governing the TEACH Grant Program in section 420N of the HEA, one of which was to replace the previous requirement for a TEACH Grant recipient to comply with the requirements for being a highly qualified teacher as defined in section 9101 of the Elementary and Secondary Education Act of 1965 with a requirement for the recipient to meet all state certification requirements for teaching (which may include meeting such requirements through certification obtained through alternative routes to teaching). To reflect this statutory change, we have modified the Agreement by replacing all references to the highly qualified teacher requirement with the new requirement and removing the definition of ''highly qualified teacher.'' We have also updated the section of the Agreement that describes the terms and conditions of Direct Unsubsidized Loans to reflect certain changes to the Direct Loan Program regulations that were made by a final rule published in the **Federal Register** on November 1, 2022 (87 FR 65904). In addition to making these updates to reflect statutory and regulatory changes, we have made minor, non-substantive wording changes in several places throughout the Agreement for greater clarity.

Dated: July 5, 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. 2023–14521 Filed 7–10–23; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2023–FSA–0113]

Privacy Act of 1974; System of Records; Correction

AGENCY: Federal Student Aid, U.S. Department of Education.

ACTION: Notice of new system of records; correction.

SUMMARY: On June 29, 2023, the Department of Education (Department) published in the **Federal Register** a notice of a new system of records titled ''FUTURE Act System (FAS)'' (18–11–23). The Fostering Undergraduate Talent by Unlocking Resources for Education (FUTURE Act) amended the Internal Revenue Code (IRC) to authorize the U.S. Department of the Treasury, Internal Revenue Service (IRS), to disclose to the Department certain Federal tax information (FTI) of an individual, upon approval being provided by the individual to the Department, for the purpose of determining eligibility for, or repayment obligations under, Income-Driven Repayment (IDR) plans under title IV of the Higher Education Act of 1965, as amended (HEA), with respect to loans under part D of title IV of the HEA, and determining eligibility for, and amount of Federal student financial aid under, a program authorized under subpart 1 of part A, part C, or part D of title IV of the HEA. The Department and the IRS have entered into a computer matching agreement (CMA) pursuant to which the IRS will disclose FTI to the Department, to maintain and secure the FTI obtained in this system. We are correcting the comment due date and the effective date of the routine uses listed in the system of records notice. All other information in the system of records notice remains the same.

DATES: This correction is applicable July 11, 2023.

Deadline for Transmittal of Public Comments: We must receive your comments on or before July 30, 2023.

FOR FURTHER INFORMATION CONTACT: Pardu Ponnapalli, Technology Directorate, Federal Student Aid, U.S. Department of Education, Union Center Plaza, 830 First Street NE, Washington, DC 20202–5454. Telephone: (202) 377–4006. Email: *Pardu.Ponnapalli@ed.gov.*

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: On June 29, 2023, we published the notice of a new system of records notice in the **Federal Register** (88 FR 42220) with a comment due date of July 31, 2023. This notice of a new system of records also provided a July 31, 2023, effective date for the routine uses listed in the section titled ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES.'' We are correcting the notice to reflect the correct comment due date of July 30, 2023, and the correct effective date for the routine uses of July 30, 2023.

Other than correcting the comment due date and the effective date of the routine uses, all other information in the notice remain the same.

Corrections

In FR Doc. 2023–13980, appearing on page 42220 of the **Federal Register** of June 29, 2023 (88 FR 42220), we make the following corrections:

1. On page 42220, in the first column, in the **DATES** section, remove ''July 31, 2023'' as the date to submit comments on this new system of records and add, in its place, ''July 30, 2023''.

2. On page 42220, in the first column, in the **DATES** section, remove ''July 31, 2023'' as the date the routine uses, listed in the section titled ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES'' will become effective and add, in its place, ''July 30, 2023''.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and the NPRM in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (TXT), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Richard Cordray,

Chief Operating Officer, Federal Student Aid.

[FR Doc. 2023–14528 Filed 7–10–23; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-

Specific Advisory Board (EM SSAB), Oak Ridge. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, August 9, 2023; 6 p.m.–8 p.m. EDT

ADDRESSES: This hybrid meeting will be in-person at the Department of Energy (DOE) Information Center (address below) and virtually via Zoom. To provide a safe meeting environment, seating may be limited. To attend virtually or to register for in-person attendance, please send an email to: *orssab@orem.doe.gov* by 5:00 p.m. EDT on Wednesday, August 2, 2023.

Board members, DOE representatives, agency liaisons, and Board support staff will participate in-person at: DOE Information Center, Office of Science and Technical Information, 1 Science.gov Way, Oak Ridge, Tennessee 37831.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Deputy Designated Federal Officer, U.S. Department of Energy, Oak Ridge Office of Environmental Management (OREM), P.O. Box 2001, EM–942, Oak Ridge, TN 37831; Phone (865) 241–3315; or E-Mail: *Melyssa.Noe@orem.doe.gov.* Or visit the website at *www.energy.gov/orssab.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice and recommendations concerning the following EM site-specific issues: clean-up activities and environmental restoration; waste and nuclear materials management and disposition; excess facilities; future land use and long-term stewardship. The Board may also be asked to provide advice and recommendations on any EM program components.

Tentative Agenda

- OREM Program Overview and Updates
- Work Plan Topics: Presentations by DOE, Tennessee Department of Environment and Conservation, and Environmental Protection Agency Liaisons
- Process and Plan for Issue Group Signup
- Public Comment Period
- Board Business: Approval of June 14, 2023 Meeting Minutes

Public Participation: This meeting is open to the public. The EM SSAB, Oak Ridge, 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 Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board via email either before or after the meeting. Public comments received by no later than 5:00 p.m. EDT on Wednesday, August 2, 2023, will be read aloud during the meeting. Comments will be accepted after the meeting, by no later than 5:00 p.m. EDT on Monday, August 14, 2023. Please submit comments to *orssab@orem.doe.gov.* Please put ''Public Comment'' in the subject line. Individuals who wish to make oral statements should contact Melyssa P. Noe at the email address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to submit written public comments should email them as directed above. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by emailing or calling Melyssa P. Noe at the email address and telephone number listed above. Minutes will also be available at the following website: *https://www.energy.gov/orem/listings/oak-ridge-site-specific-advisory-board-meetings.*

Signed in Washington, DC, on July 6, 2023.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2023–14615 Filed 7–10–23; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

President's Council of Advisors on Science and Technology

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open virtual meeting of the President's Council of Advisors on Science and Technology (PCAST). The Federal Advisory Committee Act (FACA) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, July 27, 2023; 11:00 a.m. to 3:00 p.m. EDT.

Friday, July 28, 2023; 11:00 a.m. to 3:00 p.m. EDT.

ADDRESSES: Information for viewing the livestream of the meeting can be found on the PCAST website closer to the meeting at: *www.whitehouse.gov/PCAST/meetings.*

FOR FURTHER INFORMATION CONTACT: Dr. Reba Bandyopadhyay, Designated Federal Officer, PCAST, email: *PCAST@ostp.eop.gov;* telephone: (202) 881–7163.

SUPPLEMENTARY INFORMATION: PCAST is an advisory group of the nation's leading scientists and engineers, appointed by the President to augment the science and technology advice available to him from the White House, cabinet departments, and other Federal agencies. See the Executive Order at *whitehouse.gov.* PCAST is consulted on and provides analyses and recommendations concerning a wide range of issues where understanding of science, technology, and innovation may bear on the policy choices before the President. The Designated Federal Officer is Dr. Reba Bandyopadhyay. Information about PCAST can be found at: *www.whitehouse.gov/PCAST.*

Tentative Agenda: PCAST will discuss and consider for approval one or more products from PCAST Sub-Committees, likely including products on Patient Safety, the National Nanotechnology Initiative, and Science Engagement with the Public. Additional information and the meeting agenda, including any changes that arise, will be posted on the PCAST website at: *www.whitehouse.gov/PCAST/meetings.*

Public Participation: The meeting is open to the public. The meeting will be held virtually for members of the public. It is the policy of the PCAST to accept written public comments no longer than 10 pages and to accommodate oral public comments whenever possible. The PCAST expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

The public comment periods for this meeting will take place on July 27, 2023 and July 28, 2023, at times specified in the meeting agenda. This public comment period is designed only for substantive commentary on PCAST's work, not for business marketing purposes.

Oral Comments: To be considered for the public speaker list at the meeting, interested parties should register to speak at *PCAST@ostp.eop.gov,* no later than 12:00 p.m. Eastern Time on July 20, 2023. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of up to 10 minutes per

day. If more speakers register than there is space available on the agenda, PCAST will select speakers on a first-come, first-served basis from those who registered. Those not able to present oral comments may file written comments with the council.

Written Comments: Although written comments are accepted continuously, written comments should be submitted to *PCAST@ostp.eop.gov* no later than 12:00 p.m. Eastern Time on July 20, 2023, so that the comments can be made available to the PCAST members for their consideration prior to this meeting.

PCAST operates under the provisions of FACA, all public comments and/or presentations will be treated as public documents and will be made available for public inspection, including being posted on the PCAST website at: *www.whitehouse.gov/PCAST/meetings.*

Minutes: Minutes will be available within 45 days at: *www.whitehouse.gov/PCAST/meetings.*

Signed in Washington, DC, on July 5, 2023.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2023–14520 Filed 7–10–23; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD23–4–000]

Commission Information Collection Activities (FERC–725G)

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the proposed changes currently approved information collection, FERC–725G (Mandatory Reliability Standards for the Bulk-Power System: Approval of PRC Reliability Standard PRC–002–4). No Comments were received on the 60-day notice published on June 23, 2023.

DATES: Comments on the collection of information are due August 10, 2023.

ADDRESSES: Send written comments on FERC–725G (Mandatory Reliability Standards for the Bulk-Power System: PRC Reliability Standard PRC–002–4) to OMB through *www.reginfo.gov/public/do/PRAMain.* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control No: 1902–0252 in the subject line of your comments. Comments should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.*

Please submit copies of your comments to the Commission. You may submit copies of your comments (identified by Docket No. RD23–4–000) by one of the following methods: Electronic filing through *https://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.

○ *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ *Hand (including courier) Delivery:* Deliver to: Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at *www.reginfo.gov/public/do/PRAMain.* Using the search function under the ''Currently Under Review'' field, select Federal Energy Regulatory Commission; click ''submit,'' and select ''comment'' to the right of the subject collection.

FERC submissions must be formatted and filed in accordance with submission guidelines at: *https://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *https://www.ferc.gov/ferc-online/overview.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–725G (Mandatory Reliability Standards for the Bulk-Power System: Approval of PRC Reliability Standard PRC–002–4).

OMB Control No.: 1902–0252.

Type of Request: Approval of FERC–725G information collection requirements associated with proposed PRC Reliability Standard PRC–002–4.

Abstract: This Notice pertains to the FERC–725G information collection requirements associated with PRC Reliability Standard PRC–002–4, (Disturbance Monitoring and Reporting Requirements), the associated Violation Risk Factors and Violation Severity Levels, and the proposed implementation plan that includes the retirement of the currently effective Reliability Standard PRC–002–3. The PRC–002–4 was proposed by the North American Electric Reliability (NERC) in a petition dated March 10, 2023. At that time, NERC also proposed the retirement of Reliability Standard PRC–002–3. The Commission included the petition in a Combined Notice of Filings published on March 23, 2023, at 88 FR 17564.

On March 4, 2022, the Commission's Office of Electric Reliability approved PRC–002–3 in Docket No. RD22–2–000.

NERC's proposed revisions in Docket No. RD23–4–000: (1) clarify requirements for notifications under the standard, including when generator owners and transmission owners must have data for an applicable transformer or transmission line; (2) clarify and make consistent terminology used in the Standard; (3) incorporate the implementation timeframe for newly-identified facilities; and (4) add a criterion defining substantial changes in fault current levels requiring changing the locations for which certain data is recorded.

The proposed Reliability Standard PRC–002–4 (Disturbance Monitoring and Reporting Requirements) would advance the reliability of the bulk electric system (BES) by providing needed clarity regarding the application of the standard's requirements. First, proposed Reliability Standard PRC–002–4 would clarify requirements for notifications under the standard, including when Generator Owners and Transmission Owners must have data for an applicable transformer or transmission line. Second, the proposed Reliability Standard clarifies and promotes consistency in terminology used in the standard. Third, the proposed Reliability Standard brings the implementation timeframe for newly identified facilities into the standard. Last, the proposed Reliability Standard adds a criterion that defines what constitutes a substantial change in fault current levels that would require changing the locations for which sequence of events (SER) and fault recording (FR) data is recorded. The revisions and supporting rationale are discussed in further detail below.

The proposed change to the Bulk Electric System (BES) allows the possibility of significant change over time without a required change in data

recording location. The Reliability Standard PRC–002–4 would provide necessary clarifications to the standard in the requirements R1, R3 and R5 and promotes consistency in terminology used in the standard. The new requirement R13 brings the implementation timeframe for newly identified facilities into the standard. These changes would clarify the extent of the required notifications and data collection requirements consistent with other provisions in the currently effective and approved versions of the PRC–002 standard. The number of respondents below is based on an estimate of the NERC compliance registry for balancing authority, transmission operator, generator operator, generator owner and reliability coordinator. The Commission based its paperwork burden estimates on the NERC compliance registry as of February 10, 2023. According to the registry, there are 325 transmission owners, 1,117 generator owners and 12 reliability coordinators. The estimates are based on the change in burden from the currently pending standard (*i.e.,* PRC–002–3) to the standard approved in this Docket (*i.e.,* PRC–002–4). The Commission based the burden estimates on staff experience, knowledge, and expertise.

The estimates are based on one-time (years 1 and 2) obligations to follow the revised Reliability Standard.

PROPOSED CHANGES DUE TO ORDER IN DOCKET NO. RD23–4–000

Reliability standard & requirement	Type [1] and number of entity	Number of annual responses per entity	Total number of responses	Average number of burden hours per response [2]	Total burden hours
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)
FERC–725G					
PRC–002–4					
TO	325	1	325	16 hrs.	5,200 hrs.
				$978.72	$318,084
GO	1,117	1	1,117	16 hrs.	17,872 hrs.
				$978.72	$1,093,230.24
RC	12	1	12	8 hrs.	96 hrs.
				$489.36	$5,872.32
Total for PRC–002 One Time Estimate—Years 1 and 2.			1,454	40 hrs. $2,446.8	23,168 hrs. $1,417,186.56.

The one-time burden of 23,168 hours only applies to Year 1 and 2 and will be averaged over three years (23,168 hours ÷ 3 = 7,722.667 (7,722.67 – rounded) hours/year over three years). The number of responses is also averaged over three years (1,454 responses ÷ 3 = 484.667 (484.67 – rounded) responses/year).

The responses and burden hours for Years 1–3 will total respectively as follows for Year 1 one-time burden:

Year 1: 484.67 responses; 7,722.67 hours
Year 2: 484.67 responses; 7,722.67 hours
Year 3: 484.67 responses; 7,722.67 hours

The ongoing burden for FERC 725G that includes PRC–002–4 remains unchanged. The increase in burden is considered to only be necessary for the first two years. During those years 1 and 2, applicable entities will modify the procedures to account for handling notifications and sharing data. Other changes to the requirements are largely clarifications in language or help establish triggers that should be used and to where measuring equipment would be placed. After the first two years the modifications will be integrated into normal business and engineering procedures of the entity, and it will be part of normal tasks to demonstrate compliance.

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

[1] TO = Transmission Owner, GO = Generator Owner and RC = Reliability Coordinator.

[2] The estimated hourly cost (salary plus benefits) derived using the following formula: Burden Hours per Response * $/hour = Cost per Response. Based on the Bureau of Labor Statistics (BLS), as of February 10, 2023, of an Electrical Engineer (17–2071) – $77.02, – and for Information and Record Clerks (43–4199) $42.35, the average hourly burden cost for this collection is [($77.02 + $42.35)/2 = $61.17)] rounded to $61.17 an hour.

Dated: July 3, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–14476 Filed 7–10–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC23–100–000.

Applicants: Imperial Valley Solar 3, LLC, Moapa Southern Paiute Solar, LLC, Kingbird Solar B, LLC, Kingbird Solar A, LLC, Solar Star Colorado III, LLC, 64KT 8me LLC, Gulf Coast Solar Center II, LLC, Gulf Coast Solar Center III, LLC, Nicolis, LLC, Tropico, LLC, Townsite Solar, LLC, 325MK 8ME, LLC, Vikings Energy Farm LLC, CA Flats Solar 150, LLC, CA Flats Solar 130, LLC, Solar Star California XIII, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of CA Flats Solar 130, LLC, et al.

Filed Date: 6/29/23.
Accession Number: 20230629–5187.
Comment Date: 5 p.m. ET 7/20/23.

Docket Numbers: EC23–101–000.
Applicants: BIF V Hollywood Carry LLC, BEP BIF V Hollywood AIV LLC, BIF V Hollywood Carry II, L.P., Duke Energy Renewables Holding Company, LLC, on Behalf of Its Public Utility Subsidiaries.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of BIF V Hollywood Carry LLC, et al.
Filed Date: 6/29/23.
Accession Number: 20230629–5194.
Comment Date: 5 p.m. ET 7/20/23.

Docket Numbers: EC23–102–000.
Applicants: Colton Power L.P.
Description: Application for Authorization Under Section 203 of the Federal Power Act of Colton Power L.P.
Filed Date: 6/30/23.
Accession Number: 20230630–5431.
Comment Date: 5 p.m. ET 7/21/23.

Docket Numbers: EC23–103–000.
Applicants: BE-Pine 1 LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act of BE-Pine 1 LLC.
Filed Date: 7/3/23.
Accession Number: 20230703–5283.
Comment Date: 5 p.m. ET 7/24/23.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1585–022; ER10–1594–022; ER10–1617–022; ER10–1626–014; ER10–1628–022; ER10–1632–024; ER10–2480–012; ER12–60–024; ER16–733–013; ER16–1148–013; ER18–1960–006.
Applicants: Tenaska Pennsylvania Partners, LLC, Tenaska Energía de Mexico, S. de R. L. de C.V., LQA, LLC, Tenaska Power Management, LLC, Berkshire Power Company, LLC, Tenaska Power Services Co., Texas Electric Marketing, LLC, Tenaska Virginia Partners, L.P., New Mexico Electric Marketing, LLC, California Electric Marketing, LLC, Alabama Electric Marketing, LLC.
Description: Triennial Market Power Analysis for Northeast Region of Alabama Electric Marketing, LLC, et al.
Filed Date: 6/28/23.
Accession Number: 20230628–5197.
Comment Date: 5 p.m. ET 8/28/23.

Docket Numbers: ER10–2253–016; ER10–3319–020.
Applicants: Astoria Energy II LLC, Astoria Energy LLC.
Description: Triennial Market Power Analysis for Northeast Region of Astoria Energy LLC, et al.
Filed Date: 6/29/23.
Accession Number: 20230629–5185.
Comment Date: 5 p.m. ET 8/28/23.

Docket Numbers: ER10–2265–021; ER10–2355–011; ER10–2784–017; ER10–2947–016; ER10–3223–010; ER11–1846–012; ER11–1847–012; ER11–1850–012; ER11–2062–029; ER11–2175–007; ER11–2176–006; ER11–2598–015; ER11–3188–007; ER11–3418–009; ER11–4307–030; ER11–4308–030; ER12–224–008; ER12–225–008; ER12–261–029; ER12–2301–007; ER13–1192–009; ER16–10–004; ER17–764–007; ER17–765–007; ER17–767–007; ER21–2826–002.
Applicants: NRG Curtailment Solutions, Inc., Stream Energy Delaware, LLC, Stream Energy Illinois, LLC, Stream Ohio Gas & Electric, LLC, NRG Chalk Point CT LLC, Direct Energy Business Marketing, LLC, Stream Energy New York, LLC, Independence Energy Group LLC, Energy New Jersey, LLC, Stream Energy Columbia, LLC, Reliant Energy Northeast LLC, Green Mountain Energy Company, Xoom Energy, LLC, Stream Energy Maryland, LLC, Gateway Energy Services Corporation, Stream Energy Pennsylvania, LLC, SGE Energy Sourcing, LLC, Energy Plus Holdings LLC, Direct Energy Business, LLC, Direct Energy Marketing Inc., Direct Energy Services, LLC, Indian River Power LLC, Vienna Power LLC, Astoria Gas Turbine Power LLC, Midwest Generation LLC, NRG Power Marketing LLC.
Description: Triennial Market Power Analysis for Northeast Region of NRG Power Marketing LLC, et al.
Filed Date: 6/29/23.
Accession Number: 20230629–5184.
Comment Date: 5 p.m. ET 8/28/23.

Docket Numbers: ER12–1436–017; ER18–280–006; ER18–533–004; ER18–534–004; ER18–535–004; ER18–536–004; ER18–537–004; ER18–538–005; ER22–48–001.
Applicants: Gridflex Generation, LLC, Sidney, LLC, Monument Generating Station, LLC, O.H. Hutchings CT, LLC, Yankee Street, LLC, Montpelier Generating Station, LLC, Tait Electric Generating Station, LLC, Lee County Generating Station, LLC, Eagle Point Power Generation LLC.
Description: Triennial Market Power Analysis for Northeast Region of Eagle Point Power Generation LLC, et al.
Filed Date: 6/29/23.
Accession Number: 20230629–5191.
Comment Date: 5 p.m. ET 8/28/23.

Docket Numbers: ER13–1641–006; ER15–1045–006; ER16–2227–005; ER20–2256–001; ER22–1698–004.
Applicants: EDF Spring Field WPC, LLC, Copenhagen Wind Farm, LLC, Creek Wind, LLC, Pilot Hill Wind, LLC, Chestnut Flats Lessee, LLC.
Description: Triennial Market Power Analysis and Notice of Change of Status for Northeast Region of Chestnut Flats Lessee, LLC, et al.
Filed Date: 6/29/23.
Accession Number: 20230629–5189.
Comment Date: 5 p.m. ET 8/28/23.

Docket Numbers: ER23–762–003.
Applicants: The Dayton Power and Light Company, PJM Interconnection, L.L.C.
Description: Compliance Filing of The Dayton Power & Light Company, to the Commissions March 3, 2023 Order, with respect to the planned transmission project, Madison Complex—New 345 kV Line Madison to Fayette.
Filed Date: 6/30/23.
Accession Number: 20230630–5427.
Comment Date: 5 p.m. ET 7/21/23.

Docket Numbers: ER23–1304–000.
Applicants: MFT Energy US 1 LLC.
Description: Refund Report of MFT Energy US 1 LLC.
Filed Date: 6/29/23.
Accession Number: 20230629–5186.
Comment Date: 5 p.m. ET 7/20/23.

Docket Numbers: ER23–2332–000.
Applicants: Pacific Gas and Electric Company.
Description: Notice of Termination of Service Agreement No. 19 of the Wholesale Distribution Tariff under Pacific Gas and Electric Company.
Filed Date: 6/29/23.
Accession Number: 20230629–5182.
Comment Date: 5 p.m. ET 8/28/23.

Docket Numbers: ER23–2333–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, SA No. 6961; QueueNo. AE2–140 to be effective 6/6/2023.
Filed Date: 7/5/23.
Accession Number: 20230705–5028.
Comment Date: 5 p.m. ET 7/26/23.

Docket Numbers: ER23–2334–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2198R34 Kansas Power Pool NITSA NOA to be effective 9/1/2023.
Filed Date: 7/5/23.
Accession Number: 20230705–5055.
Comment Date: 5 p.m. ET 7/26/23.

Docket Numbers: ER23–2335–000.
Applicants: The Connecticut Light and Power Company.
Description: § 205(d) Rate Filing: BPUS Generation Development LLC—Engineering and Test Agreement to be effective 7/6/2023.
Filed Date: 7/5/23.
Accession Number: 20230705–5071.
Comment Date: 5 p.m. ET 7/26/23.

Docket Numbers: ER23–2336–000.
Applicants: Vineyard Wind 1 LLC.

Description: Baseline eTariff Filing: Baseline new to be effective 9/4/2023.

Filed Date: 7/5/23.

Accession Number: 20230705–5094.

Comment Date: 5 p.m. ET 7/26/23.

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: *https://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202)502–6595 or *OPP@ferc.gov.*

Dated: July 5, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–14601 Filed 7–10–23; 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: CP23–508–000.

Applicants: Tennessee Gas Pipeline Company, L.L.C., Kinder Morgan Texas Pipeline LLC.

Description: Tennessee Gas Pipeline Company, L.L.C. et. al. submits Abbreviated Joint Application for a Certificate of Public Convenience and Necessity to Construct and for Limited Jurisdiction Certificate.

Filed Date: 6/30/23.

Accession Number: 20230630–5296.

Comment Date: 5 p.m. ET 7/21/23.

Docket Numbers: PR23–59–000.

Applicants: Columbia Gas of Ohio, Inc.

Description: § 284.123 Rate Filing: COH Rates Effective 5–31–2023 to be effective 5/31/2023.

Filed Date: 6/30/23.

Accession Number: 20230630–5202.

Comment Date: 5 p.m. ET 7/21/23.

Docket Numbers: RP23–881–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Hartree July 2023) to be effective 7/5/2023.

Filed Date: 7/3/23.

Accession Number: 20230703–5172.

Comment Date: 5 p.m. ET 7/17/23.

Docket Numbers: RP23–882–000.

Applicants: East Tennessee Natural Gas, LLC.

Description: § 4(d) Rate Filing: July 2023 Name Change Clean-up Filing to be effective 8/5/2023.

Filed Date: 7/5/23.

Accession Number: 20230705–5023.

Comment Date: 5 p.m. ET 7/17/23.

Docket Numbers: RP23–883–000.

Applicants: Rover Pipeline LLC.

Description: § 4(d) Rate Filing: Summary of Negotiated Rate Capacity Release Agreements 7–5–23 to be effective 7/1/2023.

Filed Date: 7/5/23.

Accession Number: 20230705–5041.

Comment Date: 5 p.m. ET 7/17/23.

Docket Numbers: RP23–884–000.

Applicants: Enable Gas Transmission, LLC.

Description: § 4(d) Rate Filing: NRA Filing—Assignment WM to WMRE to be effective 7/1/2023.

Filed Date: 7/5/23.

Accession Number: 20230705–5051.

Comment Date: 5 p.m. ET 7/17/23.

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: *https://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202)502–6595 or *OPP@ferc.gov.*

Dated: July 5, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–14598 Filed 7–10–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15304–000]

Cat Creek Energy, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February 16, 2023, Cat Creek Energy, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Corral Summit Pumped Storage Project (Corral Summit Project or project) to be located near Big Lost River, Custer County, Idaho. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed Corral Summit pumped storage hydro would use an existing reservoir for its lower reservoir and build a new upper reservoir approximately 600-feet higher to provide sufficient head for generation.

Two alternatives are being considered for the Corral Summit Project. Alternative 1 would consist of the following: (1) a 400-acre upper reservoir located approximately 1.2 miles west of the existing Mackay Reservoir on Federal lands belonging to the US Bureau of Land Management, with a total impoundment volume of 25,000 acre-feet; (2) the reservoir is formed by a 3.6-mile, long, 75-foot tall circular dam with new intake/outlet structures; (3) two steel pipeline penstocks, each approximately 3,700 foot long and a diameter of 16 feet connect the upper reservoir to a underground powerhouse; (4) the powerhouse would contain two vertical Francis adjustable speed or ternary design turbines and two 100 MW generating units, for a total installed capacity of 200 MW; (5) a 3.7-mile, 230-kV transmission line would connect the project to the existing 230-kV Bonneville Power Administration transmission line; and (6) appurtenant facilities.

Alternative 2 would consist of the same facilities described in alternative 1 except: (1) the upper reservoir would be located approximately 1.4 miles east of the existing Mackay Reservoir on State of Idaho land, and would be approximately 412 acres in size; (2) the circular dam surrounding the upper reservoir would be 3.2 miles long; (3) the two steel pipeline penstocks would be approximately 5,800-foot-long; and (4) the transmission line would be 2 miles in length and would also connect to the existing 230 kV Bonneville Power Administration transmission line.

The estimated annual generation of the Corral Summit Project would be 584 gigawatt-hours.

Applicant Contact: James T. Carkulis, Project Agent, Cat Creek Energy LLC, 1989 South I875 East, Gooding, ID 8330; email: *jtc@ccewsrps.net;* phone: (208) 336–1370.

FERC Contact: Golbahar Mirhosseini; email: *golbahar.mirhosseini@ferc.gov.*

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

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 Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *https://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. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–15304–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's website at *http://www.ferc.gov/docs-filing/efiling.asp.* Enter the docket number (P–15304) in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659.

Dated: July 5, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–14610 Filed 7–10–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–6899–000]

Bradish, Robert W.; Notice of Filing

Take notice that on June 29, 2023, Robert W. Bradish submitted for filing, application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d (b) and Part 45.8 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR part 45.8.

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.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to

contact OPP at (202)502–6595 or *OPP@ferc.gov.*

Comment Date: 5:00 p.m. Eastern Time on July 20, 2023.

Dated: July 5, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–14604 Filed 7–10–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 77–313]

Pacific Gas and Electric Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Application for Temporary Variance of Flow Requirements.

b. *Project No:* 77–313.

c. *Date Filed:* May 23, 2023.

d. *Applicant:* Pacific Gas and Electric Company (licensee).

e. *Name of Project:* Potter Valley Hydroelectric Project.

f. *Location:* The project is located on the Eel River and East Fork of the Russian River in Lake and Mendocino counties, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a—825r.

h. *Applicant Contact:* Jackie Pope, License Coordinator; Pacific Gas and Electric Company; Mail Code N11D, P.O. Box 770000, San Francisco, CA 94177; Phone: (530) 245–4007.

i. *FERC Contact:* Alicia Burtner, (202) 502–8038, *Alicia.Burtner@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* August 4, 2023.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–77–313. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee requests a temporary variance of its minimum flow requirements in the East Fork of the Russian River. Due to seismic risk at Scott Dam, the licensee does not intend to close the dam's gates, reducing the storage capacity in Lake Pillsbury by approximately 20,000 acre-feet. The licensee proposes to reclassify the water year type to reduce flow releases to Eel River below Scott Dam from the current normal water year requirement of 60 cfs to a critical water year flow floor set by the minimum opening of the low-level outlet of approximately 20 cubic feet per second (cfs). Minimum flows into the Eel River below Cape Horn Dam would be 15 cfs, consistent with a wet water year classification. Minimum flow releases to the East Fork of the Russian River would be reduced from normal water year requirements of 75 cfs to 25 cfs, as required during a dry water year, but the proposed variance includes the flexibility to adjust these flows to critically dry year releases of 5 cfs if daily average Lake Pillsbury release water temperatures at gage E–2 exceed 16 degrees Celsius or as needed to maintain the reservoir elevation for facility safety. The licensee additionally requests that compliance with flow requirements to the Eel River below Cape Horn Dam be measured as a 24-hour average versus instantaneously to allow for a tighter compliance buffer. The request includes provisions for water temperature monitoring and monthly consultation throughout implementation of the proposed variance. The licensee requests that the variance would begin immediately upon Commission approval and conclude when Lake Pillsbury storage exceeds 36,000 acre-feet following October 1, 2022 or is superseded by another variance. The licensee states it is also developing a proposal for Commission approval, for a long-term flow regime to assure compliance of environmental requirements with the spill gates remaining open.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all

persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

p. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: July 5, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–14609 Filed 7–10–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. This filing may 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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket Nos.	File date	Presenter or requester
Prohibited:		
NONE.		
Exempt:		
1. CP19–14–000	6–29–2023	U.S. Congresswoman Jennifer McClellan.
2. CP22–468–000	6–29–2023	U.S. Senator John Hickenlooper.
3. CP19–14–000	6–30–2023	U.S. Congress.[1]

[1] Congresswomen Valerie P. Foushee and Kathy Manning.

Dated: July 5, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–14599 Filed 7–10–23; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0367; FRL–10984–01–OLEM]

Proposed Information Collection Request; Comment Request; Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures (Renewal)'' (EPA ICR No. 1360.18, OMB Control No. 2050–0068) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through April 30, 2024. 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.

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

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OLEM–2018–0367 online using *www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other

information whose disclosure is restricted by statute.

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Elizabeth McDermott, Office of Underground Storage Tanks, Mail Code 5401T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–0646; email address: *mcdermott.elizabeth@epa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)), EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Subtitle I of the Resource Conservation and Recovery Act (RCRA), as amended, requires that EPA develop standards for Underground Storage Tank (UST) systems, as may be necessary, to protect human health and the environment, and procedures for approving state programs in lieu of the Federal program. EPA promulgated technical and financial requirements for owners and operators of USTs at 40 CFR part 280, and state program approval procedures at 40 CFR part 281. This ICR is a comprehensive presentation of all information collection requirements contained at 40 CFR parts 280 and 281.

The data collected for new and existing UST system operations and financial requirements are used by owners and operators and/or EPA or the implementing agency to monitor results of testing, inspections, and operation of UST systems, as well as to demonstrate compliance with regulations. EPA believes strongly that if the minimum requirements specified under the regulations are not met, neither the facilities nor EPA can ensure that UST systems are being managed in a manner protective of human health and the environment.

EPA uses state program applications to determine whether to approve a state program. Before granting approval, EPA must determine that programs will be no less stringent than the Federal program and contain adequate enforcement mechanisms.

Form Numbers: None.

Respondents/affected entities: Facilities that own and operate underground storage tanks (USTs), states that implement the UST programs, and tribes.

Respondent's obligation to respond: Mandatory (40 CFR part 280).

Estimated number of respondents: 196,483.

Frequency of response: Once, on occasion, annual.

Total estimated burden: 8,332,870 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $689,740,286 (per year), includes $406,057,091 annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 389,322 hours in the total estimated respondent burden hours compared with the ICR currently approved by OMB. There is a total decrease in burden hours because the overall number of underground storage tanks decreased while the requirements for each tank owner remained the same. In addition, during the last ICR EPA approved thirty states for state program approval but only expects to approve 12 during this ICR.

Mark Barolo,

Director, Office of Underground Storage Tanks.

[FR Doc. 2023–14651 Filed 7–10–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2023–0345; FRL–11141–01–OCSPP]

Pesticide Program Dialogue Committee; Request for Nominations to the Pesticide Program Dialogue Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency's (EPA's) Office of Pesticide Programs is inviting nominations from a diverse range of qualified candidates to be considered for appointment to the Pesticide Program Dialogue Committee (PPDC). The PPDC is chartered to provide policy advice, information, and recommendations to the EPA on a wide variety of pesticide regulatory developments and reform initiatives, evolving public policy, and program implementation issues associated with evaluating and reducing risks from pesticide use. To maintain the representation outlined by the charter, nominees will be selected to represent: environmental/public interest and animal rights groups; farm worker organizations; pesticide industry and trade associations; pesticide user, grower, and commodity groups; federal/state/local and tribal governments; academia; and public health organizations. Vacancies are expected to be filled by December 2023. Sources in addition to this **Federal Register** Notice may be utilized in the solicitation of nominees.

DATES: Nominations should be submitted no later than August 10, 2023.

ADDRESSES: Submit nominations electronically with the subject line ''PPDC Membership 2023'' to *chang.jeffrey@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Chang, Designated Federal Officer for the PPDC, telephone number: (202) 566–2213 email address: *chang.jeffrey@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of particular interest to persons who work in in agricultural settings or if you are concerned about implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 *et seq.*); the Federal Food, Drug, and

Cosmetic Act (FFDCA) (21 U.S.C. 301 *et seq.*); the Pesticide Registration Improvement Act (PRIA) (which amends FIFRA section 33); and the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*). Potentially affected entities may include but are not limited to: Agricultural workers and farmers; pesticide industry and trade associations; environmental, consumer, and farm worker groups; pesticide users and growers; animal rights groups; pest consultants; state, local, and tribal governments; academia; public health organizations; and the public. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2023–0345, is available online at *https://www.regulations.gov.* Additional instructions on visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

II. Background

The PPDC is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA) (5 U.S.C. Appendix 2 *et seq.*). EPA established the PPDC in September 1995 to provide policy advice, information and recommendations to the EPA Administrator through the Director of the Office of Pesticide Programs, Office of Chemical Safety and Pollution Prevention. The PPDC provides a public forum to discuss a wide variety of pesticide regulatory developments and reform initiatives, evolving public policy and program implementation issues associated with evaluating and reducing risks from the use of pesticides. The EPA will consider candidates from the following sectors: environmental/public interest and animal rights groups; farm worker organizations; pesticide industry and trade associations; pesticide user, grower, and commodity groups; federal and state/local/tribal governments; the general public; academia; and public health organizations.

The PPDC usually meets face-to-face twice a year, generally in the spring and the fall. Additionally, members may be asked to serve on work groups to develop recommendations to address specific policy issues. The average workload for members is approximately 4 to 6 hours per month. PPDC members may receive travel and per diem allowances where appropriate and according to applicable federal travel regulations. Additional information about the PPDC can be accessed at *https://www.epa.gov/pesticide-advisory-committees-and-regulatory-partners/pesticide-program-dialogue-committee-ppdc.*

III. Nominations

In accordance with Executive Order 14035, entitled ''Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce'' and dated June 25, 2021 (86 FR 34593, June 30, 2021), and consistent with law, EPA values and welcomes opportunities to increase diversity, equity, inclusion, and accessibility on its federal advisory committees. EPA's federal advisory committees have a workforce that reflects the diversity of the American people. In an effort to obtain nominations of diverse candidates, the agency encourages nominations of women and men of all racial and ethnic groups. All nominations will be fully considered, but applicants need to be aware of the specific representation sought as outlined in the Summary above. Any interested person or organization may nominate qualified persons to be considered for appointment to this advisory committee. Individuals may self-nominate. Nominations may be submitted in electronic format (preferred) or mailed to Jeffrey Chang at the address listed under **ADDRESSES**.

To be considered, all nominations should include:

- Current contact information for the nominee, including the nominee's name, organization (and position within that organization), current business address, email address, and daytime telephone number;
- Brief Statement describing the nominee's interest and availability in serving on the PPDC;
- Résumé or CV;
- Short biography (no more than 2 paragraphs) describing the professional and educational qualifications of the nominee, including a list of relevant activities, or any current or previous experience on advisory committees; and
- Letter[s] of recommendation from a third party supporting the nomination. The letter(s) should describe how the nominee's experience and knowledge will bring value to the work of the PPDC.

Other sources, in addition to this **Federal Register** notice, may also be utilized in the solicitation of nominees.

Authority: 5 U.S.C. Appendix 2 *et seq.,* 7 U.S.C. 136 *et seq.,* 16 U.S.C. 1531 *et seq.,* and 21 U.S.C. 301 *et seq.*

Dated: July 5, 2023.

Michael Goodis,

Acting Director, Office of Pesticide Programs.

[FR Doc. 2023–14648 Filed 7–10–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2023–0098; FRL–10582–03–OCSPP]

Certain New Chemicals or Significant New Uses; Statements of Findings for March, April, and May 2023

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of certain TSCA submissions when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA. This document presents statements of findings made by EPA on such submissions during the period from March 1, 2023 to May 31, 2023.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2023–0098, is available online at *https://www.regulations.gov* or in-person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Rebecca Edelstein, New Chemical Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–1667 email address: *edelstein.rebecca@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

B. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of submissions under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the reporting period.

C. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a submission under TSCA section 5(a) and make one of several specific findings pertaining to whether the substance may present unreasonable risk of injury to health or the environment. Among those potential findings is that the chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment per TSCA Section 5(a)(3)(C).

TSCA section 5(g) requires EPA to publish in the **Federal Register** a statement of its findings after its review of a submission under TSCA section 5(a) when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of ''not likely to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

D. Does this action have any incremental economic impacts or paperwork burdens?

No.

II. Statements of Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

The following list provides the EPA case number assigned to the TSCA section 5(a) submission and the chemical identity (generic name if the specific name is claimed as CBI).

- J–23–0004, Genetically modified microorganism for the production of a chemical substance (Generic Name).
- P–22–0118, Hexanedioic acid, polymer with 1,2,3-propanetriol and 1,3,5-tris(2-hydroxyethyl)-1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 3-methyl-3-buten-1-yl ester, CASRN 2760410–72–6.
- P–22–0127, Urea, N,N′-bis-[3-[[(4-methylphenyl)sulfonyl]oxy]phenyl]-, CASRN 2292123–68–1.

To access EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C), look up the specific case number at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/chemicals-determined-not-likely.*

(Authority: 15 U.S.C. 2601 *et seq.*)

Dated: July 5, 2023.

Shari Barash,

Acting Director, New Chemicals Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2023–14572 Filed 7–10–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–11126–01–OW]

Meeting of the National Drinking Water Advisory Council

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of a public meeting.

SUMMARY: The U.S. Environmental Protection Agency's (EPA) Office of Ground Water and Drinking Water is announcing a virtual meeting of the National Drinking Water Advisory Council (NDWAC or Council) as authorized under the Safe Drinking Water Act (SDWA). The purpose of the meeting is for EPA to update the Council on Safe Drinking Water Act programs and to consult with the NDWAC as required by the SDWA on a final National Primary Drinking Water Regulation (NPDWR) for per- and polyfluoroalkyl substances (PFAS). On March 14, 2023, EPA announced the proposed National Primary Drinking Water Regulation (NPDWR) for six PFAS including perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO–DA, commonly known as GenX Chemicals), perfluorohexane sulfonic acid (PFHxS), and perfluorobutane sulfonic acid (PFBS). EPA proposed regulating PFOA and PFOS as individual contaminants, and PFHxS, PFNA, PFBS, and HFPO–DA (commonly referred to as GenX Chemicals) as a PFAS mixture. Additional details including other topics for discussion will be provided in the meeting agenda, which will be posted on EPA's NDWAC website. See the **SUPPLEMENTARY INFORMATION** section of this announcement for more information.

DATES: The meeting will be held on August 8, 2023, from 10:30 a.m. to 5 p.m., eastern time.

ADDRESSES: This will be a virtual meeting. There will be no in-person gathering for this meeting. For more information about attending, providing oral statements, and accessibility for the meeting, as well as sending written comments, see the **SUPPLEMENTARY INFORMATION** section of this announcement.

FOR FURTHER INFORMATION CONTACT: Elizabeth Corr, NDWAC Designated Federal Officer, Office of Ground Water and Drinking Water (Mail Code 4601), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 564–3798; email address: *corr.elizabeth@epa.gov.*

SUPPLEMENTARY INFORMATION:

Attending the Meeting: The meeting will be open to the general public. The meeting agenda and information on how to register for and attend the meeting online will be provided on EPA's website at: *https://www.epa.gov/ndwac* prior to the meeting.

Oral Statements: EPA will allocate one hour for the public to present oral comments during the meeting. Oral statements will be limited to three minutes per person during the public comment period. It is preferred that only one person present a statement on behalf of a group or organization. Persons interested in presenting an oral statement should send an email to *NDWAC@epa.gov* by noon, eastern time, on August 1, 2023.

Written Statements: Any person who wishes to file a written statement can do so before or after the Council meeting. Send written statements by email to *NDWAC@epa.gov* or see the **FOR FURTHER INFORMATION CONTACT** section if sending statements by mail. Written statements received by noon, eastern time, on August 1, 2023, will be distributed to all members of the Council prior to the meeting. Statements received after that time will become part of the permanent file for the meeting and will be forwarded to the Council members after conclusion of the meeting. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the NDWAC 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, or to request accommodations for a disability, please contact Elizabeth Corr by email at *corr.elizabeth@epa.gov,* or by phone at (202) 564–3798, preferably at least 10 days prior to the meeting to allow as much time as possible to process your request.

National Drinking Water Advisory Council: The NDWAC was created by Congress on December 16, 1974, as part of the Safe Drinking Water Act (SDWA) of 1974, Public Law 93–523, 42 U.S.C. 300j-5, and is operated in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. The NDWAC was established to advise, consult with, and make recommendations to the EPA Administrator on matters relating to activities, functions, policies, and regulations under the SDWA. General information concerning the NDWAC is available at: *https://www.epa.gov/ndwac.*

Jennifer L. McLain,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 2023–14589 Filed 7–10–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2040–0299; FRL–11055–01–OW]

Proposed Information Collection Request; Comment Request; Use of Lead Free Pipes, Fittings, Fixtures, Solder and Flux for Drinking Water (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Use of Lead Free Pipes, Fittings, Fixtures, Solder and Flux for Drinking Water (Renewal)'' (EPA ICR No. 2563.02, OMB Control No. 2040–0299) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through December 31, 2023. 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.

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

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2040–0299, online using *www.regulations.gov* (our preferred method), by email to *OW-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Kevin Roland, Drinking Water Infrastructure Development Division, Office of Ground Water and Drinking Water, (4606M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–4588: fax number: 202–564–3755; email address: *roland.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The Reduction of Lead in Drinking Water Act of 2011 (RLDWA, the Act) modified the technical definition of ''lead free'' by lowering the maximum lead content of pipes, fittings, and fixtures from 8% to 0.25% and introduced greater complexity to calculating lead free by requiring that level be met based on a weighted average of wetted surfaces. The Act also created exemptions for certain plumbing products from pre-existing lead free requirements. The Lead Free Rule was promulgated on September 1, 2000 and made conforming changes to existing regulations based on the RLDWA and the Community Fire Safety Act enacted by Congress. The final rule established product certification requirements for products intended for potable use applications in public water systems and residential or non-residential facilities to demonstrate compliance with the lead free requirements.

Manufacturers with 10 or more employees or importers entering products purchased from or manufactured by manufacturers with 10 or more employees must demonstrate compliance with the lead free definition by obtaining third party certification by an American National Standards Institute (ANSI) accredited, third party certification body. Firms with fewer than 10 employees can use a third party certification body or self-certify that their products conform to the Safe Drinking Water Act's (SDWA) lead free requirements. This self-certification option also extends to custom fabricated products regardless of a manufacturer's number of employees. The final rule required that manufacturers or importers certify that their products meet the requirements using a consistent verification process before September 2023.

Form Numbers: None.

Respondents/affected entities: manufacturers of lead-free pipes, fixtures and fittings.

Respondent's obligation to respond: mandatory for compliance with Reduction of Lead in Drinking Water Act of 2011.

Estimated number of respondents: 2,193 (total).

Frequency of response: annual.

Total estimated burden: 77,838 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $9.14 million (per year), includes $2.5 million annualized capital or operation & maintenance costs.

Changes in Estimates: There is an expected decrease of hours in the total estimated respondent burden compared with the ICR currently approved by OMB due to removing the burden for initial rule implementation, which is complete.

Jennifer McLain,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 2023–14593 Filed 7–10–23; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

[Docket No. FMC–2023–0013]

Agency Information Collection Activities: 60-Day Public Comment Request

AGENCY: Federal Maritime Commission.

ACTION: Sixty-day notice; request for comments.

SUMMARY: As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, the Federal Maritime Commission (Commission) invites comments on a new web portal to collect information from the public regarding comments, complaints, concerns, reports of noncompliance, requests for investigation, and requests for alternative dispute resolution. The collection implements certain provisions of the Ocean Shipping Reform Act of 2022.

DATES: Written comments must be submitted on or before September 11, 2023.

ADDRESSES: The Commission has transitioned from accepting comments via email and is using its Electronic Reading Room through the Federal eRulemaking Portal at *www.regulations.gov.* The docket of this notice can be found at *https://www.regulations.gov/* under Docket No. FMC–2023–0013. The FMC will summarize any comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: William Cody, Secretary; Phone: (202) 523–5725; Email: *secretary@fmc.gov.*

SUPPLEMENTARY INFORMATION:

Request for Comments

The Commission, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the continuing information collections listed in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this notice will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments. We invite comments on: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Information Collections Open for Comment

Title: FMC Web Portal.

OMB Approval Number: 3072–XXXX.

Abstract: Section 17(a) of the Ocean Shipping Reform Act of 2022 requires that the Commission ''establish on the public website of the Commission a web page that allows for the submission of comments, complaints, concerns, reports of noncompliance, requests for investigation, and requests for alternative dispute resolution'': and that it direct each submission to the appropriate component office of the Commission.

The FMC will implement a new web portal available through the agency's website to collect this information from the public. The collected information will be internally routed to the appropriate component office for response. As this collection includes inquiries related to dispute resolution services, it also encompasses Forms FMC–32 (Dispute Resolution Service Request-Cruise) and FMC–33 (Dispute Resolution Service Request—Cargo). These forms are available at *https://www.fmc.gov/forms-and-applications/.* The burden associated with these forms is included in this collection.

Current Actions: The information being submitted contains a new data collection.

Type of Review: New information collection.

Needs and Uses: The Commission will use the web portal to receive requests from the public and ensure prompt response to the shipping public.

Frequency: This information will be collected when members of the public choose to submit it.

Type of Respondents: Individuals and establishments who wish to ask questions, express concerns, or submit complaints to the Federal Maritime Commission.

Number of Annual Respondents: The Commission estimates an annual respondent universe of 5,000. The Commission further estimates 300 of these responses will require attaching an FMC form related to dispute resolution services (FMC–32 or FMC–33).

Estimated Time per Response: The time per response is estimated at 6 minutes per response for submissions that do not involve attaching forms and 20 minutes for responses requiring attaching forms.

Total Annual Burden: Burden is calculated as $4,700 \times 6$ minutes = 470 hours per portal submission that does not also include a form and 300×20 minutes = 100 hours for a submission

that also includes either a FMC–32 or FMC–33. Total burden equals 570 hours.

William Cody,

Secretary.

[FR Doc. 2023–14628 Filed 7–10–23; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than July 26, 2023.

A. Federal Reserve Bank of Atlanta (Erien O. Terry, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Aaron Andrew Robertson, Speedwell, Tennessee;* to retain voting shares of Robertson Holding Company, L.P., Harrogate, Tennessee, and thereby indirectly retain voting shares of Commercial Bancgroup, Inc., Harrogate, Tennessee, and AB&T Financial Corporation, Gastonia, North Carolina.

A. Federal Reserve Bank of San Francisco (Joseph Cuenco, Assistant Vice President Formations, Transactions & Enforcement) 101 Market Street, San Francisco, California 94105. Comments can also be sent electronically to: *sf.fisc.comments.applications@sf.frb.org.*

1. *Stilwell Activist Investments, L.P., Stilwell Activist Fund, L.P., and Stilwell Partners, L.P., together known as The Stilwell Group, Stilwell Value LLC, as general partner of each of the limited partnerships, all of New York, New York; and Joseph D. Stilwell, San Juan, Puerto Rico, as managing member of Stilwell Value LLC;* a group acting in concert, to acquire voting shares of Sound Financial Bancorp, Inc., and thereby indirectly acquire voting shares of Sound Community Bank, both of Seattle, Washington.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2023–14632 Filed 7–10–23; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than August 10, 2023.

A. Federal Reserve Bank of Minneapolis (Stephanie Weber, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–029. Comments can also be sent electronically to *MA@mpls.frb.org:*

1. *Flagship Financial Group, Inc., Eden Prairie, Minnesota;* to merge with Security Bancshares Co., and thereby indirectly acquire Security Bank & Trust Company, both of Glencoe, Minnesota.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) One Memorial Drive, Kansas City, Missouri 64198–0001. Comments can also be sent electronically to *KCApplicationComments@kc.frb.org:*

1. *The First National Bancshares, Inc. Profit Sharing and Employee Stock Ownership Plan and Trust, Goodland, Kansas;* to acquire additional voting shares of First National Bancshares, Inc., and thereby indirectly acquire additional shares of FNB Bank, both of Goodland, Kansas.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2023–14635 Filed 7–10–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–26 and CMS–R–185]

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 September 11, 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–R–26 Clinical Laboratory Improvement Amendments (CLIA) Regulations

CMS–R–185 Granting and Withdrawal of Deeming Authority to Private Nonprofit Accreditation Organizations and CLIA Exemption Under State Laboratory Programs

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:* Revision of a currently approved collection; *Title of Information Collection:* Clinical Laboratory Improvement Amendments (CLIA) Regulations; *Use:* The information is necessary to determine an entity's compliance with the Congressionally-mandated program with respect to the regulation of laboratory testing (CLIA). In addition, laboratories participating in the Medicare program must comply with CLIA requirements as required by section 6141 of OBRA 89. Medicaid, under the authority of section 1902(a)(9)(C) of the Social Security Act, pays for services furnished only by laboratories that meet Medicare (CLIA) requirements.

This is a revision of the information collection. Based on the notice of proposed rulemaking, published in the **Federal Register** on July 26, 2022 (87 FR 44896), we are revising the information collection request by adding sections. The additional requirements include sections 493.1278, 493.1359, 493.1405–1411; 493.1423, 493.1443–1445, 493.1461–1463; 493.1483; 493.1489–1491. These sections include histocompatibility (493.1278) and personnel (493.1359, 493.1405–1411; 493.1423, 493.1443–1445, 493.1461–1463; 493.1483; 493.1489–1491) require laboratories to revise and update policies and procedures applicable to new or amended requirements. *Form Number:* CMS–R–26 (OMB Control Number: 0938–0612); *Frequency:* Monthly, occasionally; *Affected Public:* Business or other for-profits and Not-for-profit institutions, State, Local or Tribal Governments, and the Federal government; *Number of Respondents:* 49,626; *Total Annual Responses:* 88,259,802; *Total Annual Hours:* 14,514,802. (For policy questions regarding this collection contact Jelani Sanaa at 410–786–6782).

2. *Type of Information Collection Request:* Revision of currently approved collection; *Title of Information Collection:* Granting and Withdrawal of Deeming Authority to Private Nonprofit Accreditation Organizations and CLIA Exemption Under State Laboratory Programs; *Use:* The information required is necessary to determine whether a private accreditation organization/State licensure program standards and accreditation/licensure process is at least equal to or more stringent than those of the Clinical Laboratory Improvement Amendments of 1988 (CLIA). If an accreditation organization is approved, the laboratories that it accredits are ''deemed'' to meet the CLIA requirements based on this accreditation. Similarly, if a State licensure program is determined to have requirements that are equal to or more stringent than those of CLIA, its laboratories are considered to be exempt from CLIA certification and requirements. The information collected will be used by HHS to: determine comparability/equivalency of the accreditation organization standards and policies or State licensure program standards and policies to those of the CLIA program; to ensure the continued comparability/equivalency of the standards; and to fulfill certain statutory reporting requirements.

We are revising the information collection request by adding and amending collection requirements for 493.553–557. The proposed rule published in the **Federal Register** on July 26, 2022 (87 FR 44896). These require laboratories to revise and update policies and procedures applicable to new or amended requirements. *Form Number:* CMS–R–185 (OMB control number: 0938–0686); *Frequency:* Occasionally; *Affected Public:* Private Sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 9; *Total Annual Responses:* 9; *Total Annual Hours:* 5,359. (For policy questions regarding this collection contact Arlene Lopez at 410–786–6782.)

Dated: July 6, 2023.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2023–14582 Filed 7–10–23; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990-new]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before August 10, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Sherrette Funn, *Sherrette.Funn@hhs.gov* or (202) 264–0041, or *PRA@HHS.GOV.* When submitting comments or requesting information, please include the document identifier 0990-New-30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Customer Experience in The Office of the Assistant Secretary for Financial Resources Service Delivery.

Type of Collection: NEW.

OMB No. 0990–XXXX.

Abstract: The U.S. Department of Health and Human Services (HHS) Office of the Assistant Secretary for Financial Resources (ASFR) is requesting 3 year OMB approval for the Customer Experience in The Office of the Assistant Secretary for Financial Resources Service Delivery initiative. The proposed information collection activity provides a means to garner quantitative and qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving access to and service delivery. This feedback will (1) provide insights into customer or stakeholder perceptions, experiences and expectations; (2) uncover issues that create barriers to funding or the system to deliver them; and (3) focus attention on areas where communication, training or changes in operations might improve delivery of such opportunities and services. These voluntary collections will allow for ongoing, collaborative and actionable communications between HHS and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: (1) legibility, readability, comprehension, and accessibility and inclusion of ASFR services; (2) timeliness, appropriateness, and accuracy of information within services delivered by ASFR; (3) efficiency of service delivery, and resolution of issues with service delivery; and (4) any other reasonable area of exploration engendered by this review. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public.

The annual collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government. Moreover, Personally identifiable information (PII) will be collected only to the extent necessary. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable. Such assessments would better equip HHS to develop policies and programs that deliver resources and benefits equitably to all.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
Post Submission Survey	1000	1	15/60	250
Post Submission Interview Script	200	1	1	200
Moderated Usability Test Script	300	1	1	300
Focus Group Script	200	1	1	200
Total	1700			950

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2023–14537 Filed 7–10–23; 8:45 am]

BILLING CODE 4150–04–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 RFA DK22–018 Human Islet Research Network (HIRN) Pancreas Knowledgebase Program (PanKbase) (U24—Clinical Trial Not Allowed).

Date: August 3, 2023.

Time: 1:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ann A. Jerkins, Ph.D., Scientific Review Officer, NIDDK/Scientific Review Branch, National Institutes of Health, 6707 Democracy Blvd., Room 7013, Bethesda, MD 20892, 301–594–2242, *ann.jerkins@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: July 5, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–14514 Filed 7–10–23; 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; Retromers in Alzheimer's Disease.

Date: July 26, 2023.

Time: 3:00 p.m. to 6:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Dario Dieguez, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institutes of Health, National Institute on Aging, Bethesda, MD 20814, (301) 827–3101, *dario.dieguez@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: July 5, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–14511 Filed 7–10–23; 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 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 Sickle Cell Diseases Advisory Committee was renewed for an additional two-year period on June 30, 2023.

It is determined that the Sickle Cell Diseases Advisory Committee 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 Stop Code 4875), Telephone (301) 496–2123, or *harriscl@mail.nih.gov*.

Dated: July 5, 2023.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–14532 Filed 7–10–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Tribal Technical Advisory Committee; Notice of Meeting

AGENCY: Substance Abuse and Mental Health Services Administration (SAMHSA).

ACTION: Notice of Advisory Committee Meeting and Tribal Consultation.

SUMMARY: Notice is given for the August 29, 2023, virtual meeting of SAMHSA's Tribal Technical Advisory Committee (TTAC). TTAC meetings are exclusively between federal officials and elected officials of Tribal governments (or their designated employees) to exchange views, information, or advice related to the management or implementation of SAMHSA programs. The public may attend but are not allowed to participate in the meeting. Immediately following the TTAC meeting, SAMHSA will host American Indian and Alaska Native (AI/AN) Federally Recognized Tribes for a virtual Tribal Consultation session on the BEHAVIORAL HEALTH AND SUBSTANCE USE DISORDER RESOURCES FOR NATIVE AMERICANS PROGRAM.

DATES: The virtual SAMHSA TTAC Meeting will be held on August 29, 2023, from 1:00 p.m. to 4:00 p.m. EDT. Registration is required: *https://snacregister.samhsa.gov.* You must register to obtain the call-in number, access code, and/or web access link or request special accommodations for those with disabilities.

The virtual Tribal Consultation will be held on August 29, 2023, at 4:00 p.m. EDT. Registration is required: *https://www.zoomgov.com/meeting/register/vJItfuitqDIvGJb-7z8G5vUTNjXjFDxOG8U.* Instructions to access the Zoom virtual consultation will be provided in the above link following registration.

FOR FURTHER INFORMATION CONTACT: CAPT Karen Hearod, MSW, LCSW, Director, Office of Tribal Affairs and Policy, Substance Abuse and Mental Health Services Administration, Telephone: (202)-868–9931, Email: *otap@samhsa.hhs.gov*

SUPPLEMENTARY INFORMATION: The SAMHSA TTAC meeting is open to the public. An agenda with call-in information will be posted on the SAMHSA website prior to the meeting at: *https://www.samhsa.gov/about-us/advisory-councils/meetings.* This meeting will include, but is not limited to, remarks from the Assistant Secretary for Mental Health and Substance Use; updates on SAMHSA priorities; follow up on topics related to the previous TTAC meetings; and council discussions. Meeting information and a roster of TTAC members may be obtained either by accessing the SAMHSA Council's website at *https://www.samhsa.gov/about-us/advisory-councils/*, or by contacting Karen Hearod.

SAMHSA's TTAC provides a venue wherein Tribal leadership and SAMHSA staff can exchange information about public health issues, identify urgent mental health and substance abuse needs, and discuss collaborative approaches to addressing these behavioral health issues and needs.

The purpose of Tribal Consultation is to advance SAMHSA support for, and collaboration with, federally recognized AAI/AN Tribes. To advance these goals, SAMHSA conducts government-to-government consultations with Indian Tribes represented by the Tribal President, Tribal Chair, Tribal Governor, or an elected or appointed Tribal Leader, or their authorized representative(s) to the extent practicable and permitted by law before SAMHSA takes any action that will significantly affect Indian Tribes. Consultation is an enhanced form of communication that emphasizes trust, respect, and shared responsibility. It is an open and free exchange of information and opinion among parties that leads to mutual understanding.

Federally Recognized Indian Tribes represented by the Tribal President, Tribal Chair, or Tribal Governor, or an elected or appointed Tribal Leader, or their authorized representative(s) may participate in this consultation by submitting written views, opinions, recommendations, and data. Testimony received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your testimony or supporting materials considered confidential or inappropriate for public disclosure. If you include your name, contact information, or other personal identifiers in the body of your testimony, that information will be on public display. SAMHSA will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as social security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. SAMHSA will carefully consider all testimony submitted into the docket.

Oral Tribal Testimony: Based on the number of participants giving testimony and the time available, it may be necessary to limit speaking times for each presenter. We will adjourn the Tribal consultation meeting early if all attendees who requested to provide oral testimony in advance of and during the consultation have delivered their testimony.

Written Tribal Testimony: SAMHSA will accept written Tribal testimony until 5:00 p.m., until September 28, 2023. Written Tribal testimony should be submitted by email to *otap@samhsa.hhs.gov.* All submissions must include Tribal affiliation. All relevant comments, including any personal information provided, will be posted without change. Written testimony received in advance of the meeting will be included in the official record of the meeting. The consultation meeting will be recorded, transcribed, and posted without change to *https://www.samhsa.gov/tribal-affairs/news-events,* including any personal information provided.

This meeting is being held in accordance with Presidential Executive Order No. 13175, November 6, 2000, and Presidential Memorandums of November 5, 2009, and September 23, 2004, and January 26, 2021 on Consultation and Coordination with Indian Tribal Government and SAMHSA's Tribal Consultation Policy, which can be found at: *https://www.samhsa.gov/sites/default/files/topics/tribal_affairs/tribal-consultation-policy-2017.pdf*

Matters To Be Considered:

In the Consolidated Appropriations Act of 2023 *amended Section 506A of the Public Health Services Act (42 U.S.C. 290aa–5a),* Congress authorized a Behavioral Health and Substance Use Disorder Resources for Native Americans program. This program authorizes SAMHSA to fund eligible entities to provide services for the prevention, treatment, and recovery from mental and substance use disorders among American Indians, Alaska Natives and Native Hawaiians.

A. Eligible entities include a Tribal Health Program, an Indian Tribe, a Tribal Organization, an Urban Indian Organization, and a Native Hawaiian Health Organization (*Papa Ola Lokahi*).

B. Delivery of Funds—SAMHSA in coordination with Indian Health Service may award the funds through a contract or compact as applicable under Title I or V of the Indian Self-Determination and Education Assistance Act (ISDEAA).

C. Formula to determine the amount of each award.

D. Data Submission and Reporting—As a condition of receipt of funds, an applicant shall agree to submit program evaluation and reporting requirements.

Dated: July 6, 2023.

Carlos Castillo,

Committee Management Officer.

[FR Doc. 2023–14638 Filed 7–10–23; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2023–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National

Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Nicholas A. Shufro,

Deputy Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Colorado: Larimer (FEMA Docket No.: B–2321).	Unincorporated areas of Larimer County (22–08–0541P).	The Honorable Kristin Stephens, Chair, Larimer County Board of Commissioners, P.O. Box 1190, Fort Collins, CO 80522.	Larimer County Administrative Offices Building, 200 West Oak Street, Suite 3000, Fort Collins, CO, 80521.	May 31, 2023	080101
Florida:					
Monroe (FEMA Docket No.: B–2321).	Unincorporated areas of Monroe County (23–04–0293P).	The Honorable Craig Cates, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas, Highway, Suite 300, Marathon, FL, 33050.	May 25, 2023	125129
Monroe (FEMA Docket No.: B–2321).	Village of Islamorada (23–04–0348P).	The Honorable Joseph Buddy Pinder III, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Building Department, 86800 Overseas Highway, Islamorada, FL, 33036.	May 25, 2023	120424
Palm Beach (FEMA Docket No.: B–2321).	Unincorporated areas of Palm Beach County (22–04–0989P).	Verdenia C. Baker, Palm Beach County Administrator, 301 North Olive Avenue, Suite 1101, West Palm Beach, FL, 33401.	Palm Beach County, Vista Center, 2300 North Jog Road, West Palm Beach, FL, 33411.	May 23, 2023	120192
Minnesota:					
Hennepin (FEMA Docket No.: B–2324).	City of Corcoran (22–05–1366P).	The Honorable Tom McKee, Mayor, City of Corcoran, 8200 County Road 116, Corcoran, MN 55340.	Public Works Department, 8200 County Road 116, Corcoran, MN 55340.	May 26, 2023	270155
Hennepin (FEMA Docket No.: B–2324).	City of Maple Grove (22–05–1366P).	The Honorable Mark Steffenson, Mayor, City of Maple Grove, 12800 Arbor Lakes Parkway, North Maple Grove, MN 55369.	Engineering Department, 12800 Arbor Lakes Parkway, North Maple Grove, MN 55369.	May 26, 2023	270169
North Carolina:					
Mecklenburg (FEMA Docket No.: B–2324).	City of Charlotte (22–04–3208P).	The Honorable Vi Alexander Lyles, Mayor, City of Charlotte, 600 East 4th Street, Charlotte, NC 28202.	Mecklenburg County Stormwater Services Department, 2145 Suttle Avenue, Charlotte, NC 28208.	May 31, 2023	370159
Mecklenburg (FEMA Docket No.: B–2324).	City of Charlotte (22–04–4558P).	The Honorable Vi Alexander Lyles, Mayor, City of Charlotte, 600 East 4th Street, Charlotte, NC 28202.	Mecklenburg County Stormwater Services Department, 2145 Suttle Avenue, Charlotte, NC 28208.	Jun. 7, 2023	370159
Mecklenburg (FEMA Docket No.: B–2324).	Town of Pineville (22–04–4558P).	The Honorable John Edwards, Mayor, Town of Pineville, 253 Pineville Forest Drive, Pineville, NC 28134.	Mecklenburg County Stormwater Services Department, 2145 Suttle Avenue, Charlotte, NC 28208.	Jun. 7, 2023	370160
Moore (FEMA Docket No.: B–2321).	Village of Pinehurst (22–04–4043P).	The Honorable John C. Strickland, Mayor, Village of Pinehurst, 395 Magnolia Road, Pinehurst, NC 28374.	Planning and Inspections Department, 395 Magnolia Road, Pinehurst, NC 28374.	Jun. 8, 2023	370463
Rockingham (FEMA Docket No.: B–2334).	City of Eden (22–04–5301P).	The Honorable Neville Hall, Mayor, City of Eden, 308 East Stadium Drive, Eden, NC 27288.	Planning and Inspections, 308 East Stadium Drive, Eden, NC 27288.	Jun. 13, 2023	370206
Surry (FEMA Docket No.: B–2324).	Unincorporated areas of Surry County (22–04–2047P).	Eddie Harris, Chair, Surry County Board of Commissioners, 848 Liberty School Road, State Road, NC 28676.	Surry County Planning and Development Department, 122 Hamby Road, Dobson, NC 27017.	Jun. 13, 2023	370364
Tennessee: Williamson (FEMA Docket No.: B–2324).	Unincorporated areas of Williamson County (22–04–4169P).	The Honorable Rogers Anderson, Mayor, Williamson County, 1320 West Main Street, Suite 125, Franklin, TN 37064.	Williamson County Administrative Complex, 1320 West Main Street, Suite 400, Franklin, TN 37064.	Jun. 2, 2023	470204
Texas:					
Brazoria (FEMA Docket No.: B–2324).	City of Pearland (22–06–1958P).	The Honorable Kevin Cole, Mayor, City of Pearland, 3519 Liberty Drive, Pearland, TX 77581.	Engineering and Public Works Department, 2016 Old Alvin Road, Pearland, TX 77581.	Jun. 1, 2023	480077
Denton (FEMA Docket No.: B–2324).	City of Corinth (21–06–3404P).	Scott Campbell, Manager, City of Corinth, 3300 Corinth Parkway, Corinth, TX 76208.	Engineering Department, 1200 Corinth Street, Corinth, TX 76208.	Jun. 5, 2023	481143
Denton (FEMA Docket No.: B–2324).	City of Denton (21–06–3404P).	The Honorable Gerard Hudspeth, Mayor, City of Denton, 215 East McKinney Street, Suite 100, Denton, TX 76201.	Capital Projects/Engineering Department, 401 North Elm Street, Denton, TX 76201.	Jun. 5, 2023	480194

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Ellis (FEMA Docket No.: B–2324).	City of Midlothian (22–06–2256P).	The Honorable Richard Reno, Mayor, City of Midlothian, 104 West Avenue E, Midlothian, TX 76065.	Engineering Department, 104 West Avenue E, Midlothian, TX 76065.	May 25, 2023	480801
Ellis and Johnson (FEMA Docket No.: B–2324).	City of Venus (22–06–1552P).	The Honorable James L. Burgess, Mayor, City of Venus, 700 West U.S. Highway 67, Venus, TX 76084 .	Department of Public Works, 700 West U.S. Highway 67, Venus, TX 76084.	Jun. 1, 2023	480883
Ellis (FEMA Docket No.: B–2324).	Unincorporated areas of Ellis County (22–06–1552P).	The Honorable Todd Little, Ellis County Judge, 101 West Main Street, Waxahachie, TX 75165.	Ellis County Courthouse, 101 West Main Street, Waxahachie, TX 75165.	Jun. 1, 2023	480798
Ellis (FEMA Docket No.: B–2324).	Unincorporated areas of Ellis County (22–06–2256P).	The Honorable Todd Little, Ellis County Judge, 101 West Main Street, Waxahachie, TX 75165.	Ellis County Courthouse, 101 West Main Street, Waxahachie, TX 75165.	May 25, 2023	480798
Hays (FEMA Docket No.: B–2324).	City of Kyle (22–06–1978P).	The Honorable Travis Mitchell, Mayor, City of Kyle, 100 West Center Street, Kyle, TX 78640.	Engineering Department, 100 West Center Street, Kyle, TX 78640.	Jun. 8, 2023	481108
McLennan (FEMA Docket No.: B–2334).	City of Hewitt (20–06–3502P).	The Honorable Steve Fortenberry, Mayor, City of Hewitt, 200 Patriot Court, Hewitt, TX 76643.	Community Services Department, 103 Patriot Court, Hewitt, TX 76643.	Jun. 8, 2023	480458
McLennan (FEMA Docket No.: B–2334).	City of Robinson (20–06–3502P).	The Honorable Bert Echterling, Mayor, City of Robinson, 111 West Lyndale Drive, Robinson, TX 76706.	City Hall, 111 West Lyndale Drive, Robinson, TX 76706.	Jun. 8, 2023	480460
McLennan (FEMA Docket No.: B–2334).	City of Waco (20–06–3502P).	The Honorable Dillon Meek, Mayor, City of Waco, P.O. Box 2570, Waco, TX 76702.	Public Works Department, 401 Franklin Avenue, Waco, TX 76701.	Jun. 8, 2023	480461
McLennan (FEMA Docket No.: B–2334).	City of Woodway (20–06–3502P).	Shawn Oubre, Manager, City of Woodway, 922 Estates Drive, Woodway, TX 76712.	Community Services and Development Department, 922 Estates Drive, Woodway, TX 76712.	Jun. 8, 2023	480462
McLennan (FEMA Docket No.: B–2334).	Unincorporated areas of McLennan County (20–06–3502P).	The Honorable Scott M. Felton, McLennan County Judge, 501 Washington Avenue, Room 214, Waco, TX 76701.	McLennan County Engineering and Mapping Department, 215 North 5th Street, Suite 130, Waco, TX 76701.	Jun. 8, 2023	480456
Travis (FEMA Docket No.: B–2324).	City of Leander (22–06–1862P).	The Honorable Christine DeLisle, Mayor, City of Leander, 105 North Brushy Street, Leander, TX 78641.	Engineering Department, 201 North Brushy Street, Leander, TX 78641.	May 26, 2023	481536
Utah:					
Washington (FEMA Docket No.: B–2321).	City of St. George (22–08–0356P).	The Honorable Michele Randall, Mayor, City of St. George, 175 East 200 North, St. George, UT 84770.	Engineering Department, 175 East 200 North, St. George, UT 84770.	May 25, 2023	490177
Washington (FEMA Docket No.: B–2321).	Unincorporated areas of Washington County (22–08–0356P).	The Honorable Adam Snow, Chair, Washington County Commission, 197 East Tabernacle Street, St. George, UT 84770.	Washington County Planning and Zoning Department, 197 East Tabernacle Street, St. George, UT, 84770.	May 25, 2023	490224

[FR Doc. 2023–14631 Filed 7–10–23; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2023–0002; Internal Agency Docket No. FEMA–B–2349]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://*

www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Nicholas A. Shufro,

Deputy Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona						
Coconino	Unincorporated Areas of Coconino County (22–09–1015P).	The Honorable Patrice Horstman, Chair, Board of Supervisors, Coconino County, 219 East Cherry Avenue, Flagstaff, AZ 86001.	Coconino County Flood Control District, 5600 East Commerce Avenue, Flagstaff, AZ 86004.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 31, 2023	040019
Maricopa	City of Glendale (23–09–0136P).	The Honorable Jerry P. Weiers, Mayor, City of Glendale, 5850 West Glendale Avenue, Suite 451, Glendale, AZ 85301.	City Hall, 5850 West Glendale Avenue, Glendale, AZ 85301.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 25, 2023	040045
Maricopa	City of Goodyear (22–09–1721P).	The Honorable Joe Pizzillo, Mayor, City of Goodyear, 1900 North Civic Square, Goodyear, AZ 85395.	Engineering and Development Services, 14455 West Van Buren Street, Suite D101, Goodyear, AZ 85338.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 18, 2023	040046
Maricopa	City of Peoria (23–09–0064P).	The Honorable Jason Beck, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	City Hall, 8401 West Monroe Street, Peoria, AZ 85345.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 8, 2023	040050
Maricopa	City of Phoenix (22–09–0990P).	The Honorable Kate Gallego, Mayor, City of Phoenix, City Hall, 200 West Washington Street, 11th Floor, Phoenix, AZ 85003.	Street Transportation Department, 200 West Washington Street, 5th Floor, Phoenix, AZ 85003.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 1, 2023	040051
Maricopa	City of Surprise (23–09–0148P).	The Honorable Skip Hall, Mayor, City of Surprise, 16000 North Civic Center Plaza, Surprise, AZ 85374.	Public Works Department, Engineering Development Services, 16000 North Civic Center Plaza, Surprise, AZ 85374.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 22, 2023	040053
Maricopa	Town of Fountain Hills (22–09–1367P).	The Honorable Ginny Dickey, Mayor, Town of Fountain Hills, 16705 East Avenue of the Fountains, Fountain Hills, AZ 85268.	Town Hall, 16705 East Avenue of the Fountains, Fountain Hills, AZ 85268.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 21, 2023	040135
Maricopa	Unincorporated Areas of Maricopa County (22–09–0990P).	The Honorable Clint L. Hickman, Chair, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 1, 2023	040037

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Maricopa	Unincorporated Areas of Maricopa County (23–09–0136P).	The Honorable Clint L. Hickman, Chair, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 25, 2023	040037
Maricopa	Unincorporated Areas of Maricopa County (23–09–0148P).	The Honorable Clint L. Hickman, Chair, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 22, 2023	040037
Mohave	City of Lake Havasu City (23–09–0066P).	The Honorable Cal Sheehy, Mayor, City of Lake Havasu City, 2330 McCulloch Boulevard North, Lake Havasu City, AZ 86403.	City Hall, 2330 McCulloch Boulevard North, Lake Havasu City, AZ 86403.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 14, 2023	040116
Pima	Town of Marana (21–09–1382P).	The Honorable Ed Honea, Mayor, Town of Marana, 11555 West Civic Center Drive, Marana, AZ 85653.	Engineering Department, Marana Municipal Complex, 11555 West Civic Center Drive, Marana, AZ 85653.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 18, 2023	040118
Pima	Unincorporated Areas of Pima County (21–09–1382P).	The Honorable Adelita Grijalva, Chair, Board of Supervisors, Pima County, 33 North Stone Avenue, 11th Floor, Tucson, AZ 85701.	Pima County Flood Control District, 201 North Stone Avenue, 9th Floor, Tucson, AZ 85701.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 18, 2023	040073
California:						
Contra Costa ..	Unincorporated Areas of Contra Costa County (22–09–1286P).	The Honorable John M. Gioia, Chair, Board of Supervisors, Contra Costa County, 11780 San Pablo Avenue, Suite D, El Cerrito, CA 94530.	Contra Costa County, Public Works Department, 255 Glacier Drive, Martinez, CA 94553.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 25, 2023	060025
Placer	City of Lincoln (22–09–0399P).	The Honorable Paul Joiner, Mayor, City of Lincoln, 600 6th Street, Lincoln, CA 95648.	Community Development Department, 600 6th Street, Lincoln, CA 95648.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 22, 2023	060241
Placer	Unincorporated Areas of Placer County (22–09–0399P).	The Honorable Jim Holmes, Chair, Board of Supervisors, Placer County, 175 Fulweiler Avenue, Auburn, CA 95603.	Placer County Public Works, 3091 County Center Drive, Suite 220, Auburn, CA 95603.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 22, 2023	060239
Riverside	City of Moreno Valley (23–09–0026P).	The Honorable Ulises Cabrera, Mayor, City of Moreno Valley, 14177 Frederick Street, Moreno Valley, CA 92553.	Public Works Department, 14177 Frederick Street, Moreno Valley, CA 92552.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 12, 2023	065074
San Bernardino.	City of Colton (22–09–0164P).	The Honorable Frank J. Navarro, Mayor, City of Colton, 650 North La Cadena Drive, Colton, CA 92324.	Public Works Department, 160 South 10th Street, Colton, CA 92324.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 25, 2023	060273
San Bernardino.	City of Grand Terrace (22–09–0164P).	The Honorable Bill Hussey, Mayor, City of Grand Terrace, 22795 Barton Road, Grand Terrace, CA 92313.	City Hall, 22795 Barton Road, Grand Terrace, CA 92313.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 25, 2023	060737
San Bernardino.	City of Yucaipa (23–09–0131P).	The Honorable Justin Beaver, Mayor, City of Yucaipa, 34272 Yucaipa Boulevard, Yucaipa, CA 92399.	City Hall, 34272 Yucaipa Boulevard, Yucaipa, CA 92399.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 11, 2023	060739
San Bernardino.	Unincorporated Areas of San Bernardino County (23–09–0659X).	The Honorable Dawn Rowe, Chair, Board of Supervisors, San Bernardino County, 385 North Arrowhead Avenue, 5th Floor, San Bernardino, CA 92415.	San Bernardino County Public Works, Water Resources Department, 825 East 3rd Street, San Bernardino, CA 92415.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 17, 2023	060270
San Diego	City of Oceanside (22–09–0347P).	The Honorable Esther C. Sanchez, Mayor, City of Oceanside, 300 North Coast Highway, Oceanside, CA 92054.	City Hall, 300 North Coast Highway, Oceanside, CA 92054.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 4, 2023	060294

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
San Diego	City of San Diego (23–09–0195P).	The Honorable Todd Gloria, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, CA 92101.	Development Services Department, 1222 1st Avenue, MS 301, San Diego, CA 92101.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 22, 2023	060295
San Joaquin ...	Unincorporated Areas of San Joaquin County (22–09–0749P).	The Honorable Robert Rickman, Chair, Board of Supervisors, San Joaquin County, 44 North San Joaquin Street, Stockton, CA 95202.	San Joaquin County, Public Works Department, 1810 East Hazelton Avenue, Stockton, CA 95205.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 11, 2023	060299
Sonoma	City of Petaluma (22–09–1356P).	The Honorable Kevin McDonnell, Mayor, City of Petaluma, 11 English Street, Petaluma, CA 94952.	Community Development Department, 11 English Street, Petaluma, CA 94952.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 25, 2023	060379
Florida:						
St. Johns	Unincorporated Areas of St. Johns County (22–04–2936P).	Christian Whitehurst, Chair, Board of St. Johns County Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, FL 32084.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 22, 2023	125147
Idaho:						
Bingham	Unincorporated Areas of Bingham County (22–10–0778P).	Whitney Manwaring, Chair, Bingham County Commissioners, 501 North Maple Street #204, Blackfoot, ID 83221.	Bingham County Department of Planning and Zoning, 501 North Maple Street #203, Blackfoot, ID 83221.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 24, 2023	160018
Bonneville	Unincorporated Areas of Bonneville County (22–10–0778P).	Roger Christensen, Chair, Bonneville County Board of Commissioners, 605 North Capital Avenue, Idaho Falls, ID 83402.	Bonneville County Courthouse, 605 North Capital Avenue, Idaho Falls, ID 83402.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 24, 2023	160027
Illinois:						
Cook	Village of Palatine (22–05–2450P).	The Honorable Jim Schwantz, Mayor, Village of Palatine, 200 East Wood Street, Palatine, IL 60067.	Village Hall, 200 East Wood Street, Palatine, IL 60067.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 15. 2023	175170
Grundy	City of Morris (23–05–0362P).	The Honorable Chris Brown, Mayor, City of Morris, 700 North Division Street, Morris, IL 60450.	City Hall, 700 North Division Street, Morris, IL 60450.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 24, 2023	170263
Grundy	Unincorporated Areas of Grundy County (23–05–0362P).	Chris Balkema, Chair, Grundy County Board, Grundy County Administration Building, 1320 Union Street, Morris, IL 60450.	Grundy County Administration Building, 1320 Union Street, Morris, IL 60450.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 24, 2023	170256
Will	City of Aurora (23–05–0786P).	The Honorable Richard C. Irvin, Mayor, City of Aurora, 44 East Downer Place, Aurora, IL 60505.	City Hall, Engineering Department, 44 East Downer Place, Aurora, IL 60505.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 28, 2023	170320
Will	Unincorporated Areas of Will County (23–05–0786P).	Jennifer Bertino-Tarrant, Will County Executive, Will County Office Building, 302 North Chicago Street, Joliet, IL 60432.	Will County Land Use Department, 58 East Clinton Street, Suite 100, Joliet, IL 60432.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 28, 2023	170695
Will	Village of New Lenox (23–05–0608P).	The Honorable Timothy A. Baldermann, Mayor, Village of New Lenox, 1 Veterans Parkway, New Lenox, IL 60451.	Village Hall, 1 Veterans Parkway, New Lenox, IL 60451.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 15, 2023	170706
Will	Village of Romeoville (23–05–0857P).	The Honorable John D. Noak, Mayor, Village of Romeoville, 1050 West Romeo Road, Romeoville, IL 60446.	Village Hall, 1050 West Romeo Road, Romeoville, IL 60446.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 2, 2023	170711
Minnesota:						
Dakota	City of Lakeville (22–05–2756P).	The Honorable Luke Hellier, Mayor, City of Lakeville, 20195 Holyoke Avenue, Lakeville, MN 55044.	City Hall, 20195 Holyoke Avenue, Lakeville, MN 55044.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 5, 2023	270107

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Mower	City of Austin (21–05–3696P).	The Honorable Steve King, Mayor, City of Austin, 500 4th Avenue Northeast, Austin, MN 55912.	City Hall, 500 4th Avenue Northeast, Austin, MN 55912.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 15, 2023	275228
Mower	Unincorporated Areas of Mower County (21–05–3696P).	Jeff Baldus, Chair, Mower County Board of Commissioners, 201 1st Street Northeast, Austin, MN 55912.	Mower County Government Center, 201 1st Street Northeast, Austin, MN 55912.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 15, 2023	270307
Nevada:						
Clark	Unincorporated Areas of Clark County (23–09–0077P).	The Honorable James B. Gibson, Chair, Board of Commissioners, Clark County, 500 South Grand Central Parkway, 6th Floor, Las Vegas, NV 89155.	Clark County, Office of the Director of Public Works, 500 South Grand Central Parkway, 2nd Floor, Las Vegas, NV 89155.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 22, 2023	320003
Ohio:						
Warren	City of South Lebanon (22–05–2951P).	The Honorable James Smith, Mayor, City of South Lebanon, 10 North High Street, South Lebanon, OH 45065.	Administration Building, 10 North High Street, South Lebanon, OH 45065.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 5, 2023	390563
Warren	Unincorporated Area of Warren County (22–05–2951P).	Tom Grossmann, Commissioner, Warren County Board of County Commissioners, 406 Justice Drive, Lebanon, OH 45036.	Warren County, Regional Planning Commission, 406 Justice Drive, Lebanon, OH 45036.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 5, 2023	390757
Oregon:						
Josephine	Unincorporated Areas of Josephine, County (22–10–0743P).	Herman Baertschiger, Jr., Chair, Josephine County Board of Commissioners, Josephine County Courthouse, 500 Northwest 6th Street, Grant Pass, OR 97526.	Josephine County Planning Department, 700 Northwest Dimmick Street, Suite C, Grant Pass, OR 97526.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 10, 2023	415590
Texas:						
Dallas	City of Wilmer (22–06–0840P).	The Honorable Sheila Petta, Mayor, City of Wilmer, 128 North Dallas Avenue, Wilmer, TX 75172.	Dallas County Public Works Department, 411 Elm Street, 4th Floor, Dallas, TX 75202.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 8, 2023	480190
Montgomery	Unincorporated Areas of Montgomery County (22–06–1749P).	The Honorable Mark B. Keough, County Judge, Montgomery County, 501 North Thompson Suite 401, Conroe, TX 77301.	Montgomery County Administration Building, 501 North Thompson Suite 401, Conroe, TX 77301.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 11, 2023	480483
Tarrant	City of Arlington (22–06–2387P).	The Honorable Jim Ross, Mayor, City of Arlington, P.O. Box 90231, Arlington, TX 76010.	City Hall, 101 West Abram Street, Arlington, TX 76010.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 31, 2023	485454
Wisconsin:						
Brown	City of De Pere (23–05–0990P).	The Honorable James Boyd, Mayor, City of De Pere, City Hall, 335 South Broadway, De Pere, WI 54115.	City Hall, 335 South Broadway, De Pere, WI 54115.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 25, 2023	550021
Brown	City of Green Bay (23–05–0990P).	The Honorable Eric Genrich, Mayor, City of Green Bay, City Hall, 100 North Jefferson Street, Green Bay, WI 54301.	City Hall, 100 North Jefferson Street, Green Bay, WI 54301.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 25, 2023	550022
Brown	Village of Ashwaubenon (23–05–0990P).	The Honorable Mary Kardoskee, President, Village of Ashwaubenon, 2155 Holmgren Way, Ashwaubenon, WI 54304.	Village Hall, 2155 Holmgren Way, Ashwaubenon, WI 54304.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 25, 2023	550600
Kenosha	Village of Somers (22–05–3273P).	The Honorable George Stoner, President, Board of Trustees, Village of Somers, 135 22nd Avenue, Kenosha, WI 53140.	Village Hall, 7511 12th Street, Kenosha, WI 53144.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 16, 2023	550406

[FR Doc. 2023–14633 Filed 7–10–23; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7070–N–36; OMB Control No.: 2528–New]

30-Day Notice of Proposed Information Collection: Evaluation of the Eviction Protection Grant Program

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* August 10, 2023.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna Guido, Clearance Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410–5000; email *PaperworkReductionActOffice@hud.gov*.

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; phone number 202–402–5535 or email: *PaperworkReductionActOffice@hud.gov*. This is not a toll-free number, HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit: *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs*.

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on April 12, 2023 at 88 FR 22063.

A. Overview of Information Collection

Title of Information Collection: Evaluation of the Eviction Protection Grant Program.

OMB Approval Number: 2528-New.

Type of Request: New Collection.

Description of the need for the information and proposed use: The purpose of this proposed information collection is to gather information in support of an evaluation of the U.S. Department of Housing and Urban Development's (HUD) Eviction Protection Grant Program. The overall purpose of the Eviction Protection Grant Program is to support experienced legal service providers, not limited to legal service corporations, in providing legal assistance at no cost to low-income tenants at risk of or subject to eviction. In 2021, HUD selected 10 grantees for the first round of awards, and in FY 2022, HUD selected 11 additional grantees for the second round of awards. HUD's evaluation of the Eviction Protection Grant Program will include data collection from the first two rounds of 21 grantees and their subrecipients that are helping to administer the program, as well as from program participants.

The evaluation of the Eviction Protection Grant Program is a mixed-methods and multiphase study designed to understand how the grantees implemented this new program and to assess the effectiveness of the grant program in supporting low-income families at risk or facing eviction through the provision of legal assistance at no-cost to eligible households. The evaluation is comprised of an implementation analysis utilizing qualitative and quantitative data to understand how the Eviction Protection Grant Program reduces or prevents eviction among program participants. The evaluation will comprehensively document the implementation of the Eviction Protection Grant Program, including a review and collection of data to understand successes and challenges to program implementation, the characteristics of grantees and other stakeholders, the types of client services provided, how grantees work with other social service providers, and program outcomes.

Over the course of the evaluation, HUD plans to conduct two rounds of data collection. The first round of primary data collection will take place early in the grant period and be focused on assessing program rollout, program take-up, and program implementation. The second round of primary data collection will take place later in the grant period and will focus on the overall experience of grantees, subrecipients, and program participants with the Eviction Protection Grant Program. Each round of data collection will include semi-structured interviews with staff from each of the 21 grantees and their 21 subrecipients, as well as data collection from program participants to understand their perspective on the program. HUD intends to conduct focus groups with program participants, but if that is not feasible, HUD will conduct 1:1 online interviews with a sample of program participants.

In the first round of data collection, HUD plans to conduct 42 semi-structured interviews, which will include 126 grantee and subrecipient staff (an average of three staff per interview). In the second round of data collection, HUD again plans to conduct 42 semi-structured interviews, which will include 126 grantee and subrecipient staff (an average of three staff per interview). Across both rounds of data collection, HUD will facilitate 21 focus groups with 105 program participants (5 program participants per focus group), and 1:1 online interviews with 42 program participants.

All outreach may be made available in language-appropriate materials suggested by grantees as relevant for their beneficiary population. Recruitment materials will also specify the process of requesting accommodations for people with limited English proficiency and reasonable accommodations for persons with disabilities.

Respondents: Staff from the 21 grantees of HUD's Eviction Protection Grant Program, staff fr.

Information Collection Form Number: N/A.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Cost
Round 1: Interview with Grantee/Sub-recipient Staff	126	1	126	1	126	$77.42	$9,754.92
Round 2: Interview with Grantee/Sub-recipient Staff	126	1	126	1	126	77.42	9,754.92
Focus Group with Program Participants	105	1	105	1.5	157.5	41.86	6,592.95
Interview with Program Participants	42	1	42	0.75	31.5	41.86	1,318.59
Informed Consent to Provide Contact Information	147	1	147	0.17	24.99	41.86	1,025.57
Informed Consent to Participate in the Study	147	1	147	0.08	11.76	41.86	512.79
Total					477.75		28,959.74

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 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.

(4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comments in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Anna P. Guido,

Department Reports Management Office, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2023–14561 Filed 7–10–23; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7077–N–09]

Privacy Act of 1974; System of Records

AGENCY: Office of Multifamily Housing, HUD.

ACTION: Notice of a rescindment of a system of records.

SUMMARY: Department of the Housing and Urban Development (HUD) is issuing a public notice of its intent to rescind Development Application Processing System (DAP). During a routine review of Multifamily Housing system of records notices, it was determined that this system of records is no longer necessary because personally identifiable information is not used in the retrieval process of the DAP system.

DATES: July 11, 2023. This proposed action will be effective immediately upon publication.

ADDRESSES: You may submit comments, identified by the docket number by one of the following methods:

Federal e-Rulemaking Portal: http://www.regulations.gov. Follow the instructions provided on that site to submit comments electronically.

Fax: 202–619–8365.

Email: www.privacy@hud.gov.

Mail: Attention: Privacy Office; LaDonne White, Chief Privacy Officer; The Executive Secretariat; 451 Seventh Street SW, Room 10139; Washington, DC 20410–0001.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov.* including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: LaDonne White; 451 Seventh Street SW, Room 10139; Washington, DC 20410–0001; telephone number 202–708–3054 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION: The Development Application Processing System (DAP) is being provided for rescindment from the HUD Office of Multifamily Housing (MFH) system of records inventory. The SORN was identified for rescindment for the following reason: the records are not Privacy Act records. Records in the system are secured electronically or on paper in a secure facility in a locked drawer behind a locked door. Electronic records may be retrieved by the project number, project name, or organization. All existing records were disabled or hidden that exposed SSN used for Tax ID as there are no business justifications to retrieve data from the system.

SYSTEM NAME AND NUMBER:

Development Application Processing System, HUD/MFH–08.

HISTORY:

The previously published notice in the **Federal Register** [Docket Number FR–5130–N–6], on August 1, 2007, at 72 FR 42101.

LaDonne White,

Chief Privacy Officer, Office of Administration.

[FR Doc. 2023–14518 Filed 7–10–23; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6405–N–01]

Housing Trust Fund Federal Register Allocation Notice

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of fiscal year 2023 funding awards.

SUMMARY: The Housing and Economic Recovery Act of 2008 (HERA) established the Housing Trust Fund (HTF) to be administered by HUD. Pursuant to the Federal Housing

Enterprises Financial Security and Soundness Act of 1992 (the Act), as amended by HERA, eligible HTF grantees are the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of Northern Mariana Islands, and the United States Virgin Islands. This notice announces the formula allocation amount for each eligible HTF grantee.

FOR FURTHER INFORMATION CONTACT: Virginia Sardone, Director, Office of Affordable Housing Programs, Room 7164, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410–7000; telephone (202) 708–2684. (This is not a toll-free number.) HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs*.

SUPPLEMENTARY INFORMATION: Section 1131 of HERA, Division A amended the Act to add a new section 1337 entitled ''Affordable Housing Allocations'' and a new section 1338 entitled ''Housing Trust Fund.'' Congress authorized the Housing Trust Fund (HTF) with the stated purpose of: (1) Increasing and preserving the supply of rental housing for extremely low-income families with incomes between 0 and 30 percent of area median income and very low-income families with incomes between 30 and 50 percent of area median income, including homeless families, and (2) increasing homeownership for extremely low-income and very low-income families. Section 1337 of the Act (12 U.S.C. 4567) requires Federal National Mortgage Association (Fannie Mae) and Federal Home Loan Mortgage Corporation (Freddie Mac) to set-aside 4.2 basis points (.042 percent) of the unpaid principal of their new mortgage purchases annually to fund the HTF and the Capital Magnet Fund. Each year, 65% of the amounts set aside by Fannie Mae and Freddie Mac are then allocated to the HTF.

Section 1338 of the Act (12 U.S.C. 4568) directs HUD to establish, through regulation, the formula for the distribution of amounts made available for the HTF. The provisions in section 1338(c)(3) of the Act (12 U.S.C. 4568(c)(3)) specify the factors to be used for the formula and priority for certain factors. The HTF implementing regulations are at 24 CFR part 93. The factors and methodology HUD uses to allocate HTF funds among eligible grantees are established in the HTF regulation at 24 CFR 93.50, 93.51, and 93.52.

The funding announced for Fiscal Year 2023 through this notice is $382,361,726.94. Appendix A to this notice provides the HTF allocation amount for each grantee.

Maria Claudette Fernandez,

General Deputy Assistant Secretary for Community Planning and Development.

APPENDIX A—FY 2023 HOUSING TRUST FUND ALLOCATION AMOUNTS

Grantee	FY 2023 allocation
1. Alabama	$3,468,011.94
2. Alaska	3,066,413.23
3. Arizona	6,176,374.12
4. Arkansas	3,000,537.12
5. California	62,249,056.21
6. Colorado	5,587,889.02
7. Connecticut	4,510,424.81
8. Delaware	3,066,413.21
9. District of Columbia	3,066,413.21
10. Florida	18,860,872.74
11. Georgia	9,289,519.74
12. Hawaii	3,066,413.47
13. Idaho	3,066,413.21
14. Illinois	14,528,243.51
15. Indiana	5,391,554.02
16. Iowa	3,066,413.85
17. Kansas	3,066,413.77
18. Kentucky	3,515,069.07
19. Louisiana	4,515,321.38
20. Maine	3,066,413.21
21. Maryland	5,428,248.81
22. Massachusetts	8,664,497.83
23. Michigan	8,567,551.32
24. Minnesota	4,881,842.62
25. Mississippi	3,000.537.07
26. Missouri	5,346,517.90
27. Montana	3,066,413.21
28. Nebraska	3,066,413.24
29. Nevada	3,992,364.65
30. New Hampshire	3,066,413.21
31. New Jersey	12,237,784.01
32. New Mexico	3,066,413.39
33. New York	34,734,754.63
34. North Carolina	9,349,938.86
35. North Dakota	3,066,413.21
36. Ohio	10,420,277.39
37. Oklahoma	3,066,414.20
38. Oregon	5,468,941.58
39. Pennsylvania	12,081,840.36
40. Rhode Island	3,066,413.21
41. South Carolina	4,254,877.71
42. South Dakota	3,000,536.58
43. Tennessee	5,290,023.02
44. Texas	22,394,218.80
45. Utah	3,066,413.40
46. Vermont	3,066,413.21
47. Virginia	7,563,731.52
48. Washington	8,377,579.86
49. West Virginia	3,066,413.21
50. Wisconsin	5,527,245.89
51. Wyoming	3,066,413.18
52. Puerto Rico	2,037,321.90
53. America Samoa	0
54. Guam	157,106.91
55. Northern Marianas	76,533.43
56. Virgin Islands	152,726.78

APPENDIX A—FY 2023 HOUSING TRUST FUND ALLOCATION AMOUNTS—Continued

Grantee	FY 2023 allocation
Total	382,361,726.94

[FR Doc. 2023–14649 Filed 7–10–23; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7075–N–04]

60-Day Notice of Proposed Information Collection: HUD CDBG Disaster Recovery Outcomes of Renter Households and Affordable Housing; OMB Control No.: 2528–NEW

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* September 11, 2023.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 60-day Review—Open for Public Comments'' or by using the search function. Interested persons are also invited to submit comments regarding this proposal by name and/or OMB Control Number and can be sent to: Anna Guido, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410–5000; telephone 202–402–5535 (this is not a toll-free number) or email at *PaperworkReductionActOffice@hud.gov* for a copy of the proposed forms or other available information.

FOR FURTHER INFORMATION CONTACT: Anna Guido, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna Guido at *Anna.P.Guido@hud.gov,*

telephone 202–402–5535 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION:

This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: HUD CDBG Disaster Recovery Outcomes of Renter Households and Affordable Housing.

OMB Approval Number: 2528-Pending.

Type of Request: New data collection.

Form Number: N/A.

Description of the need for the information and proposed use: The Office of Policy Development and Research (PD&R), at the U.S. Department of Housing and Urban Development (HUD), is proposing the collection of information for the HUDRD CDBG Disaster Recovery Outcomes of Renter Households Cooperative Agreement.

The goal of this research is to improve disaster recovery effectiveness for renter households by examining the disaster recovery outcomes of renter households and rental housing stock in places that received Community Development Block Grant-Disaster Recovery grants (CDBG–DR). This research is expected to help the Federal government, states, and communities throughout the United States improve disaster recovery effectiveness for renter households by providing information about how disaster recovery programs funded through CDBG–DR have different impacts on renters and homeowners, and how disasters impact affordable rental housing stock over time. It will further support HUD in providing data and information on disaster recovery outcomes of renter households and changes in rental housing dynamics in areas impacted by disasters.

This **Federal Register** Notice provides an opportunity to comment on the information collection for this study titled HUDRD CDBG Disaster Recovery Outcomes of Renter Households. The information collection is designed to support the study of disaster outcomes on rental housing, including the impacts to housing markets and renters; efforts that have been implemented by federal, state, and local governments to mitigate losses to affordable rental housing stock after disasters; and how CDBG–DR requirements impact post-disaster efforts to address rehabilitation, reconstruction, replacement, and new construction of rental housing for low-and- moderate income households. The study includes interviews and focus groups in three study communities in jurisdictions that have received CDBG–DR funding.

Respondents: CDBG–DR grantee representatives and administrators; elected and appointed government officials in CDBG–DR grantee jurisdictions and municipalities; representatives from Community Development Financial Institutions (CDFI) in CDBG–DR grantee jurisdictions; representatives from Public Housing Agencies (PHA) in CDBG–DR grantee jurisdictions; landlords and developers in CDBG–DR grantee jurisdictions; representatives from housing and tenant advocacy organizations; and renters living in CDBG–DR grantee jurisdictions.

Estimated Number of Respondents: This information collection will affect approximately 190 respondents. This includes: (1) up to 20 individual qualitative interviews in each of three study communities with CDBG–DR grantee representatives and administrators, elected and appointed officials, CDFI representatives, and PHA representatives; (2) up to two focus groups with up to 10 individuals per focus group with landlords and developers in each of three study communities; (3) up to two focus groups with up to 10 individuals per focus group with renters in each of three study communities; (4) and up to 10 qualitative interviews with HUD staff and other national professionals.

Estimated Time per Response: The qualitative interviews are expected to take one hour per interview. The focus groups are expected to take 1.5 hours per focus group.

Frequency of Response: One time for all interviews and focus groups.

Estimated Total Annual Burden Hours: 250 hours for all interviews and focus groups.

Estimated Total Annual Cost: $8,335.20 for all qualitative interviews and focus groups. To arrive at the dollar cost of the estimated response burden, we have used estimates from the U.S. Bureau of Labor Statistics on average hourly earnings in January 2023. For CDBG–DR administrators, HUD staff, and elected and appointed officials, we use the overall occupational estimate for federal, state, and local government employees ($30.85). For PHA staff and property owner staff, we use the estimate for professional and business services ($39.64). For representatives from CDFIs, private developers, private landlords, advocacy organizations, renters, and other private sector professionals, we use the estimate for all private sector employees ($33.03).

Of the up to 60 qualitative interviews planned in the study communities described in the Estimated Number of Respondents section, we assume an even distribution of subcategory targets; of the 10 qualitative interviews with HUD staff and other national professionals, we assume up to five from the Federal, state, and local government BLS category and up to five from the Private sector employees BLS category.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Cost
Interviews—Federal, state, and local government	25	1	1	1	25	$30.85	$771.25
Interviews—Professionals and business services	20	1	1	1	20	39.64	792.80
Interviews—Private sector employees	25	1	1	1	25	33.03	825.75
Focus groups—Private sector employees	120	1	1	1.5	180	33.03	5,945.40
Total	190				250		8,335.20

Respondent's Obligation: Participation is voluntary.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comments in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Todd Richardson,

General Deputy Assistant Secretary for Policy, Development and Research.

[FR Doc. 2023–14614 Filed 7–10–23; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7070–N–37]

30-Day Notice of Proposed Information Collection: Moving to Work Amendment to Consolidated Annual Contributions Contract (ACC); OMB Control No.: 2577–0294

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* August 10, 2023.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Clearance Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410–5000; email *PaperworkReductionActOffice@hud.gov*.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 8210 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs*.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on March 10, 2023 at 89 FR 15059.

A. Background

In order to implement the expanded MTW program under division L, title II of the Consolidated Appropriations Act, 2016 (Pub. L. 114–113, December 18, 2015), HUD issued the first Operations Notice of the Expansion of the Moving to Work Demonstration Program Solicitation of Comment (82 FR 8056, January 23, 2017) (Operations Notice), and solicited public comment. This notice established requirements for the implementation and continued operation of the expansion of the MTW demonstration program pursuant to the 2016 MTW Expansion Statute and certain pre-approved waivers to establish program flexibility for participants. These waivers will be available to MTW PHAs when the revised MTW ACC Amendment is executed. The Operations Notice also provided that the 100 PHAs would be selected in cohorts, with applications for each cohort to be sought via a Selection Notice.

This initial Operations Notice was followed by subsequent **Federal Register** notices. On May 4, 2017, HUD published the Operations Notice for the Expansion of the Moving to Work Demonstration Program Solicitation of Comment; Waiver Revision and Reopening of Comment Period.'' On October 5, 2018, HUD published a further Operations Notice (83 FR 50387) (a correction and extension of the comment period was published on October 11, 2018 (83 FR 51474)). This notice made changes as a result of the prior public comments, and again solicited public comments. After reviewing these comments and making changes, the Operations Notice was then published for implementation on August 28, 2020 (85 FR 53444).

On December 27, 2018, HUD issued for public comment the 60-day notice for the Moving to Work Amendment to the Consolidated Annual Contributions Contract (the ''MTW ACC Amendment'') under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* (83 FR 66738). The MTW ACC Amendment was revised in response to public comments received under the 60-day Notice. The formal title was also changed to the ''Moving to Work Amendment to the Annual Contributions Contract(s).'' On, November 8, 2019, HUD issued for the public comment the 30-day notice for The MTW ACC Amendment. The MTW ACC Amendment was further revised in response to public comments received under the 30-day Notice, and published for use on August 31, 2020. This notice seeks public comment on the renewal of MTW ACC Amendment.

B. Overview of Information Collection

Title of Information Collection: Moving to Work Amendment to Consolidated Annual Contributions Contract(s).

OMB Approval Number: 2577–0294.

Type of Request: Renewal of a currently approved collection.

Form Number: HUD–50166.

Description of the need for the information and proposed use: The proposed Moving to Work (MTW) Amendment to the Annual Contributions Contract(s), signed by HUD and the selected Public Housing Authority (PHA), is necessary for HUD

to implement the expansion of the Moving to Work program enacted by Congress in the Consolidated Appropriations Act, 2016 (Pub. L. 114–113, approved December 18, 2015) (2016 Appropriation). It establishes the basic terms and conditions that will apply to 100 new PHAs participating in the MTW demonstration pursuant to the 2016 Appropriation. Specifically, the MTW ACC Amendment amends any ACCs for the public housing or housing choice voucher programs in effect between the PHA and HUD to establish the PHA's designation as an MTW agency and to operate in accordance with the requirements of the MTW demonstration program, as amended by Public Law 114–113. The MTW ACC Amendment establishes the terms of participation in MTW, including the requirement that the PHA follow the MTW Operations Notice and its respective Selection Notice. The PHAs remain subject to the applicable ACCs to the extent that the provisions thereof are not otherwise waived by the Operations Notice or the applicable MTW Selection Notice. Additionally, the MTW ACC Amendment outlines PHA transition out of the demonstration and HUD termination rights upon PHA default. A copy of the proposed MTW ACC Amendment is published at the end of this notice.

Respondents: Public Housing Authorities.

Estimated Number of Respondents: 100.

Estimated Number of Responses: 100.

Frequency of Response: 1.

Total Estimated Burdens: The burden costs associated with this collection are as follows:

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Cost
HUD–50166, MTW ACC Amendment.	100	1 each	100	1.00	100	$52.88	$5,288

The burden costs shown represent burden associated with a one-time review and execution of the MTW ACC Amendment for 100 PHAs to be designated as MTW pursuant to the FY2016 Appropriations Statute.

C. 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.

D. 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.

Moving to Work Amendment to Annual Contributions Contract(s)

Section 1. This Moving to Work (MTW) Amendment to the Annual Contributions Contract(s) (MTW ACC Amendment) is entered into between the United States Department of Housing and Urban Development (''HUD'') and _____ (the ''Public Housing Agency, ''PHA'').

Section 2. This MTW ACC Amendment is an amendment to any Annual Contributions Contract(s) (''ACC'') or Annual Contributions Terms and Conditions (''ACC'') in effect between the PHA and HUD for the Public Housing and Housing Choice Voucher programs.

Section 3. The ACC is amended in connection with the PHA's designation as a participant in the expansion of the MTW demonstration pursuant to Section 239 of the Consolidated Appropriations Act, 2016, Public Law 114–113; 129 Stat. 2897 (2016 MTW Expansion Statute) and Section 204 of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996, Public Law 104–134; 110 Stat. 1321–281 (1996 MTW statute). The PHA's participation in the expansion of the MTW demonstration shall be governed by the MTW Operations Notice for the Expansion of the Moving to Work Demonstration as it is issued as it and may be amended in the future, or any successor notice issued by HUD, (''the MTW Operations Notice'').

Section 4. The term of this amendment shall be for 20 years from the beginning of the PHA's first full fiscal year following execution by the PHA and HUD; or, until termination of this amendment, whichever is sooner.

Section 5. Requirements and Covenants.

(A) As a participant in the MTW demonstration, the PHA must operate in accordance with the express terms and conditions set forth in the MTW Operations Notice. The MTW Operations Notice may be superseded or amended by HUD at any time during the twenty-year MTW term.

(B) The PHA will cooperate fully with HUD and its contractors for the duration of the HUD-sponsored evaluation of the cohort of the MTW Expansion for which the PHA was selected and shall comply with all aspects of its Cohort Study as outlined in the selection notice under which the PHA was designated.

(C) The PHA is only exempted from specific provisions of the Housing Act of 1937 (''the Act'') and its implementing regulations as specified in the MTW Operations Notice. Each such exemption also extends to subregulatory guidance to the extent that the subregulatory guidance implements the provisions of the Act or its implementing regulations exempted pursuant to the MTW Operations Notice. The PHA remains subject to all other applicable requirements including, but not limited to, those in Title 24 of the Code of Federal Regulations and Title 42 of the U.S. Code, Appropriations Acts, Annual

Contributions Contracts, notices of funding availability under which the PHA has received funds, and the applicable requirements listed in the MTW Operations Notice (collectively, ''the Requirements''), as they may be amended or implemented in the future. Accordingly, if any Requirement, other than the provisions of the Act and its implementing regulatory requirements or subregulatory guidance exempted pursuant to this MTW ACC Amendment and the MTW Operations Notice, conflicts with any exemption or authorization granted by this MTW ACC Amendment, the MTW Agency remains subject to that Requirement.

Section 6. At least one year prior to expiration of this MTW ACC Amendment,[1] the PHA shall submit a transition plan to HUD. It is the PHA's responsibility to be able to end all MTW activities that it has implemented through its MTW Supplement to the PHA Plan upon expiration of this MTW ACC Amendment. The transition plan shall describe plans for phasing out such activities. The plan may also include any proposals of authorizations/features of the ACC Amendment and the MTW Operations Notice that the PHA wishes to continue beyond the expiration of the MTW ACC Amendment. The PHA shall specify the proposed duration and shall provide justification for extension of such authorization/features. HUD will review and respond to timely-submitted transition plans from the PHA in writing within 75-days or they are deemed approved. Only authorizations/features specifically approved for extension shall continue beyond the term of the MTW ACC Amendment. The extended features shall remain in effect only for the duration and in the manner specified in the approved transition plan and be subject to any necessary ACC Amendments as required by HUD.

Section 7. Termination and Default.

(A) If the PHA violates or fails to comply with any requirement or provision of the ACC, including this amendment, HUD is authorized to take any corrective or remedial action described in this Section 7 for PHA default or any other right or remedy existing under applicable law, or available at equity. HUD will give the PHA written notice of any default, which shall identify with specificity the measures, which the PHA must take to cure the default and provide a specific time frame for the PHA to cure the default, taking into consideration the nature of the default. The PHA will have the opportunity to cure such default within the specified period after the date of said notice, or to demonstrate within 10 days after the date of said notice, by submitting substantial evidence satisfactory to HUD, that it is not in default. However, in cases involving clear and apparent fraud, serious criminal behavior, or emergency conditions that pose an imminent threat to life, health, or safety, if HUD, in its sole discretion, determines that immediate action is necessary it may institute the remedies under Section 7(B) of this MTW ACC Amendment without giving the PHA the opportunity to cure.

(B) If the PHA is in default of this MTW ACC Amendment and/or the MTW Operations Notice and the default has not been cured, HUD may, undertake any one or all remedies available by law, including but not limited to the following:

i. Require additional reporting by the PHA on the deficient areas and the steps being taken to address the deficiencies;

ii. Require the PHA to prepare and follow a HUD-approved schedule of actions and/or a management plan for properly completing the activities approved under this MTW ACC Amendment;

iii. Suspend the MTW waiver authorization for the affected activities;

iv. Require reimbursement by the PHA to HUD for amounts used in violation of this MTW ACC Amendment;

v. Terminate this MTW ACC Amendment and require the PHA to transition out of MTW;

vi. Restrict a PHA's ability to use its MTW funding flexibly; and/or

vii. Take any other corrective or remedial action legally available.

(C) The PHA may choose to terminate this MTW ACC Amendment at any time. Upon HUD's receipt of written notification from the PHA and a copy of a resolution approving termination from its governing board, termination will be effective. The PHA will then begin to transition out of MTW and will work with HUD to establish an orderly phase-out of MTW activities, consistent with Section 6 of this MTW ACC Amendment.

(D) Nothing contained in this ACC Amendment shall prohibit or limit HUD from the exercise of any other right or remedy existing under any ACC or available under applicable law. HUD's exercise or non-exercise of any right or remedy under this amendment shall not be construed as a waiver of HUD's right to exercise that or any other right or remedy at any time.

Section 8. Notwithstanding any provision set forth in this MTW ACC Amendment, any future law that conflicts with any provision of this ACC Amendment, as determined by HUD, shall not be deemed to be a breach of this ACC Amendment. Nor shall HUD's execution of any future law be deemed a breach of this ACC Amendment. Any future laws affecting the PHA's funding, even if that future law causes a decrease in the PHA's funding, shall not be deemed a breach of this ACC Amendment. No future law or HUD's execution thereof shall serve as a basis for a breach of contract claim in any court.

Section 9. If any clause, or portion of a clause, in this Agreement is considered invalid under the rule of law, it shall be regarded as stricken while the remainder of this Agreement shall continue to be in full effect.

In consideration of the foregoing covenants, the parties do hereby execute this MTW ACC Amendment:

PHA

By: _____

Its: _____

Date: _____

United States Department of Housing and Urban Development

By: _____

Its: _____

Date: _____

[FR Doc. 2023–14594 Filed 7–10–23; 8:45 am]

BILLING CODE 4210–67–P

[1] Should the PHA receive an extension(s) of its MTW participation (*e.g.* by extension or replacement of its MTW ACC Amendment) the transition plan will be due one year prior to the end of the extension(s).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7070–N–38; OMB No.: 2577–0075]

30-Day Notice of Proposed Information Collection: Public Housing Inventory Removals Application, General Depository Agreement, and Notification of Public Housing Closeout or Future Development

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice

is to allow for an additional 30 days of public comment. Information collections from PHAs assure compliance with all Federal program requirements.

DATES: *Comments Due Date:* August 10, 2023.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Clearance Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410–5000; email *PaperworkReductionActOffice@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 7th Street SW, Room 8210, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on April 17, 2023 at 88 FR 23452.

A. Overview of Information Collection

Title of Information Collection: Public Housing Inventory Removal Application, General Depository Agreement, and Notification of Future Public Housing Development.

OMB Approval Number: 2577–0075.

Type of Request: Revision of a currently approved collection.

Form Number: HUD–51999; HUD 52860, HUD 52860–A, HUD 52860–B, HUD 52860–C; HUD 52860–D; HUD 52860–E, HUD 52860–F, HUD–52860–G, and HUD–5837.

Description of the need for the information and proposed use: This collection covers the paperwork and HUD 52860 form requirements that PHAs must use when they request HUD approval to remove public housing real property (including units) from their public housing program through the following sections of the United States Housing Act of 1937 Section 18 (demolition/disposition), Section 22 (voluntary conversion), Section 33 (required conversion) and Section 32 (homeownership conveyance) as well as through settlement agreements in lieu of court proceedings for proposed eminent domain takings of public housing property and retention requirements under 2 CFR 200.311. Note that HUD approval of a removal action does not automatically or necessarily result in actual removal; rather, the PHA must complete the actual removal and comply with the applicable HUD reporting requirements to document the actual removal.

The collection is a renewal and is also a request to change the collection name to: Public Housing Inventory Removals Application, General Depository Agreement, and Notification of Public Housing Closeout or Future Development from: Public Housing Annual Contributions Contract and Inventory Removal Application

This collection covers the paperwork and HUD–51999 (General Depository Agreement) (GDA) form that PHAs must use when they receive restricted funds and program income, by requiring such funds to be deposited into interest-bearing accounts at financial institutions whose deposits or accounts are insured by the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Share Insurance Fund (NCUSIF) and if the insurance limits are exceeded, then to be fully and continuously collateralized with HUD approved investments.

This collection covers the paperwork and HUD–5837 (Notification of Future Development) form information that PHAs must provide when they are submitting applications that remove all their public housing units about their plans for potential new public housing development or closeout of their public housing program. The HUD–5837 is used by HUD to monitor the federal public housing inventory and PHA status as an entity with which HUD has a valid and ongoing Annual Contributions Contract (ACC).

The revision of this collection does two things.

First, it removes the following three forms from this collection:

- Annual Contributions Contract (ACC) (HUD–53012).
- Declaration of Trust/Declaration of Restrictive Covenants (DOT/DORC) (HUD–52190). This form is included in OMB Collection 2577–0275.
- Capital Fund Program (CFP) Amendment to the Annual Contributions Contract (ACC) Office of Public and Indian Housing (HUD–52840–A). This form is being included in its own collection.

Second, it makes formatting, instructional and other changes to the remaining forms to provide clearer direction and to ensure PHAs are fully complying with all applicable statutory and regulatory requirements.

Respondents: Public housing agencies.

	HUD-form	Number of responses	Number of responses per response	Total annual responses	Hours per response	Total burden hours	Cost per hour	Total cost
1	Submit Notification of Future Development via HUD–5837.	19	1	19	2	38	$44.56	$1,693.28
2	Submit General Depository Agreement (GDA) via form HUD 51999.	2,770	1	2,770	1	2,770	44.56	123,431.20
3	Removal of public housing property from ACC through demolition and/or disposition, including de minimis, via (Section 18) via HUD form 52860, HUD–52860–A, and HUD–52860–B.	200	1	200	10	2,000	47.26	94,520

	HUD-form	Number of responses	Number of responses per response	Total annual responses	Hours per response	Total burden hours	Cost per hour	Total cost
4	Removal of public housing property from ACC through voluntary conversion (Section 22) via HUD form 52860 and HUD–52860–E.	12	1	12	10	120	47.26	5,671.20
5	Removal of public housing property from ACC through required conversion (Section 33) via HUD form 52860 and HUD–52860–D.	0	1	0	0	0	47.26	0
6	Removal of public housing property through home-ownership (Section 32) via HUD Form 52860 and HUD–52860–C.	3	1	3	10	30	47.26	1,417.80
7	Removal of public housing property from ACC through eminent domain HUD form 52860) and HUD–52860–F.	1	1	1	10	10	47.26	470.26
8	Removal of public housing property from ACC through retention actions under 2 CFR 200.311 via HUD form 52860 and HUD–52860–G.	2	1	2	10	20	47.26	945.20
	Totals	3,007	1	3007	1.66	4,988	.....	235,732.88

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

(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. 2023–14558 Filed 7–10–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R4–ES–2023–0104; FXES11140400000–234–FF04EF4000]

Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Sand Skink; Lake County, FL; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), announce receipt of an application from Park Square Enterprises, LLC (Leesburg ROW; applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally listed sand skink (*Neoseps reynoldsi*) incidental to the construction of a roadway in Lake County, Florida. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and on the Service's preliminary determination that the proposed permitting action may be eligible for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations, the Department of the Interior's (DOI) NEPA regulations, and the DOI Departmental Manual. To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also available for public review. We invite comment from the public and local, State, Tribal, and Federal agencies.

DATES: We must receive your written comments on or before August 10, 2023.

ADDRESSES:

Obtaining Documents: You may obtain copies of the documents online in Docket No. FWS–R4–ES–2023–0104 at *https://www.regulations.gov.*

Submitting Comments: If you wish to submit comments on any of the documents, you may do so in writing by one of the following methods:

- *Online: https://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R4–ES–2023–0104; or
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R4–ES–2023–0104; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Zakia Williams, by U.S. mail (see **ADDRESSES**), by telephone at 904–731–3119, or via email at *zakia_williams@fws.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service (Service), announce receipt of an application from Park Square Enterprises, LLC (Leesburg ROW; applicant) for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant requests the ITP to take the federally listed sand skink (*Neoseps reynoldsi;* skink) incidental to the construction and operation of a roadway in Lake County, Florida. We request public comment on the application, which includes the applicant's habitat conservation plan (HCP), and on the

Service's preliminary determination that this proposed ITP qualifies as low effect, and may qualify for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations (40 CFR 1501.4), the Department of the Interior's (DOI) NEPA regulations (43 CFR 46), and the DOI's Departmental Manual (516 DM 8.5(C)(2)). To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also available for public review.

Proposed Project

The applicant requests a 5-year ITP to take skinks via the conversion of approximately 1.08 acres (ac) of occupied nesting, foraging, and sheltering skink habitat incidental to the construction and operation of a roadway on a 1.82-ac in Section 16, Township 19 South, Range 24 East, Lake County, Florida. The applicant proposes to mitigate for take of the skinks by purchasing credits equivalent to 2.16 ac of skink-occupied habitat within the Lake Livingston Conservation Bank or another Service-approved conservation bank. The Service would require the applicant to purchase the credits prior to engaging in any construction phase of the project.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made available to the public. While you may request that we withhold your personal identifying information, we cannot guarantee that we will be able to do so.

Our Preliminary Determination

The Service has made a preliminary determination that the applicant's proposed project, including the construction of the roadway and associated infrastructure, would individually and cumulatively have a minor effect on the skinks and the human environment. Therefore, we have preliminarily determined that the proposed ESA section 10(a)(1)(B) permit would be a low-effect ITP that individually or cumulatively would have a minor effect on the sand skink and may qualify for application of a categorical exclusion pursuant to the Council on Environmental Quality's NEPA regulations, DOI's NEPA regulations, and the DOI Departmental Manual. A low-effect incidental take permit is one that would result in (1) minor or nonsignificant effects on species covered in the HCP; (2) nonsignificant effects on the human environment; and (3) impacts that, when added together with the impacts of other past, present, and reasonably foreseeable actions, would not result in significant cumulative effects to the human environment.

Next Steps

The Service will evaluate the application and the comments to determine whether to issue the requested ITP. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the preceding and other matters, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP number PER 2423322 to Lake County.

Authority

The Service provides this notice under section 10(c) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1500–1508 and 43 CFR 46).

Robert L. Carey,

Division Manager, Environmental Review, Florida Ecological Services Office.

[FR Doc. 2023–14526 Filed 7–10–23; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_WY_FRN_MO4500169700]

Notice of Intent To Prepare Resource Management Plans for the Newcastle Field Office, Wyoming, and Nebraska Planning Area and an Associated Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) Wyoming State Director intends to revise the Newcastle Field Office (NFO) and Nebraska Resource Management Plans (RMPs) and prepare an associated Environmental Impact Statement (EIS) and by this notice is announcing the beginning of the scoping period to solicit public comments and identify issues, providing the planning criteria for public review, and issuing a call for nominations for areas of critical environmental concern (ACECs). The RMP revision would replace the existing Newcastle and Nebraska RMPs.

DATES: The BLM requests the public submit comments concerning the scope of the analysis, potential alternatives, and identification of relevant information, studies, and ACEC nominations by August 10, 2023. To afford the BLM the opportunity to consider issues and ACEC nominations raised by commenters to the Draft RMPs/EIS, please ensure your comments are received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later.

ADDRESSES: You may submit comments on issues and planning criteria related to Newcastle and Nebraska RMPs and nominations of new ACECs by any of the following methods:

- *Website: https://eplanning.blm.gov/eplanning-ui/project/2013064/510*
- *Email: BLM_WY_Newcastle_Nebraska_RMP@blm.gov*
- *Fax:* (307) 261–7639
- *Mail:* BLM, High Plains District Office, 2987 Prospector Drive, Casper, WY 82604

Documents pertinent to this proposal may be examined online at *https://eplanning.blm.gov/eplanning-ui/project/2013064/510* and at the Newcastle Field Office.

FOR FURTHER INFORMATION CONTACT: Kathleen T. Lacko, Project Manager, telephone (307) 261–7536; address BLM High Plains District Office, 2987 Prospector Drive, Casper, WY 82604; email *ktlacko@blm.gov.* Contact Ms. Lacko to have your name added to our mailing list. 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 for contacting Ms. Lacko. 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: This document provides notice that the BLM intends to prepare two RMPs and an associated EIS for the Newcastle Field Office and Nebraska planning areas, announces the beginning of the scoping process, seeks public input on issues and planning criteria, and invites the public to nominate ACECs. The planning areas are located in Crook,

Weston, and Niobrara counties in Wyoming and all counties in Nebraska, encompassing approximately 287,900 acres of surface lands and 1,738,900 acres of Federal mineral estate in Wyoming and approximately 5,100 acres of surface lands and 223,900 acres of Federal mineral estate in Nebraska.

Purpose and Need for the RMPs

The purpose of the Newcastle and Nebraska RMPs/EIS are to provide a comprehensive framework to guide management of BLM-administered surface land in the planning areas. The RMPs/EIS will incorporate new data, address land use issues and conflicts, and specify where and under what circumstances activities would be allowed on BLM-administered surface lands. The objectives, land use allocations, and management decisions will be based on the principles of multiple use and sustained yield, except where a tract of such public land has been dedicated to specific uses according to another provision of law. All management direction must meet the objectives of the BLM's multiple use management mandate and responsibilities under FLPMA Section 202(c) and (e) and is subject to valid existing rights.

The NFO has determined updates are needed for the two RMPs it relies on to manage the public land and Federal mineral estate in the planning areas. Assessments of these plans showed they require updating to address new information and changes to resources and resource uses within the planning area since the BLM approved the NFO RMP in 2000 and completed the Nebraska RMP in 1992. The revised RMPs will replace the existing Newcastle RMP/Record of Decision (ROD) and Nebraska RMP/ROD.

Preliminary Alternatives

The BLM has identified the four following preliminary alternatives for analysis in the EIS. Generally, these alternatives include:

- Alternative A—No Action: Continue existing management under the existing Newcastle and Nebraska RMPs.
- Alternative B—Resource Protection Emphasis: Emphasizes conservation, including ACEC designations.
- Alternative C—Maximizes Resource Use: Emphasizes resource use and includes the fewest protected areas and restrictions to resource uses.
- Alternative D—Balances Resource Protection and Use: Multiple use focus with prescriptive actions to allow protections with more flexibility. Balances conservation and resource use.

The BLM welcomes comments on all preliminary alternatives as well as suggestions for additional alternatives.

Planning Criteria

The planning criteria guide the planning effort and lay the groundwork for effects analysis by identifying the preliminary issues and their analytical frameworks. Preliminary issues for the planning areas have been identified by BLM personnel and from early engagement conducted for this planning effort with Federal, State, and local agencies; Tribes; and stakeholders. The BLM has identified the following preliminary issues for this planning effort's analysis: Minerals and energy development, vegetation management, fish and wildlife habitat, air quality, recreation, livestock grazing, lands and realty authorizations, land tenure adjustments, recreation, and special management areas, including ACEC nominations.

The planning criteria are available for public review and comment at the ePlanning website (see **ADDRESSES**). Preliminary planning criteria identified include:

- The plans will be completed in compliance with FLPMA and all other applicable laws.
- The plans will recognize valid existing rights.
- The planning process will include an EIS that will comply with NEPA.
- The plans will establish new guidance and identify existing guidance upon which the BLM will rely in managing public lands within the NFO and Nebraska.
- The planning process will include early coordination and Endangered Species Act consultation meetings with the U.S. Fish and Wildlife Service during the development of the plans.
- The plans will recognize the States' responsibility for managing wildlife populations, including uses such as hunting and fishing, within the planning areas.
- The planning process would involve Indian Tribal governments and Tribal leaders and would provide strategies for the protection of recognized traditional and cultural uses.
- Decisions in the plans will strive to be consistent with the existing plans and policies of adjacent local, State, Tribal, and Federal agencies as long as those plans and policies are consistent with the purposes, policies, and programs of Federal law and regulations applicable to the public lands.

Summary of Expected Impacts

The EIS will analyze impacts in the Newcastle and Nebraska planning areas using three alternatives and a no action alternative. There are no known significant impacts identified at this stage of the planning effort.

Schedule for the Decision-Making Process

The BLM will provide additional opportunities for public participation consistent with the NEPA and land use planning processes, including a 90-day comment period on the Draft RMPs/EIS and a concurrent 30-day public protest period and a 60-day Governor's consistency review on the Proposed RMPs. The Draft RMPs/EIS are anticipated to be available for public review in December 2023 and the Proposed RMPs/Final EIS are anticipated to be available for public protest in September 2024, with Approved RMPs and a Record of Decision in December 2024.

Public Scoping Process

This notice of intent initiates the scoping period and public review of the planning criteria, which guide the development and analysis of the Draft RMPs/EIS. A series of public meetings will be held in the planning areas. The BLM held a series of early engagement public meetings in May, 2023, and will hold one virtual public meeting during the scoping period. The specific date of the virtual scoping meeting will be announced at least 15 days in advance through local media, BLM Wyoming social media, ePlanning project page (see **ADDRESSES**), and the BLM website (see **ADDRESSES**).

ACECs

The following ACEC is currently designated in the planning areas: Whoopup Canyon ACEC in Wyoming, consisting of approximately 1,440 acres. Whoopup Canyon ACEC has rare and sensitive archaeological resources of religious and cultural concern to Native Americans for unique petroglyphs that date from the end of the Pleistocene era and overlap in time with the oldest Paleoindian sites in North America. The BLM will reevaluate existing the designated ACEC in the Draft RMPs/EIS to determine if relevant and important values still exist and analyze whether to retain its designation. During preplanning and early engagement, the BLM identified the Little Missouri Antelope Trap as an ACEC for consideration of designation, consisting of 9,500 acres, due to its rare and sensitive archaeological resources and religious and cultural values to Native American Tribes. The BLM may also propose an expansion to the existing

Whoopup Canyon ACEC, consisting of an additional 240 acres.

This notice invites the public to nominate additional areas for ACEC consideration. To assist the BLM in evaluating nominations for consideration in the Draft RMPs/EIS, please provide supporting descriptive materials, maps, and evidence of the relevance and importance of resources or hazards by the close of the public comment period in order to facilitate timely evaluation (see **DATES** and **ADDRESSES**). The BLM has identified the anticipated issues related to the consideration of ACECs in the planning criteria.

Cooperating Agencies

U.S. Fish and Wildlife Service; U.S. Environmental Protection Agency; Wyoming State Governor's Office; Wyoming Game and Fish Department; Wyoming Department of Agriculture; Wyoming Office of State Lands and Investments; Wyoming Department of Transportation; Wyoming Department of Environmental Quality; Wyoming Cultural Resources; Wyoming State Engineers Office; Wyoming State Parks, Historic Sites and Trails; Wyoming State Forestry; Wyoming State Geological Survey; Wyoming State Historic Preservation Office; Crook County Commissioner; Crook County Conservation District; Weston County Commissioner; Weston County Conservation District; Niobrara County Commissioner; Niobrara Conservation District; and Nebraska Oil and Gas Conservation Commission.

Responsible Official

The Wyoming State Director is the deciding official for this planning effort.

Nature of Decision To Be Made

The nature of the decision to be made will be the State Director's selection of land use planning decisions for managing BLM-administered lands under the principles of multiple use and sustained yield in a manner that best addresses the purpose and need.

Interdisciplinary Team

The BLM will use an interdisciplinary approach to develop the plans to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in this planning effort: Air Resources, Geology and Minerals, Petroleum Engineer, GIS Specialist, Soils, Water Resources, Vegetation (including Special Status Species), Wildlife (including Special Status Species), Cultural Resources, Paleontological Resources, Special Designations, Visual Resources, Wildland Fire Management, Renewable Energy, Travel Management & Recreation, Lands and Realty, Livestock Grazing, Tribal Interests, Public Safety, Socioeconomics, and Environmental Justice.

Additional Information

The BLM will identify, analyze, and consider mitigation to address the reasonably foreseeable impacts to resources from the proposed plans and all analyzed reasonable alternatives and, in accordance with 40 CFR 1502.14(e), include appropriate mitigation measures not already included in the proposed plans or alternatives. Mitigation may include avoidance, minimization, rectification, reduction or elimination over time, and compensation, and may be considered at multiple scales, including the landscape scale.

The BLM will utilize and coordinate the NEPA and land use planning processes for this planning effort to help support compliance with applicable procedural requirements under the Endangered Species Act (16 U.S.C. 1536) and Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3), including public involvement requirements of Section 106. The information about historic and cultural resources and threatened and endangered species within the area potentially affected by the proposed plan will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Indian Tribal Nations on a government-to-government basis in accordance with Executive Order 13175, BLM MS 1780, and other Departmental policies. The BLM will send invitations to potentially affected Tribal Nations prior to consultation meetings. The BLM will provide additional opportunities for government-to-government consultation during the NEPA process. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with Indian Tribal Nations and other stakeholders that may be interested in or affected by the proposed plans that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate as a cooperating agency.

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.

(Authority: 40 CFR 1501.9 and 43 CFR 1610.2)

Andrew S. Archuleta,

State Director.

[FR Doc. 2023–14519 Filed 7–10–23; 8:45 am]

BILLING CODE 4331–26–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–36113; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before June 24, 2023, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by July 26, 2023.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before June 24, 2023. Pursuant to § 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other

personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers.

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

FLORIDA

Duval County

Duval County Armory, 851 North Market St., Jacksonville, SG100009203

NEW YORK

Essex County

Kessel Park Inn, 33 and 39 Kessel Park Rd., 113 Corlear Bay Rd., Port Douglas, SG100009190

Greene County

Alpine, The, 5430 NY 23A, Hunter, SG100009189

New York County

Temple Israel of the City of New York, 210 West 91st St., New York, SG100009191

Schoharie County

Bates Christian Church, 1061 Bates Church Rd., Broome vicinity, SG100009194

Suffolk County

St. James Firehouse, 533 NY 25A, St. James, SG100009195

UTAH

Salt Lake County

Fitzgerald, Perry and Agnes, House and Cabin (Boundary Decrease), (Draper, Utah MPS), 1160 East Pioneer Ave., Draper, BC100009193

Mountair Canyon Historic District, East Mt. Aire Rd., South Mt. Aire Rd., and Maple Fork Way, Millcreek vicinity, SG100009201

Westwood Village Historic District, Roughly bounded by 2700 West (Constitution Blvd.), the rear property line of the east side of 2475 West, 3800 South, and the rear property line of the south side of 3935 South, West Valley City, SG100009202

Tooele County

Tooele City Downtown Historic District, 201 North to 154 South Main St., 24–30 West 100 South, 96 West to 48 East Vine St., Tooele, SG100009199

VIRGINIA

Newport News Independent City

Newport News Downtown Historic District, Warwick Blvd., 37th, 23rd, and 31st Sts., West and Washington Aves., Newport News, SG100009200

WISCONSIN

Door County

EMILINE (schooner) Shipwreck, (Great Lakes Shipwreck Sites of Wisconsin MPS), 0.5 miles southeast of the entrance of the Baileys Harbor marina, Baileys Harbor vicinity, MP100009197

Manitowoc County

National Tinsel and Toy Manufacturing Company Building, 1133 South 16th St., Manitowac, SG100009196

WYOMING

Sweetwater County

Morris House, 6 West 2nd North St., Green River, SG100009187

(Authority: Section 60.13 of 36 CFR part 60)

Dated: June 28, 2023.

Sherry A. Frear,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2023–14608 Filed 7–10–23; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2023–0029]

Notice of Availability of a Joint Record of Decision (ROD) for the Ocean Wind LLC Proposed Wind Energy Facility Offshore New Jersey

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior; National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Availability (NOA); record of decision (ROD).

SUMMARY: BOEM announces the availability of the joint ROD on the Final Environmental Impact Statement (EIS) for the construction and operations plan (COP) submitted by Ocean Wind LLC (Ocean Wind) for its Ocean Wind 1 Offshore Wind Farm Project (Project) offshore New Jersey. The joint ROD includes the decisions of the Department of the Interior (DOI) regarding the Ocean Wind 1 COP and NMFS regarding Ocean Wind LLC's requested Incidental Take Regulations (ITR) and an associated Letter of Authorization (LOA) under the Marine Mammal Protection Act (MMPA). NMFS has adopted the Final EIS to support its decision of whether or not to issue the requested ITR under the MMPA. The joint ROD concludes the National Environmental Policy Act (NEPA) process for each agency and is available with associated information on BOEM's website at: *https://www.boem.gov/renewable-energy/state-activities/ocean-wind-1.*

FOR FURTHER INFORMATION CONTACT: For information on the Project ROD, please contact Jessica Stromberg, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, Sterling, Virginia 20166, (703) 787–1730, or *Jessica.stromberg@boem.gov.* For information related to NMFS' action, please contact Katherine Renshaw, NOAA Office of General Counsel, (302) 515–0324.

SUPPLEMENTARY INFORMATION: Ocean Wind seeks approval to construct, operate, and maintain the Project: a wind energy facility on the Outer Continental Shelf (OCS) offshore New Jersey. The Project would be developed within the range of design parameters outlined in the Ocean Wind 1 COP, subject to applicable mitigation measures. The Project as proposed in the COP would include up to 98 wind turbine generators (WTGs), up to 3 offshore high voltage alternating current substations, inter-array cables linking the individual turbines to the offshore substations, substation interconnector cables linking the substations to each other, offshore export cables, an onshore export cable system, 2 onshore substations, and connections to the existing electrical grid in New Jersey. The WTGs, offshore substations, inter-array cables, and substation interconnector cables would be located on the OCS approximately 13 nautical miles (15 statute miles) southeast of Atlantic City, New Jersey, within the area defined by Renewable Energy Lease OCS–A 0498 (Lease Area). The offshore export cables would be buried below the seabed surface in the OCS and State of New Jersey-owned submerged lands. The onshore export cables, substations, and grid connections would be located in Ocean County and Cape May County, New Jersey. After carefully considering alternatives described and analyzed in the Final EIS and comments from the public on the Draft EIS, the Department of the Interior has decided to approve the COP for Ocean Wind 1 under Alternative A (the Proposed Action) in combination with Alternative E (Submerged Aquatic Vegetation Avoidance Alternative), which is the Preferred Alternative identified in the FEIS and one of the three environmentally preferred alternatives identified in the ROD. The full text of the mitigation, monitoring, and reporting requirements, which will be included in BOEM's COP approval as terms and conditions, are available in the ROD, which is available on BOEM's website at: *https://www.boem.gov/*

renewable-energy/state-activities/ocean-wind-1.

NMFS has adopted BOEM's Final EIS to support its decision making of whether or not to issue the requested ITR and associated LOA to Ocean Wind. NMFS' final decision of whether or not to issue the requested ITR and LOA will be documented in a separate Decision Memorandum prepared in accordance with internal NMFS policy and procedures. The ITR and associated LOA, if issued, will govern the authorization of take of marine mammals while prescribing the means of take as well as mitigation and monitoring requirements, including those mandated by the Biological Opinion issued to complete the formal Endangered Species Act Section 7 consultation process. The final ITR and a notice of issuance of the LOA, if issued, will be published in the **Federal Register**.

Authority: This Notice of Availability is published in accordance with regulations (40 CFR parts 1500–1508) implementing the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

Karen Baker,

Chief, Office of Renewable Energy Programs, Bureau of Ocean Energy Management.

[FR Doc. 2023–14647 Filed 7–10–23; 8:45 am]

BILLING CODE 4340–98–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–570 and 731–TA–1346 (Review)]

Aluminum Foil From China; 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 and countervailing duty orders on aluminum foil from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: June 5, 2023.

FOR FURTHER INFORMATION CONTACT: (Julie Duffy (202) 708–2579), 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 June 5, 2023, the Commission determined that the domestic interested party group response to its notice of institution (88 FR 12990, March 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 August 16, 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 determinations the Commission should reach in the reviews. Comments are due on or before 5:15 p.m. on August 24, 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 August 24, 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: July 6, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023–14639 Filed 7–10–23; 8:45 am]

BILLING CODE 7020–02–P

[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.

[2] The Commission has found the responses submitted on behalf of the Aluminum Association Trade Enforcement Working Group and its individual members, Gränges Americas Inc., JW Aluminum Company, Novelis Corporation, and Reynolds Consumer Products, LLC, to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree Under the Clean Water Act

On June 30, 2023 the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Oregon in the lawsuit entitled *United States and the*

State of Oregon by and though the Department of Environmental Quality v. *City of Sandy Oregon,* Civil Action No. 23–cv–968.

The proposed Consent Decree would resolve claims against the City of Sandy, Oregon for Clean Water Act (''CWA'') violations, 33 U.S.C. 1319, as well as violations of Oregon Revised Statute (''ORS'') 468.140, for failing to comply with the requirements of its National Pollution Discharge Elimination System Permits. The proposed Consent Decree provides for the City of Sandy to perform injunctive relief measures to ensure future compliance, to pay a penalty of $250,000 to the United States, to pay a penalty of $50,000 to the State of Oregon, and to perform a State Supplemental Environmental Project valued at $200,000.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al.* v. *City of Sandy, Oregon.* D.J. Ref. No. 90–5–1–1–12501. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Settlement Agreements may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* Alternatively, a paper copy of the Settlement Agreements will be provided upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

For a copy of the Consent Decree, please enclose a check or money order for $24.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Kathryn C. Macdonald,

Assistant Section Chief Environmental Enforcement Section Environment and Natural Resources Division.

[FR Doc. 2023–14522 Filed 7–10–23; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; 1,3-Butadiene Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before August 10, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this standard and its information collection requirements is to provide protection for workers from the adverse health effects associated with occupational exposure to 1,3-Butadiene. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 3, 2023 (88 FR 19679).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: 1,3-Butadiene Standard.

OMB Control Number: 1218–0170.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 57.

Total Estimated Number of Responses: 3,609.

Total Estimated Annual Time Burden: 887 hours.

Total Estimated Annual Other Costs Burden: $96,575.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2023–14652 Filed 7–10–23; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Federal Employees' Compensation Act Medical Reports and Compensation Claims

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before August 10, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent

within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: These forms are used for filing claims for wage loss or permanent impairment due to a Federal employment-related injury, and to obtain necessary medical documentation to determine whether a claimant is entitled to benefits under the Federal Employees Compensation Act. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 15, 2023 (88 FR 16038).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Federal Employees' Compensation Act Medical Reports and Compensation Claims.

OMB Control Number: 1240–0046.

Affected Public: Private Sector—Individuals or Households.

Total Estimated Number of Respondents: 282,353.

Total Estimated Number of Responses: 282,353.

Total Estimated Annual Time Burden: 25,605 hours.

Total Estimated Annual Other Costs Burden: $133,412.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2023–14650 Filed 7–10–23; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

[OMB Control No. 1240–0048]

Division of Coal Mine Workers' Compensation; Extension of Information Collection; Request for Notice of Issuance of Insurance Policy (CM–921)

AGENCY: Division of Coal Mine Workers' Compensation; Office of Workers' Compensation Programs, Department of Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be properly assessed. Currently, OWCP/DCMWC is soliciting comments on the information collection for Notice of Issuance of Insurance Policy.

DATES: Consideration will be given to all written comments received on or before September 11, 2023.

ADDRESSES: You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

Written/Paper Submissions: Submit written/paper submissions in the following way:

- *Mail/Hand Delivery:* Mail or visit DOL–OWCP/DCMWC, Office of Workers' Compensation Programs, Division of Federal Employees' Longshore and Harbor Workers' Compensation, U.S. Department of Labor, 200 Constitution Ave. NW, Room C–3520, Washington, DC 20210.
- OWCP/DCMWC will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Anjanette Suggs, Office of Workers' Compensation Programs by telephone at 202–354–9660 or by email at *suggs.anjanette@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Black Lung Benefits Act (the Act), 30 U.S.C. 901–944, requires coal mine operators to be insured (either by qualifying as a self-insurer or obtaining commercial insurance) for liabilities arising from the Act; failure to do so may result in civil money penalties. 30 U.S.C. 933. Accordingly, 20 CFR Part V, Subpart C, 726.208–.213 requires insurance carriers to report to the Division of Coal Mine Workers' Compensation (DCMWC) each policy and endorsement issued, cancelled, or renewed with respect to operators in such a manner and on such form as DCMWC may require. These regulations also require carriers to file a separate report for each operator it insures. Carriers use Form CM–921, Notice of Issuance of Insurance Policy, to report issuance of insurance policies to operators. This information collection is currently approved for use through November 30, 2019. 30 U.S.C. 901 and 20 CFR 725.535 authorizes this information collection.

II. Desired Focus of Comments

OWCP/DCMWC is soliciting comments concerning the proposed information collection related to the Notice of Issuance of Policy. OWCP/DCMWC is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of OWCP/DCMWC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used in the estimate;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who

are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Background documents related to this information collection request are available at *https://regulations.gov* and at DOL–OWCP/DCMWC located at 200 Constitution Ave. NW, Room #–####, Washington, DC 20210. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This information collection request concerns Notice of Issuance of Policy. OWCP/DCMWC has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation (OWCP/DCMWC).

Type of Review: Extension.

Title of Collection: Notice of Issuance of Insurance Policy.

Form: Notice of Issuance of Insurance Policy, CM–921.

OMB Control Number: 1240–0048.

Affected Public: Federal government, State, Local, or Tribal Government.

Estimated Number of Respondents: 3,465.

Frequency: Annually.

Total Estimated Annual Responses: 3,465.

Estimated Average Time per Response: 1–10 minutes.

Estimated Total Annual Burden Hours: 61 hours.

Total Estimated Annual Other Cost Burden: $11.00.

Annual Respondent or Recordkeeper Cost: $11.00.

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval for the proposed information collection request; they will become a matter of public record and will be available at *https://www.reginfo.gov.*

Authority: 30 U.S.C. 901 and 20 CFR 725.535.

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2023–14562 Filed 7–10–23; 8:45 am]

BILLING CODE 4510–CK–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Survey of Science and Engineering Research Facilities

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Center for Science and Engineering Statistics (NCSES) within the National Science Foundation (NSF) has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register**, and no comments were received. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

DATES: 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: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite E7400, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

Comments: Comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the NSF, including whether the information shall have practical utility; (b) the accuracy of the NSF's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, use, and clarity of the information on respondents; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to the points of contact in the **FOR FURTHER INFORMATION CONTACT** section.

Copies of the submission may be obtained by calling 703–292–7556. NCSES 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.

SUPPLEMENTARY INFORMATION:

Title of Collection: Survey of Science and Engineering Research Facilities.

OMB Approval Number: 3145–0101.

Summary of Collection: The National Science Foundation Survey of Science and Engineering Research Facilities is a Congressionally mandated (Pub. L. 99–159; NSF Act of 1950, as amended; America COMPETES Reauthorization Act of 2010), biennial survey that has been conducted since 1986. As required by law, the survey collects data on the amount, condition, and costs of the physical facilities used to conduct science and engineering research. Congress expected this survey to provide the data necessary to describe the status and needs of science and engineering research facilities.

Use of the Information: Analysis of the Facilities Survey data will provide updated information on the status of scientific and engineering research facilities and capabilities. Statistics on the square footage of R&D space available, the condition of R&D space, and the costs for new construction, repairs, and renovation of R&D space at higher education institutions by S&E field are produced from the survey. The sources of funding for new construction and repair and renovation projects are also published. The survey information can be used by Federal policy makers, planners, and budget analysts in making policy decisions, as well as by institutional academic officials, the scientific/engineering establishment, and state agencies and legislatures that fund universities.

Data are published in NSF's annual publication series *Survey of Science and Engineering Research Facilities,* available on the web at *http://nsf.gov/statistics/srvyfacilities/.*

Expected respondents: The Facilities Survey, is a census of institutions that performed at least $1 million in separately accounted for science and engineering research and development in the previous year.

In the most recent FY 2021 Facilities Survey, a census of 586 academic

institutions was conducted. The sampling frame used for the survey was the FY 2020 Higher Education Research and Development Survey conducted by the National Center for Science and Engineering Statistics.

Estimate of burden: The Facilities Survey will be sent to approximately 600 academic institutions for both the FY 2023 and FY 2025 data collection cycles. Response to this voluntary survey is typically 97 percent each cycle. The total estimated burden is 22,800 for the FY 2023 and FY 2025 surveys combined. Additional details on the burden calculation can be found in the first **Federal Register** Notice published on March 10, 2023, at 88 FR 15102.

Dated: July 6, 2023.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2023–14654 Filed 7–10–23; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2023–0053]

Information Collection: Suspicious Activity Reporting Using the Protective Web Server

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, ''Suspicious Activity Reporting Using the Protective Web Server.''

DATES: Submit comments by August 10, 2023. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2023–0053 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2023–0053.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML23048A096. The supporting statement is available in ADAMS under Accession No. ML23153A101.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, ''Suspicious Activity Reporting Using the Protective Web Server.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on March 22, 2023, 88 FR 17280.

1. *The title of the information collection:* Suspicious Activity Reporting Using the Protective Web Server.
2. *OMB approval number:* 3150–0219.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* On occasion. Reporting is done on a voluntary basis, as suspicious incidents occur.
6. *Who will be required or asked to respond:* NRC license holders and applicants that are not required by regulation to report suspicious activity can voluntarily provide security reports as a result of various advisories that the NRC issues. NRC licensed entities that may voluntarily send reports include applicants for title 10 of the *Code of Federal Regulations* (10 CFR) part 50 license, holders of construction permit under 10 CFR part 50, applicants for 10

CFR part 52 license, fuel fabrication facilities, uranium conversion/deconversion facilities, and holders of certificates of compliance under 10 CFR part 72.

7. *The estimated number of annual responses:* 78.

8. *The estimated number of annual respondents:* 52.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 58.5.

10. *Abstract:* NRC licensees voluntarily report information on suspicious incidents on an ad-hoc basis, as these incidents occur. This information is shared with authorized nuclear industry officials and Federal, State, and local government agencies using the Protected Web Server. Information provided by licensees is considered OFFICIAL USE ONLY and is not made public.

Dated: July 6, 2023.

For the Nuclear Regulatory Commission.

David C. Cullison, NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2023–14578 Filed 7–10–23; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2023–0096]

Draft NUREG: Revision to Subsequent License Renewal Guidance Documents, and Supplement to Associated Technical Bases Document

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft report; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment three draft NUREGs that provide revised guidance for subsequent license renewal (SLR) and the associated technical bases for the revised guidance documents. The draft NUREGs consist of draft NUREG–2191, ''Generic Aging Lessons Learned for Subsequent License Renewal Report,'' Volumes 1 and 2, Revision 1 (GALL–SLR Report); draft NUREG–2192, ''Standard Review Plan for Review of Subsequent License Renewal Applications for Nuclear Power Plants,'' Revision 1 (SRP–SLR); and draft NUREG–2221, ''Technical Bases for Changes in the Subsequent License Renewal Guidance Documents, NUREG–2191, Revision 1, and NUREG–2192, Revision 1,'' Supplement 1.

DATES: Submit comments by September 11, 2023. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2023–0096. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individuals listed in the ''For Further Information Contact'' section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Emmanuel Sayoc, telephone: 301–415–4084; email: *Emmanuel.Sayoc@nrc.gov* and Carol Moyer, telephone: 301–415–2153; email: *Carol.Moyer@nrc.gov.* Both are staff of the Office of Nuclear Reactor Regulation at the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2023–0096 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2023–0096.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2023–0096 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

Section 54.29 of title 10 of the *Code of Federal Regulations* (10 CFR) establishes the standards for issuance of a renewed license. For nuclear power plants that have received a renewed license, the regulations in 10 CFR 54.31(d) state that ''[a] renewed license may be subsequently renewed in accordance with all applicable requirements.'' The GALL–SLR Report and SRP–SLR were originally issued in 2017 to provide guidance for subsequent license renewals. The GALL–SLR Report discusses generic aging management reviews of systems, structures, and components (SSCs) that may be within the scope of subsequent license renewal applications (SLRAs) and identifies aging management programs (AMPs) that are determined to

be acceptable for managing the effects of aging on SSCs within the scope of license renewal, as required by 10 CFR part 54. If an applicant's SLRA credits an AMP described in the GALL–SLR Report, the applicant should ensure that the conditions and operating experience (OE) at the plant are bounded by the conditions and OE for which the GALL–SLR Report program was evaluated. If these bounding conditions are not met, the applicant should address any additional aging effects and augment the AMPs for subsequent license renewal. If an SLRA references the approach described in the GALL–SLR Report as the approach used for managing the aging effect(s), the NRC staff will use the GALL–SLR Report as a basis for the SLRA assessment, consistent with guidance specified in the SRP–SLR.

The SRP–SLR, which references the GALL–SLR Report, provides guidance to the NRC staff reviewers in the Office of Nuclear Reactor Regulation. These reviewers perform safety reviews of applications to renew nuclear power plant licenses in accordance with 10 CFR part 54.

After the initial issuance of the GALL–SLR Report and SRP–SLR in 2017, several documents referred to as Subsequent License Renewal Interim Staff Guidance (SLR–ISGs) were created to reflect new or updated industry guidance, codes, or standards; relevant plant operating experience; incorporation of lessons learned from completed SLR application reviews; development of new aging management programs or aging management review items; and identification of required corrections and clarifications to the guidance. GALL–SLR Report, Revision 1, and SRP–SLR, Revision 1, incorporate the issued SLR–ISGs. Additional updates were identified subsequent to issuance of the SLR–ISGs, which are also incorporated in the revisions to the GALL–SLR Report and SRP–SLR. The issued SLR–ISGs are listed in the ''Availability of Documents'' section.

Supplement 1 of the Technical Bases Document is a knowledge management and knowledge transfer document associated with GALL–SLR Report, Revision 1, and SRP–SLR, Revision 1. This supplement details the technical changes that were made in the revisions to the GALL–SLR Report and SRP–SLR and provides the underlying rationale that the NRC staff used for those technical changes.

III. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document description	Adams accession No.
Draft NUREG–2191, ''Generic Aging Lessons Learned for Subsequent License Renewal (GALL–SLR), Draft Report for Comment,'' Revision 1, Volume 1.	ML23180A182
Draft NUREG–2191, ''Generic Aging Lessons Learned for Subsequent License Renewal (GALL–SLR), Draft Report for Comment,'' Revision 1, Volume 2.	ML23180A188
Draft NUREG–2192, ''Standard Review Plan for Review of Subsequent License Renewal Applications for Nuclear Power Plants, Draft Report for Comment,'' Revision 1.	ML23180A191
Draft NUREG–2221, ''Technical Bases for Changes in the Subsequent License Renewal Guidance Documents, NUREG–2191, Revision 1, Draft Report for Comment and NUREG–2192, Revision 1, Draft Report for Comment,'' Supplement 1.	ML23180A208
SLR–ISG–2021–01–PWRVI, ''Updated Aging Management Criteria for Reactor Vessel Internal Components of Pressurized-Water Reactors'' Interim Staff Guidance.	ML20217L203
SLR–ISG–2021–02–MECHANICAL, ''Updated Aging Management Criteria for Mechanical Portions of Subsequent License Renewal Guidance'' Interim Staff Guidance.	ML20181A434
SLR–ISG–2021–03–STRUCTURES, ''Updated Aging Management Criteria for Structures Portions of Subsequent License Renewal Guidance'' Interim Staff Guidance.	ML20181A381
SLR–ISG–2021–04–ELECTRICAL, ''Updated Aging Management Criteria for Electrical Portions of Subsequent License Renewal Guidance'' Interim Staff Guidance.	ML20181A395

Dated: July 5, 2023.

For the Nuclear Regulatory Commission.

Michelle W. Hayes,

Chief, Licensing and Regulatory Infrastructure Branch, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2023–14577 Filed 7–10–23; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 72–1031 and 72–44; NRC–2023–0121]

Arizona Public Service Company; Palo Verde Nuclear Generating Station Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) issued an exemption in response to a request from Arizona Public Service Company. The exemption will allow the licensee to deviate from the requirements for the NAC International, Inc. MAGNASTOR® Storage System in Certificate of Compliance No. 1031, Amendment No. 7, by utilizing storage cask lids that were not fabricated in accordance with the requirements of two codes issued by the American Concrete Institute (ACI).

DATES: The exemption to Arizona Public Service Company was issued on July 5, 2023.

ADDRESSES: Please refer to Docket ID NRC–2023–0121 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2023–0121. Address questions about Dockets IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumanns@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS)

is provided the first time that it is mentioned in this document.

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

FOR FURTHER INFORMATION CONTACT: Nishka Devaser, *Office of Nuclear Material Safety and Safeguards,* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5196, email: *Nishka.Devaser@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC issued an exemption (ADAMS Package Accession No. ML23166B082) in response to a request dated May 23, 2023, from Arizona Public Service Company for the Palo Verde Nuclear Generating Station Independent Spent Fuel Storage Installation (ISFSI) (ADAMS Accession No. ML23143A391). The exemption allows exemption from the requirements of §§ 72.212(a)(2), (b)(3), and (b)(5)(i) and 72.214 and the portion of § 72.212(b)(11) of title 10 of the *Code of Federal Regulations* (10 CFR) that requires compliance with the terms and conditions set forth in the certificate of compliance for each spent fuel cask used by an ISFSI general licensee.

The exemption requested authorization to load and store spent fuel in MAGNASTOR® storage casks with lids that were not fabricated in accordance with Technical Specification A4.2, as specified in Amendment No. 7 of the NAC International Certificate of Compliance No. 1031 for the MAGNASTOR® storage system. Amendment No. 7 is used at the Palo Verde ISFSI (ADAMS Package Accession No. ML17013A466).

Technical Specification, Appendix A, A4.2 requires the concrete cask lid to be designed and fabricated in accordance with the American Concrete Institute Specifications ACI–349, ''Code Requirements for Nuclear Safety Related Concrete Structures,'' and ACI–318, ''Building Code Requirements for Structural Concrete,'' which according to the technical specifications govern the concrete cask design and construction, respectively.

NAC submitted an amendment request dated January 24, 2022 (ADAMS Accession No. ML22024A374) to eliminate the need for compliance with the referenced technical specification for the concrete in the cask lids in the Certificate of Compliance No. 1031 for the MAGNASTOR® storage system, however this exemption was necessary to meet loading campaigns scheduled before resolution of NAC's amendment request. The applications provided information documenting that the concrete in the cask lids is not relied upon for the strength safety function provided by the ACI codes in Technical Specification, Appendix A, A4.2, and the concrete in the cask lids was fabricated using standards that ensure the concrete will continue to meet the required shielding safety function. Based on the NRC staff's evaluation of the exemption request, and the statements and representations provided by the applicant in the exemption request, the staff concluded that the proposed action to exempt the cask lids from the current Technical Specification in A4.2 at the ISFSI site is authorized by law and will not endanger life, property, or the common defense and security, and is otherwise in the public interest and therefore meets the exemption requirements in 10 CFR 72.7.

Dated: July 6, 2023.

For the Nuclear Regulatory Commission.

Bernard H. White,

Acting Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2023–14602 Filed 7–10–23; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2023–0120]

Monthly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Monthly notice.

SUMMARY: Pursuant to section 189.a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular monthly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person.

DATES: Comments must be filed by August 10, 2023. A request for a hearing or petitions for leave to intervene must be filed by September 11, 2023. This monthly notice includes all amendments issued, or proposed to be issued, from May 25, 2023, to June 22, 2023. The last monthly notice was published on June 13, 2023.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2023–0120. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Paula Blechman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–2242; email: *Paula.Blechman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2023–0120, facility name, unit number(s), docket number(s), application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2023–0120.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the

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

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

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2023–0120, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown in this notice, the Commission finds that the licensees' analyses provided, consistent with section 50.91 of title 10 of *the Code of Federal Regulations* (10 CFR) ''Notice for public comment; State consultation,'' are sufficient to support the proposed determinations that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination for any of these amendments, any hearing will take place after issuance. The Commission expects that the need to take action on any amendment before 60 days have elapsed will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration, which will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (*https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053*) and on the NRC's public website at *https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate.*

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, federally recognized Indian Tribe, or designated agency thereof that requests to

participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ADAMS Accession No. ML13031A056) and on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html.*

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The following table provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensees' proposed NSHC determinations. For further details with respect to these license amendment applications, see the applications for amendment, which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT REQUESTS

Constellation Energy Generation, LLC; Clinton Power Station, Unit No. 1; DeWitt County, IL

Docket No(s)	50–461.
Application date	March 1, 2023.
ADAMS Accession No	ML23060A258.
Location in Application of NSHC	Pages 5–7 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendment would revise Technical Specification Section 3.8.3, ''Diesel Fuel Oil, Lube Oil, and Starting Air.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address.	Jason Zorn, Associate General Counsel, Constellation Energy Generation, 4300 Winfield Road Warrenville, IL 60555.
NRC Project Manager, Telephone Number.	Joel Wiebe, 301–415–6606.

LICENSE AMENDMENT REQUESTS—Continued

Constellation Energy Generation, LLC; Clinton Power Station, Unit No. 1; DeWitt County, IL; Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL; Constellation Energy Generation, LLC; LaSalle County Station, Units 1 and 2; LaSalle County, IL; Constellation Energy Generation, LLC; Peach Bottom Atomic Power Station, Units 2 and 3; York County, PA; Constellation Energy Generation, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL; Constellation FitzPatrick, LLC and Constellation Energy Generation, LLC; James A. FitzPatrick Nuclear Power Plant; Oswego County, NY; Nine Mile Point Nuclear Station, LLC and Constellation Energy Generation, LLC; Nine Mile Point Nuclear Station, Unit 2; Oswego County, NY	
Docket No(s)	50–461, 50–237, 50–249, 50–333, 50–373, 50–374, 50–410, 50–277, 50–278, 50–254, 50–265.
Application date	May 25, 2023.
ADAMS Accession No	ML23145A086.
Location in Application of NSHC	Pages 2–4 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendments would incorporate Technical Specifications Task Force (TSTF) Improved Standard Technical Specifications Change Traveler TSTF–580, ''Provide Exception from Entering Mode 4 With No Operable RHR [Residual Heat Removal] Shutdown Cooling,'' Revision 1. The proposed change provides a technical specification exception to entering Mode 4 if both required RHR shutdown cooling subsystems are inoperable.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address.	Jason Zorn, Associate General Counsel, Constellation Energy Generation, 101 Constitution Ave. NW, Suite 400 East, Washington, DC 20001.
NRC Project Manager, Telephone Number.	Scott Wall, 301–415–2855.
DTE Electric Company; Fermi, Unit 2; Monroe County, MI	
Docket No(s)	50–341.
Application date	May 5, 2023.
ADAMS Accession No	ML23128A026.
Location in Application of NSHC	Pages 6–7 of Enclosure 1.
Brief Description of Amendment(s)	The proposed amendment would revise the Note for Technical Specification (TS) 3.4.5, ''RCS [Reactor Coolant System] Pressure Isolation Valve (PIV) Leakage'', Action A.1, to remove the word ''check'' and clarify that Action A.1 is to be met by all valves and is not limited only to check valves.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address.	Jon P. Christinidis, DTE Electric Company, Expert Attorney—Regulatory, 1635 WCB, One Energy Plaza, Detroit, MI 48226.
NRC Project Manager, Telephone Number.	Surinder Arora, 301–415–1421.
DTE Electric Company; Fermi, Unit 2; Monroe County, MI	
Docket No(s)	50–341.
Application date	May 5, 2023.
ADAMS Accession No	ML23128A017.
Location in Application of NSHC	Pages 7–9 of Enclosure 1.
Brief Description of Amendment(s)	The proposed amendment would modify Fermi 2 Technical Specification 3.8.1, ''AC [Alternating Current] Sources—Operating,'' to revise Surveillance Requirement 3.8.1.12, by adding a requirement to verify the crankcase overpressure automatic trip for each emergency diesel generator is bypassed on an actual or simulated emergency start signal.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address.	Jon P. Christinidis, DTE Electric Company, Expert Attorney—Regulatory, 1635 WCB, One Energy Plaza, Detroit, MI 48226.
NRC Project Manager, Telephone Number.	Surinder Arora, 301–415–1421.
Energy Northwest; Columbia Generating Station; Benton County, WA	
Docket No(s)	50–397.
Application date	May 1, 2023.
ADAMS Accession No	ML23121A294.
Location in Application of NSHC	Pages 4–6 of Enclosure 1.
Brief Description of Amendment(s)	The proposed amendment would revise the Columbia Generating Station Renewed Facility Operating License NPF–21 and Appendix A, Technical Specifications (TSs) with several clean-up changes. The proposed clean-up changes would include editorial changes and the removal of obsolete TS information, spelling error corrections, and removal of obsolete operating license conditions. None of the proposed changes result in changes to technical or operating requirements.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address.	Ryan Lukson, Legal Service Supervisor, Energy Northwest, MD 1020, P.O. Box 968, Richland, WA 99352.
NRC Project Manager, Telephone Number.	Mahesh Chawla, 301–415–8371.
Entergy Louisiana, LLC, and Entergy Operations, Inc.; River Bend Station, Unit 1; West Feliciana Parish, LA	
Docket No(s)	50–458.
Application date	February 27, 2023.

LICENSE AMENDMENT REQUESTS—Continued

ADAMS Accession No	ML23058A215.
Location in Application of NSHC	Pages 10–12 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendment would modify River Bend Station, Unit 1, Technical Specification requirements to permit the use of risk-informed completion times in accordance with Technical Specifications Task Force (TSTF) Traveler TSTF–505, Revision 2, ''Provide Risk-Informed Extended Completion Times—RITSTF [Risk-Informed TSTF) Initiative 4b'' (ADAMS Accession No. ML18183A493).
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address.	Anna Vinson Jones, Assistant General Counsel/Legal Department, Entergy Operations, Inc., 101 Constitution Avenue NW, Washington, DC 20001.
NRC Project Manager, Telephone Number.	Jason Drake, 301–415–8378.

Entergy Louisiana, LLC, and Entergy Operations, Inc.; River Bend Station, Unit 1; West Feliciana Parish, LA

Docket No(s)	50–458.
Application date	February 27, 2023.
ADAMS Accession No	ML23058A217.
Location in Application of NSHC	Pages 27–29 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendment would modify the River Bend Station, Unit 1, licensing basis by the addition of a license condition, to allow for the implementation of the provisions of 10 CFR 50.69, ''Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address.	Anna Vinson Jones, Assistant General Counsel/Legal Department, Entergy Operations, Inc., 101 Constitution Avenue NW, Washington, DC 20001.
NRC Project Manager, Telephone Number.	Jason Drake, 301–415–8378.

Entergy Operations, Inc.; Arkansas Nuclear One, Unit 1; Pope County, AR

Docket No(s)	50–313.
Application date	March 30, 2023.
ADAMS Accession No	ML23089A261.
Location in Application of NSHC	Pages 15–17 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendment would modify the Arkansas Nuclear One, Unit 1, Technical Specification 3.3.1, Table 3.3.1–1, ''Reactor Protection System Instrumentation,'' Function 9, ''Main Turbine Trip (Oil Pressure),'' allowable value and specify that it is for ''Hydraulic Oil Pressure.'' The proposed change would support replacement of the current Westinghouse electrohydraulic control system, which requires the replacement and relocation of the reactor protection system anticipatory reactor trip system pressure switches.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address.	Anna Vinson Jones, Assistant General Counsel/Legal Department, Entergy Operations, Inc., 101 Constitution Avenue NW, Washington, DC 20001.
NRC Project Manager, Telephone Number.	Thomas Wengert, 301–415–4037.

Entergy Operations, Inc.; Arkansas Nuclear One, Unit 2; Pope County, AR

Docket No(s)	50–368.
Application date	April 5, 2023.
ADAMS Accession No	ML23095A281.
Location in Application of NSHC	Pages 9–11 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendment would modify the Arkansas Nuclear One, Unit 2, technical specification requirements to permit the use of risk-informed completion times in accordance with Technical Specifications Task Force (TSTF) Traveler TSTF–505, Revision 2, ''Provide Risk-Informed Extended Completion Times—RITSTF [Risk-Informed TSTF] Initiative 4b.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address.	Anna Vinson Jones, Assistant General Counsel/Legal Department, Entergy Operations, Inc., 101 Constitution Avenue NW, Washington, DC 20001.
NRC Project Manager, Telephone Number.	Thomas Wengert, 301–415–4037.

Nebraska Public Power District; Cooper Nuclear Station; Nemaha County, NE

Docket No(s)	50–298.
Application date	May 3, 2023.
ADAMS Accession No	ML23124A358.
Location in Application of NSHC	Pages 2–4 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendment would revise the Cooper Nuclear Station Technical Specifications (TSs) to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–580, ''Provide Exception from Entering Mode 4 With No Operable RHR [Residual Heat Removal] Shutdown Cooling,'' by providing a TS exception to entering Mode 4 if both required RHR shutdown cooling subsystems are inoperable.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address.	John C. McClure, Vice President, Governmental Affairs & General Counsel Nebraska Public Power District, P.O. Box 499, 1414 15th Street, Columbus, NE 68602–0499.

LICENSE AMENDMENT REQUESTS—Continued

NRC Project Manager, Telephone Number.	Thomas Wengert, 301–415–4037.

Nebraska Public Power District; Cooper Nuclear Station; Nemaha County, NE

Docket No(s)	50–298.
Application date	May 3, 2023.
ADAMS Accession No	ML23124A234.
Location in Application of NSHC	Pages 3–5 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendment would revise the Cooper Nuclear Station Technical Specifications (TSs) to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–551, ''Revise Secondary Containment Surveillance Requirements.'' Specifically, the proposed change would revise TS 3.6.4.1, ''Secondary Containment,'' Surveillance Requirement (SR) 3.6.4.1.1 to address conditions during which the secondary containment pressure may not meet the SR pressure requirements. In addition, SR 3.6.4.1.3 would be modified to acknowledge that secondary containment access openings may be open for entry and exit.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address.	John C. McClure, Vice President, Governmental Affairs & General Counsel Nebraska Public Power District, P.O. Box 499, 1414 15th Street, Columbus, NE 68601.
NRC Project Manager, Telephone Number.	Thomas Wengert, 301–415–4037.

NextEra Energy Seabrook, LLC; Seabrook Station, Unit No. 1; Rockingham County, NH

Docket No(s)	50–443.
Application date	March 15, 2023, as supplemented by letter dated May 11, 2023.
ADAMS Accession No	ML23074A176, ML23131A115.
Location in Application of NSHC	Pages 5–7 of the Enclosure to the Supplement.
Brief Description of Amendment(s)	The proposed amendment would modify the Seabrook Station, Unit No. 1 Technical Specifications (TSs) by updating from 55 effective full-power years (EFPY) to 52.6 EFPY, the period of applicability specified in the pressure-temperature limits curves of Seabrook TS Figure 3.4–2, Reactor Coolant System Heatup Limitations—Applicable to 55 EFPY, and Figure 3.4–3, Reactor Coolant System Cooldown Limitations—Applicable to 55 EFPY, and in Figure 3.4–4, Maximum Allowable PORV [Pressurized Power-Operated Relief Valve] Setpoints for Cold Overpressure Protection System, and conforming changes to the TS Index.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address.	Steven Hamrick, Senior Attorney 801 Pennsylvania Ave. NW, Suite 220 Washington, DC 20004
NRC Project Manager, Telephone Number.	Justin Poole, 301–415–2048.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 1 and 2; Burke County, GA

Docket No(s)	50–424, 50–425.
Application date	May 1, 2023.
ADAMS Accession No	ML23121A267.
Location in Application of NSHC	Pages E1–14 and E1–15 of Enclosure 1.
Brief Description of Amendment(s)	The proposed amendments would revise Technical Specification (TS) Surveillance Requirement (SR) 3.4.14.1 to allow surveillance frequencies in accordance with the Inservice Testing Program outlined in the American Society of Mechanical Engineers Code for Operation and Maintenance of Nuclear Power Plants. TS SR 3.4.14.1 directs the licensee to verify that the leakage from each reactor coolant system (RCS) pressure isolation valve is equal to or less than 0.5 gallons per minute (gpm) per nominal inch of valve size up to a maximum of 5 gpm at an RCS pressure between 2215 and 2255 pounds per square inch gauge. This amendment would remove three more frequent surveillance frequencies associated with TS SR 3.4.14.1.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address.	Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P.O. Box 1295, Birmingham, AL 35201–1295.
NRC Project Manager, Telephone Number.	Zachary Turner 415–6303.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Docket No(s)	52–025, 52–026.
Application date	March 24, 2023.
ADAMS Accession No	ML23083B967.
Location in Application of NSHC	Pages E–5 and E–6 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendments would revise the Combined Licenses to request changes to depart from Updated Final Safety Analysis Report Tier 2 information (which includes the plant-specific Design Control Document Tier 2 information) and involves related changes to Combined License, Appendix A, Technical Specifications by relocating Technical Specification 3.7.9, ''Spent Fuel Pool Makeup Water Sources,'' to the Technical Requirements Manual as ''Updated Final Safety Analysis Report Standard Content.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address.	Stanford Blanton, Balch & Bingham LLP, P.O. Box 306, Birmingham, AL 35201.

LICENSE AMENDMENT REQUESTS—Continued

NRC Project Manager, Telephone Number.	William Gleaves, 301–415–5848.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Docket No(s)	52–025, 52–026.
Application date	May 17, 2023.
ADAMS Accession No	ML23137A285.
Location in Application of NSHC	Pages 7–8 of Enclosure 1.
Brief Description of Amendment(s)	The proposed amendments would change the Combined License Appendix A, Technical Specification (TS) 3.1.9, ''Chemical and Volume Control System Demineralized Water Isolation Valves and Makeup Line Isolation Valves.'' The proposed change to Required Action B.1 imposes a more restrictive TS ''Action.'' Additional changes are proposed to TS 3.1.9 ''Actions Note'' and ''Action A'' for consistency with similar applications and for clarity.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address.	Stanford Blanton, Balch & Bingham LLP, P.O. Box 306, Birmingham, AL 35201.
NRC Project Manager, Telephone Number.	William Gleaves, 301–415–5848.

Vistra Operations Company LLC; Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2; Somervell County, TX

Docket No(s)	50–445, 50–446.
Application date	April 20, 2023, as supplemented by letter dated June 15, 2023.
ADAMS Accession No	ML23110A156, ML23166B144.
Location in Application of NSHC	Pages 13–15 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendments would authorize an Updated Final Safety Analysis Report change to implement a licensing basis change regarding compliance with 10 CFR part 50, appendix A, General Design Criterion 5, ''Sharing of structures, systems, and components,'' and conformance with Regulatory Guide (RG) 1.81, ''Shared Emergency and Shutdown Electric Systems for Multi-Unit Nuclear Power Plants,'' Revision 1. The licensing basis change would permit certain safety-related common electrical loads, and some Unit 1 specific electrical loads to be fed from common electrical panels, which represents a deviation from RG 1.81.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address.	Timothy P. Matthews, Esq., Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Avenue NW, Washington, DC 20004.
NRC Project Manager, Telephone Number.	Dennis Galvin, 301–415–6256.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated in the safety evaluation for each amendment.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated in the safety evaluation for the amendment.

For further details with respect to each action, see the amendment and associated documents such as the Commission's letter and safety evaluation, which may be obtained using the ADAMS accession numbers indicated in the following table. The safety evaluation will provide the ADAMS accession numbers for the application for amendment and the **Federal Register** citation for any environmental assessment. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT ISSUANCES

NextEra Energy Point Beach, LLC; Point Beach Nuclear Plant, Units 1 and 2; Manitowoc County, WI

Docket No(s)	50–266, 50–301.
Amendment Date	June 1, 2023.
ADAMS Accession No	ML23103A133.
Amendment No(s)	271 (Unit 1) and 273 (Unit 2).

LICENSE AMENDMENT ISSUANCES—Continued

Brief Description of Amendment(s)	The amendments revised technical specification requirements to permit the use of risk-informed completion times for actions to be taken when limiting conditions for operation are not met. The changes are based on Technical Specifications Task Force (TSTF) Traveler TSTF–505, Revision 2, ''Provide Risk-Informed Extended Completion Times—RITSTF [Risk-Informed TSTF] Initiative 4b,'' dated July 2, 2018.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 1 and 2; Burke County, GA

Docket No(s)	50–424, 50–425.
Amendment Date	June 15, 2023.
ADAMS Accession No	ML23115A149.
Amendment No(s)	218 (Unit 1) and 201 (Unit 2).
Brief Description of Amendment(s)	The amendments revised Technical Specification (TS) 1.1, ''Use and Application Definitions'' and added TS 5.5.23 ''Online Monitoring Program.'' The amendments allowed use of an online monitoring (OLM) methodology as the technical basis to switch from time-based surveillance frequency for channel calibrations to a condition-based calibration frequency based on OLM results. The amendments are based on the NRC-approved topical report AMS–TR–0720R2–A, ''Online Monitoring Technology to Extend Calibration Intervals of Nuclear Plant Pressure Transmitters.''
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Tennessee Valley Authority; Watts Bar Nuclear Plant, Units 1 and 2; Rhea County, TN

Docket No(s)	50–390, 50–391.
Amendment Date	June 7, 2023.
ADAMS Accession No	ML23122A232.
Amendment No(s)	162 (Unit 1) and 69 (Unit 2).
Brief Description of Amendment(s)	The amendments revised Watts Bar Nuclear Plant, Units 1 and 2, Technical Specification 3.7.11, ''Control Room Emergency Air Temperature Control System (CREATCS),'' to change the dates in the footnotes for Required Actions A.1 and E.1 for performing modifications to the Watts Bar, Units 1 and 2, main control room CREATCS chillers.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Dated: July 3, 2023.

For the Nuclear Regulatory Commission.

Gregory F. Suber,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2023–14461 Filed 7–10–23; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–073; NRC–2022–0173]

GE-Hitachi Nuclear Energy Americas, LLC; GE-Hitachi Nuclear Test Reactor

AGENCY: Nuclear Regulatory Commission.

ACTION: License renewal; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued a renewal of Facility Operating License No. R–33, held by GE-Hitachi Nuclear Energy Americas, LLC (GEH, the licensee), for the continued operation of the Nuclear Test Reactor (NTR, the reactor) for an additional 20 years from the date of issuance. The reactor is located on the Vallecitos Nuclear Center site in Sunol, Alameda County, California. In connection with the renewed license, the licensee is authorized to operate the reactor at a maximum licensed power level of 100 kilowatts-thermal (kWt).

DATES: Renewed Facility Operating License No. R–33 was issued on June 29, 2023, and is effective as of the date of issuance.

ADDRESSES: Please refer to Docket ID NRC–2022–0173 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0173. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Duane Hardesty, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3724; email: *Duane.Hardesty@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC has issued a renewal for Facility Operating License No. R–33, held by GEH, which authorizes continued operation of the NTR. The NTR is a heterogeneous, highly enriched-uranium, graphite-moderated and -reflected, light-water cooled, thermal reactor. The renewed license

authorizes the licensee to operate the NTR at a steady-state thermal power level up to a maximum of 100 kWt. Renewed Facility Operating License No. R–33 will expire 20 years from its date of issuance.

The renewed facility operating license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in chapter I of title 10 of the *Code of Federal Regulations.* The Commission has made appropriate findings as required by the Act and the Commission's regulations and sets forth those findings in the renewed facility operating license. The agency afforded an opportunity to request a hearing in the Notice of Opportunity to Request a Hearing published in the **Federal Register** on January 10, 2023 (88 FR 1433). No requests for a hearing were received.

The NRC staff prepared the safety evaluation report (SER)–Renewal of the Facility Operating License for the GE-Hitachi Nuclear Test Reactor, License No. R–33, Docket No. 50–073, which concluded that the licensee can continue to operate the facility without endangering the health and safety of the public. The NRC staff also prepared an environmental assessment and finding of no significant impact regarding the renewal of the facility operating license, published in the **Federal Register** on March 22, 2023 (88 FR 17274), with a minor correction published on June 1, 2023 (88 FR 35933), which concluded that renewal of the facility operating license will not have a significant effect on the quality of the human environment.

II. Availability of Documents

Documents related to this action, including the license renewal application and other supporting documentation, and the SER prepared by the NRC staff for the license renewal, are available to interested persons as indicated.

Document description	ADAMS accession No.
GE Hitachi Nuclear Energy, ''Nuclear Test Reactor License Renewal (R–33),'' dated November 19, 2020	ML21053A071.
GE Hitachi Nuclear Energy, ''General Electric Nuclear Test Reactor Safety Analysis Report,'' NEDO 32740, Rev 3, chapters 1 through 8, dated November 19, 2020.	ML20325A205.
GE Hitachi Nuclear Energy, ''General Electric Nuclear Test Reactor Safety Analysis Report,'' NEDO 32740, Rev 3, chapters 9 through 16, dated November 19, 2020.	ML20325A206.
GE Hitachi Nuclear Energy, ''Vallecitos Nuclear Center Environmental Report 2020,'' dated July 2020	ML20325A195.
GE Hitachi Nuclear Energy, ''GEH Supplemental Information Supporting GE Nuclear Test Reactor License Renewal Audit—Audit Questions and Responses,'' dated September 22, 2021.	ML21265A246 (Package).
GE Hitachi Nuclear Energy, ''GE Nuclear Test Reactor Safety Analysis Report and Technical Specifications,'' dated March 24, 2023.	ML23086C023 (Package).
GE Hitachi Nuclear Energy, ''Vallecitos Nuclear Center Reactor Facilities Radiological Emergency Plan,'' Revision 1, dated June 9, 2021.	ML23086C063.
GE Hitachi Nuclear Energy, ''Requalification Program for the General Electric Nuclear Test Reactor (NTR),'' dated June 21, 2021.	ML21172A185.
GE Hitachi Nuclear Energy, ''GEH Supplemental Information Supporting GE Nuclear Test Reactor License Renewal Audit—Audit Questions and Responses,'' dated January 27, 2023.	ML23027A209 (Package).
GE Hitachi Nuclear Energy, email response to U.S. Nuclear Regulatory Commission email request to acknowledge the NRC staff proposed changes to the renewed facility operating license, dated April 21, 2023.	ML23111A233.
GE Hitachi Nuclear Energy, email response to U.S. Nuclear Regulatory Commission email request to acknowledge the NRC staff proposed changes to the renewed facility operating license and technical specifications, dated June 15, 2023.	ML23166B147.
U.S. Nuclear Regulatory Commission, ''Safety Evaluation Report–Renewal of the Facility Operating License for the GE-Hitachi Nuclear Test Reactor, License No. R–33, Docket No. 50–073,'' dated June 2023.	ML23128A353.

Dated: July 5, 2023.

For the Nuclear Regulatory Commission.

Joshua M. Borromeo,

Chief, Non-Power Production and Utilization Facility Licensing Branch, Division of Advanced Reactors and Non-Power Production and Utilization Facilities, Office of Nuclear Reactor Regulation.

[FR Doc. 2023–14536 Filed 7–10–23; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2023–179 and CP2023–183]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 12, 2023.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also

establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2023–179 and CP2023–183; *Filing Title:* USPS Request to Add Priority Mail, First-Class Package Service & Parcel Select Contract 32 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 30, 2023; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Arif Hafiz; *Comments Due:* July 12, 2023.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2023–14531 Filed 7–10–23; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97840; File No. SR–ICC–2023–009]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change Relating to the ICC Default Auction Procedures—Initial Default Auctions

July 5, 2023.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b-4,[2] notice is hereby given that on June 22, 2023, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change, as described in Items I, II and III below, which Items have been prepared primarily by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

ICE Clear Credit LLC (''ICC'') proposes revisions to ICC's Default Auction Procedures—Initial Default Auctions (the ''Auction Procedures''). These revisions do not require any changes to the ICC Clearing Rules (the ''Rules'').[3]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change, security-based swap submission, or advance notice and discussed any comments it received on the proposed rule change, security-based swap submission, or advance notice. The text of these statements may be examined at the places specified in Item IV below. ICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

ICC proposes to revise its Auction Procedures. In the event of the default of an ICC Clearing Participant (''CP''), the Auction Procedures are designed to facilitate liquidation of the defaulter's portfolio through a multi-lot modified Dutch auction. ICC believes the proposed revisions will facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible. ICC proposes to make such changes effective following Commission approval of the proposed rule change. The proposed revisions are described in detail as follows.

The purpose of the proposed amendments is to incorporate feedback received from market participants during ICC's 2022 default test to revise the Auction Procedures to provide ICC greater flexibility to determine that a minimum bid requirement is not appropriate for an auction participant in certain circumstances and/or to decide for a particular auction lot that so-called ''juniorization'' of participants' guaranty fund contributions based on competitiveness of bidding is not appropriate. With respect to the minimum bid requirement, market participants expressed concern that certain market participants may not trade, or have the operational, risk management or other capacity to trade or otherwise manage, particular products cleared through ICC (*e.g.,* index swaptions). If a participant were forced to bid for lots including such products, the participant might acquire in the default auction products for which it may not have the ready capability to manage the risk of its positions. Forcing participants to acquire such positions may result in an increase in systemic risk. Similarly, market participants have expressed concerns that while juniorization may in general incentivize robust bidding in the auction process, there may be particular situations where, in the light of the characteristics of the lot and participants involved in the auction, the risk of juniorization could make it more difficult to auction the lot successfully or might otherwise be undesirable or inappropriate for the auction.

To address these concerns, ICC proposes the following amendments to the Auction Procedures. Currently, under Section 2.4 of the Auction Procedures, all non-defaulting CPs and Direct Participating Customers[4] (collectively, ''Auction Participants'') are required to bid for a minimum notional amount of contracts for each auction lot determined pro rata based on its required contribution to the ICC guaranty fund (''Minimum Bid Requirement''), subject to certain exceptions. ICC proposes to amend Section 2.4 to provide an additional exception to the extent ICC determines that the Minimum Bid Requirement would be inappropriate for certain Auction Participant(s) in light of: (i) the operational and other capabilities of such Auction Participant(s) to clear contracts in the relevant auction lot, or (ii) the conditions in the market for the contracts in the relevant auction lot. These amendments would allow ICC to determine that a Minimum Bid

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms used but not defined herein have the meanings specified in the Rules.

[4] A Direct Participating Customer is a customer of a CP that has been authorized to participate in an ICC default auction pursuant to the requirements set out in the Auction Procedures.

Requirement should not apply, among other cases, where the relevant Auction Participant does not have risk management or other operational capabilities to clear the relevant contracts. It also provides ICC with flexibility to eliminate a Minimum Bid Requirement in other circumstances it determines to be appropriate, to address market conditions and other circumstances that may be prevailing at the time.

Furthermore, ICC proposes amending Section 2.6 of the Auction Procedures to allow ICC to determine that for a particular auction lot, all Auction Participants will be treated as Senior Bidders in circumstances where ICC determines that ''juniorization'' may negatively impact ICC's ability to conduct a successful default auction given the then current market conditions. The effect of such a determination would be that ''juniorization'' of Lot Guaranty Fund Contributions and Lot Assessment Contributions will not occur, such that all such contributions will be applied on a pro rata basis rather than based on the relative competitiveness of bids made. ICC believes this flexibility is appropriate to address potential scenarios where juniorization may make it more difficult to run a successful auction or is otherwise inappropriate or undesirable for the auction in light of the particular circumstances at the time.

In addition, ICC received feedback from market participants during ICC's 2022 default test that making the foregoing revisions to ICC's Auction Procedures would better align such procedures with the default procedures of other clearing houses (*e.g.,* LCH Ltd, LCH SA, and Eurex). According to such market participants, the foregoing clearing houses have rules and/or default procedures that, in general, exclude non-defaulting clearing members from mandatory participation in default auctions where such non-defaulting clearing members do not have exposure to the products in the default auction portfolio.

(b) Statutory Basis

Section 17A(b)(3)(F) of the Act [5] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to the extent applicable, derivative agreements, contracts and transactions; to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible; in general, to protect investors and the public interest; and to comply with the provisions of the Act and the rules and regulations thereunder. ICC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC, in particular to Section 17(A)(b)(3)(F),[6] because ICC believes that the proposed changes to the Auction Procedures enhance ICC's ability to conduct a default auction in a manner that mitigates risk to Auction Participants. The proposed changes introduce additional options to ICC to disapply minimum bid requirements for certain Auction Participants and/or juniorization for certain auction lots in circumstances where such practices might otherwise lead to an increase in systemic risk or be inappropriate or undesirable in light of ICC's goal of running a successful auction. Such changes would maintain the incentives for competitive bidding in a default auction as Auction Participants are still incentivized to protect their guaranty fund deposits and assessment contributions, and juniorization would be expected to continue to apply in most circumstances. Such changes overall are designed to promote effective and efficient auctions to facilitate the close-out of the defaulter's portfolio, in light of feedback from market participants. As such, the proposed rule change is designed to promote the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions; to contribute to the safeguarding of securities and funds associated with security-based swap transactions in ICC's custody or control, or for which ICC is responsible; and, in general, to protect investors and the public interest within the meaning of Section 17A(b)(3)(F) of the Act.[7]

In addition, the proposed rule change is consistent with the relevant requirements of Rule 17Ad–22.[8] Rule 17Ad–22(e)(4)(ii) [9] requires ICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families that would potentially cause the largest aggregate credit exposure for the covered clearing agency in extreme but plausible market conditions. ICC believes that the proposed revisions enhance its Auction Procedures. As described above, the proposed changes to the Auction Procedures enhance ICC's ability to conduct a default auction in a manner that mitigates risk to Auction Participants. The proposed changes introduce additional options to ICC to disapply minimum bid requirements for certain Auction Participants and/or juniorization for certain auction lots in circumstances where such practices may lead to an increase in risk or may otherwise be undesirable. Such changes promote effective and efficient auctions to facilitate the close-out of the defaulter's portfolio. In ICC's view, these changes represent options that strengthen ICC's ability to manage its financial resources and withstand the pressures of defaults, consistent with the requirements of Rule 17Ad–22(e)(4)(ii).[10]

Rule 17Ad–22(e)(23) [11] requires ICC to publicly disclose all relevant rules and material procedures, including key aspects of its default rules and procedures, and provide sufficient information to enable participants to identify and evaluate the risks, fees, and other material costs they incur by participating in the covered clearing agency. ICC's default management rules and procedures contained in the ICC Rules, the Auction Procedures, and the Secondary Auction Procedures are publicly available on ICC's website. The proposed changes to the Auction Procedures described above provide further specificity and transparency to the ICC default auction process, all of which are publicly available. Moreover, the proposed changes provide additional information on the options available to ICC on the application of juniorization to default auctions, providing market participants additional information to allow them to evaluate the risks of participating at ICC. In ICC's view, these changes are consistent with the requirements of Rule 17Ad–22(e)(23).[12]

(B) Clearing Agency's Statement on the Burden on Competition

ICC does not believe the proposed rule change would have any impact, or impose any burden, on competition. The proposed changes to ICC's Auction Procedures will apply uniformly across all market participants. Therefore, ICC does not believe the proposed rule change imposes any burden on

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] *Id.*

[7] *Id.*

[8] 17 CFR 240.17Ad–22.

[9] 17 CFR 240.17Ad–22(e)(4)(ii).

[10] *Id.*

[11] 17 CFR 240.17Ad–22(e)(23).

[12] *Id.*

competition that is inappropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be 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 (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–ICC–2023–009 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR–ICC–2023–009. 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 a.m. and 3 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's website at *https://www.theice.com/clear-credit/regulation.*

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–ICC–2023–009 and should be submitted on or before August 1, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–14524 Filed 7–10–23; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97839; File No. SR–FINRA–2023–006]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Change, as Modified by Amendment No. 1, To Adopt Supplementary Material .19 (Residential Supervisory Location) Under FINRA Rule 3110 (Supervision)

July 5, 2023.

I. Introduction

On March 29, 2023, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') proposed rule change SR–FINRA–2023–006 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4[2] thereunder to adopt new Supplementary Material .19 (Residential Supervisory Location) under FINRA Rule 3110 (Supervision), which would treat a private residence at which an associated person engages in specified supervisory activities as a non-branch location, subject to safeguards and limitations.[3] The proposed rule change was published for public comment in the **Federal Register** on April 6, 2023.[4] The Commission received thirteen comment letters related to this filing.[5] On May 16, 2023, FINRA consented to an extension of the time period in which the Commission must 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 July 5, 2023.[6] On July 3, 2023, FINRA filed an amendment to modify the proposed rule change (''Amendment No. 1'').[7]

The Commission is publishing this order pursuant to Section 19(b)(2)(B) of the Exchange Act[8] to solicit comments on the proposed rule change, as modified by Amendment No. 1, and to institute proceedings to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1 (hereinafter referred to as the ''proposed rule change'' unless otherwise specified).

II. Description of the Proposed Rule Change, as Modified by Amendment No. 1

A. Background

Currently under FINRA rules, a private residence at which certain supervisory functions occur would need to be registered and designated as a branch office or office of supervisory jurisdiction (''OSJ'') under Rule 3110(a)(3) and inspected at least annually under Rule 3110(c)(1)(A). However, as part of its response to the COVID–19 pandemic, FINRA temporarily suspended the requirement for member firms to submit branch office registration applications on Form

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 97237 (Mar. 31, 2023), 88 FR 20568 (Apr. 6, 2023) (File No. SR–FINRA–2023–006) (hereinafter, the ''Notice'').

[4] *See id.*

[5] The comment letters are available at *https://www.sec.gov/comments/sr-finra-2023-006/srfinra2023006.htm.*

[6] *See* letter from Sarah Kwak, Associate General Counsel, Office of General Counsel, FINRA, to Daniel Fisher, Branch Chief, Division of Trading and Markets, U.S. Securities and Exchange Commission (May 16, 2023), available at *https://www.finra.org/sites/default/files/2023-05/sr-finra-2023-006-extension-no-1.pdf.*

[7] *See* Amendment No. 1, available at *https://www.finra.org/rules-guidance/rule-filings/sr-finra-2023-006.*

[8] 15 U.S.C. 78s(b)(2)(B).

BR (Uniform Branch Office Registration Form) for any newly opened temporary office locations or space-sharing arrangements established as a result of the pandemic (the ''Form BR Temporary Suspension'').[9]

FINRA stated that absent further regulatory action, once the Form BR Temporary Suspension is lifted, FINRA rules would require member firms to ''either curtail activities at residential locations or register large numbers of residential locations as OSJs or supervisory branch offices.'' [10] Registering a private residence as an OSJ or supervisory branch office would impose a corresponding annual inspection requirement.[11] Under the proposed rule change, a new location designation, Residential Supervisory Location (''RSL''), would be treated as a non-branch location, subject to inspections on a regular periodic schedule under Rule 3110(c)(1)(C), presumed to be every three years.[12]

B. Proposed Rule Change, as Modified by Amendment No. 1

FINRA is proposing to adopt new Supplementary Material .19 under Rule 3110 to establish an RSL designation that would treat an eligible location as a non-branch location (*i.e.,* exclude it from branch office registration and the corresponding annual inspection requirement), subject to specified limitations and conditions, as described below.

1. Conditions for Designation as a Residential Supervisory Location

Under proposed Rule 3110.19(a), an associated person's private residence where supervisory activities are conducted (*i.e.,* an RSL) shall be considered for those activities a non-branch location (and thus excluded from branch-office registration and the corresponding annual inspection requirement), provided that: (1) only one associated person, or multiple associated persons who reside at that location and are members of the same immediate family, conduct business at the location; [13] (2) the location is not held out to the public as an office; [14] (3) the associated person does not meet with customers or prospective customers at the location; [15] (4) any sales activity that takes place at the location complies with the conditions set forth under Rule 3110(f)(2)(A)(ii) or (iii); [16] (5) neither customer funds nor securities are handled at that location; [17] (6) the associated person is assigned to a designated branch office, and such designated branch office is reflected on all business cards, stationery, retail communications, and other communications to the public by such associated person; [18] (7) the associated person's correspondence and communications with the public are subject to the firm's supervision in accordance with Rule 3110; [19] (8) the associated person's electronic communications (*e.g.,* email) are made through the member's electronic system; [20] (9)(A) the member has a recordkeeping system to make and keep current, and preserved records required to be made and kept current, and preserved under applicable securities laws and regulations, FINRA rules, and the member's own written supervisory procedures under Rule 3110; (9)(B) such records are not physically or electronically maintained and preserved at the office or location; and (9)(C) the member has prompt access to such records; [21] and (10) the member has determined that its surveillance and technology tools are appropriate to supervise the types of risks presented by each RSL; these tools may include but are not limited to: (A) firm-wide tools such as, an electronic recordkeeping system; electronic surveillance of email and correspondence; electronic trade blotters; regular activity-based sampling reviews; and tools for visual inspections; (B) tools specific to the RSL based on the activities of the associated person assigned to the location, products offered, and restrictions on the activity of the RSL; and (C) system tools, such as secure network connections and effective cybersecurity protocols.[22]

2. Member Firm Ineligibility Criteria

Under proposed Rule 3110.19(b), a member firm would be ineligible to designate any of its offices or locations as an RSL if the member: (1) is currently designated as a Restricted Firm under Rule 4111 (Restricted Firm Obligations); [23] (2) is currently designated as a Taping Firm under Rule 3170 (Tape Recording of Registered Persons by Certain Firms); [24] (3) is currently undergoing, or is required to undergo, a review under Rule 1017(a)(7) as a result of one or more associated persons at such location; [25] (4) receives a notice from FINRA pursuant to Rule 9557 (Procedures for Regulating Activities under Rule 4110 (Capital Compliance), Rule 4120 (Regulatory Notification and Business Curtailment) or Rule 4130 (Regulation of Activities of Section 15C Members Experiencing Financial and/or Operational Difficulties)), unless FINRA has otherwise permitted activities in writing pursuant to such rule; [26] (5) is or becomes suspended by FINRA; [27] (6) based on the date in the Central Registration Depository, had its FINRA membership become effective within the prior twelve months; [28] or (7) is or has been found within the past three years by the SEC or FINRA to have violated Rule 3110(c).[29]

3. Location Ineligibility Criteria

As originally proposed, under proposed Rule 3110.19(c), a specific location of an otherwise eligible member would be ineligible for designation as an RSL if one or more associated persons at the location: (1) is a designated supervisor who has less than one year of direct supervisory experience with the member; [30] (2) is functioning as a principal for a limited period in accordance with Rule 1210.04 (Registration Requirements); [31] (3) is subject to a mandatory heightened supervisory plan under the rules of the SEC, FINRA, or a state regulatory agency; [32] (4) is statutorily disqualified, unless such disqualified person has been approved (or is otherwise permitted pursuant to FINRA rules and the federal securities laws) to associate with a member and is not subject to a mandatory heightened supervisory plan under proposed Rule 3110.19(c)(3) or otherwise as a condition to approval or permission for such association; [33] (5) has an event in the prior three years that required a ''yes'' response to any item in Questions 14A(1)(a) and 2(a), 14B(1)(a) and 2(a), 14C, 14D, and 14E on Form U4 (Uniform Application for Securities Industry Registration or Transfer

[9] *See* FINRA *Regulatory Notice* 20–08 (Mar. 9, 2020) (''Regulatory Notice 20–08''), available at *https://www.finra.org/rules-guidance/notices/20-08; see also* Notice at 20569 n.7.

[10] Notice at 20579.

[11] FINRA Rule 3110(c)(1)(A).

[12] *See* FINRA Rules 3110(c)(1)(C), 3110.13; Proposed Rule 3110.19(a).

[13] *See* proposed Rule 3110.19(a)(1).

[14] *See* proposed Rule 3110.19(a)(2).

[15] *See* proposed Rule 3110.19(a)(3).

[16] *See* proposed Rule 3110.19(a)(4).

[17] *See* proposed Rule 3110.19(a)(5).

[18] *See* proposed Rule 3110.19(a)(6).

[19] *See* proposed Rule 3110.19(a)(7).

[20] *See* proposed Rule 3110.19(a)(8).

[21] *See* proposed Rule 3110.19(a)(9).

[22] *See* proposed Rule 3110.19(a)(10).

[23] *See* proposed Rule 3110.19(b)(1).

[24] *See* proposed Rule 3110.19(b)(2).

[25] *See* proposed Rule 3110.19(b)(3).

[26] *See* proposed Rule 3110.19(b)(4).

[27] *See* proposed Rule 3110.19(b)(5).

[28] *See* proposed Rule 3110.19(b)(6).

[29] *See* proposed Rule 3110.19(b)(7).

[30] *See* proposed Rule 3110.19(c)(1).

[31] *See* proposed Rule 3110.19(c)(2).

[32] *See* proposed Rule 3110.19(c)(3).

[33] *See* proposed Rule 3110.19(c)(4).

Registration);[34] or (6) is currently subject to, or has been notified in writing that it will be subject to, any investigation, proceeding, complaint or other action by the member, the SEC, a self-regulatory organization, including FINRA, or state securities commission (or agency or office performing like functions) alleging they have failed reasonably to supervise another person subject to their supervision, with a view to preventing the violation of any provision of the Securities Act, the Exchange Act, the Investment Advisers Act, the Investment Company Act, the Commodity Exchange Act, any state law pertaining to the regulation of securities or any rule or regulation under any of such Acts or laws, or any of the rules of the Municipal Securities Rulemaking Board (''MSRB'') or FINRA.[35]

Amendment No. 1 would modify two of these six originally proposed criteria. Specifically, Amendment No. 1 would modify proposed Rule 3110.19(c)(1) to provide that an office or location would be ineligible for RSL designation if one or more associated persons at such office or location is a designated supervisor who has less than one year of direct supervisory experience with the member, or an affiliate or subsidiary of the member that is registered as a broker-dealer or investment adviser.[36]

Amendment No. 1 also would modify proposed Rule 3110.19(c)(6). As amended, proposed Rule 3110.19(c)(6) would provide that an office or location would be ineligible for RSL designation if one or more associated persons at such office or location has been notified in writing that such associated person is now subject to any Investigation or Proceeding, as such terms are defined in the Explanation of Terms for the Form U4, by the SEC, a self-regulatory organization, including FINRA, or state securities commission (or agency or office performing like functions) (each, a ''Regulator'') expressly alleging they have failed reasonably to supervise another person subject to their supervision, with a view to preventing the violation of any provision of the Securities Act of 1933, the Exchange Act, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, any state law pertaining to the regulation of securities or any rule or regulation under any of such acts or laws, or any of the rules of the MSRB or other self-regulatory organization, including FINRA.[37] Further, Amendment No. 1 would permit such office or location to be designated or redesignated as an RSL subject to the requirements of proposed Rule 3110.19 upon the earlier of: (1) the member's receipt of written notification from the applicable Regulator that such Investigation has concluded without further action; or (2) one year from the date of the last communication from such Regulator relating to such Investigation.[38]

4. Obligation To Provide List of RSLs to FINRA

Under proposed Rule 3110.19(d), any member that elects to designate any office or location of the member as an RSL pursuant to proposed Rule 3110.19 shall provide FINRA with a current list of all locations designated as RSLs by the 15th day of the month following each calendar quarter in the manner and format (*e.g.,* through an electronic process or such other process) as FINRA may prescribe.

5. Risk Assessment

Amendment No. 1 would further modify the proposed rule change by adding proposed Rule 3110.19(e).[39] This proposed rule change would require a member—prior to designating an office or location as an RSL—to develop a reasonable risk-based approach to designating the office or location as an RSL, and conduct and document a risk assessment for the associated person assigned to that office or location.[40] This proposed rule change would require documentation of the factors considered, including, among others, whether the associated person at such office or location is now subject to: (1) customer complaints, taking into account the volume and nature of the complaints; (2) heightened supervision other than where such office or location is ineligible for RSL designation under proposed Rule 3110.19(c)(3); (3) any failure to comply with the member's written supervisory procedures; (4) any recordkeeping violation; and (5) any regulatory communications from a Regulator, including but not limited to, subpoenas, preliminary or routine regulatory inquiries or requests for information, deficiency letters, ''blue sheet'' requests or other trading questionnaires, or examinations indicating that the associated person at such office or location failed reasonably to supervise another person subject to their supervision.[41] Furthermore, this proposed rule change would require the member to account for any higher risk activities that take place or a higher risk associated person that is assigned to that office or location.[42]

Amendment No. 1 also would provide—as part of proposed Rule 3110.19(e)—that (consistent with its obligation under Rule 3110(a)) the member's supervisory system must take into consideration any indicators of irregularities or misconduct (*i.e.,* ''red flags'') when designating an office or location as an RSL.[43] Further, this proposed rule change would provide that red flags should be reviewed in determining whether it is reasonable to maintain the RSL designation of an office or location in accordance with the requirements of proposed Rule 3110.19, and that the member should consider evidencing steps taken to address those red flags where appropriate.[44]

III. Proceedings To Determine Whether To Approve or Disapprove File No. SR–FINRA–2023–006 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act to determine whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved.[45] Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change, as modified by Amendment No. 1. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to the proposed rule change, as modified by Amendment No. 1.

Pursuant to Section 19(b)(2)(B) of the Exchange Act, the Commission is providing notice of the grounds for disapproval under consideration.[46] The Commission is instituting proceedings to allow for additional analysis and input concerning whether the proposed rule change, as modified by Amendment No. 1, is consistent with the Exchange Act and the rules thereunder.

IV. Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues

[34] *See* proposed Rule 3110.19(c)(5). Form U4's Questions 14A(1)(a) and 2(a), 14B(1)(a) and 2(a) elicit reporting of criminal convictions, and Questions 14C, 14D, and 14E pertain to regulatory action disclosures. *See* Notice 20577 n.97.

[35] *See* proposed Rule 3110.19(c)(6).

[36] *See* proposed Rule 3110.19(c)(1); Amendment No. 1.

[37] *See* proposed Rule 3110.19(c)(6); Amendment No. 1.

[38] *See id.*

[39] Proposed Rule 3110.19(e); Amendment No. 1.

[40] Proposed Rule 3110.19(e).

[41] *Id.*

[42] *Id.*

[43] *Id.*

[44] *Id.*

[45] 15 U.S.C. 78s(b)(2)(B).

[46] *Id.*

identified above, as well as any other concerns they may have with the proposed rule change, as modified by Amendment No. 1. 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 the Exchange Act and the rules thereunder.

Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b-4, any request for an opportunity to make an oral presentation.[47]

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 August 1, 2023. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by August 15, 2023.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–FINRA–2023–006 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–FINRA–2023–006. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change, as modified by Amendment No. 1, that are filed with the Commission, and all written communications relating to the proposed rule change, as modified by Amendment No. 1, between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2023–006 and should be submitted on or before August 1, 2023. If comments are received, any rebuttal comments should be submitted on or before August 15, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[48]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–14523 Filed 7–10–23; 8:45 am]

BILLING CODE 8011–01–P

[47] Section 19(b)(2) of the Exchange Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29, 89 Stat. 97 (1975), grants 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, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[48] 17 CFR 200.30–3(a)(12); 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97841; File No. SR–NYSEARCA–2023–46]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Options Proprietary Market Data Fee Schedule

July 5, 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 June 30, 2023, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Options Proprietary Market Data Fee Schedule (''Fee Schedule'') to introduce a data product to be known as the NYSE Options Open-Close Intra-Day Volume Summary (''Intra-Day Volume Summary'') that would be available for purchase by any market participant, *i.e.,* members [3] and non-members, on an ad-hoc basis and to adopt fees for such product.

The proposed rule change is available on the Exchange's website at *www.nyse.com,* 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 self-regulatory organization 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to introduce a data product to be known as the Intra-Day Volume Summary that would be available for purchase by market participants on an ad-hoc basis and to adopt fees for such product.[4]

More specifically, the Exchange proposes to offer an ad-hoc historic monthly Intra-Day Volume Summary market data product that provides a volume summary of trading activity on

[3] Members of the Exchange are OTP Firms, OTP Holders and ETP Holders.

[4] The Exchange previously adopted a subscription-based market data product known as the NYSE Options Open-Close Volume Summary that market participants can purchase on a subscription basis. See Securities Exchange Act Release No. 93132 (September 27, 2021), 86 FR 54499 (October 1, 2021) (SR–NYSEArca–2021–82). The purpose of this filing is to introduce a historic monthly report of the NYSE Options Open-Close Volume Summary that would be available for purchase by any market participant on an ad-hoc basis.

the Exchange at the option level by origin (Customer, Professional Customer, Firm, Broker-Dealer, and Market Maker),[5] side of the market (buy or sell), contract volume, and transaction type (opening or closing). The Customer, Professional Customer, Firm, Broker-Dealer, and Market Maker volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The ad-hoc historic monthly Intra-Day Volume Summary is proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed. The Exchange proposes to offer data that would go back to August 2022 and would contain all series in an underlying security if it has volume.[6]

The Exchange anticipates a wide variety of market participants to purchase the ad-hoc historic monthly Intra-Day Volume Summary, including, but not limited to, individual customers, buy-side investors, investment banks and academic institutions. For example, academic institutions may utilize the proposed product to promote research and studies of the options industry to the benefit of all market participants. The Exchange believes the proposed product may also provide helpful trading information regarding investor sentiment and may be used to create and test trading models and analytical strategies. The ad-hoc historic monthly Intra-Day Volume Summary is a completely voluntary product, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so. The Exchange notes that other exchanges offer a similar product.[7] As such, the ad-hoc historic monthly Intra-Day Volume Summary is subject to direct competition from similar intra-day options trading summaries offered by other exchanges. All of these exchanges offer essentially the same intra-day options trading summary information for purchase on an ad-hoc basis, and generally differ solely in the amount of history available for purchase.[8]

The Exchange proposes to provide in its Fee Schedule that market participants may purchase the ad-hoc historic monthly Intra-Day Volume Summary for a specified month (historical data). The Exchange proposes to assess a fee of $1,000 per request per month for an ad-hoc request of historical Intra-Day Volume Summary covering all Exchange-listed securities. An ad-hoc request can be for any number of months beginning with August 2022 for which the data is available.[9] The proposed fee for ad-hoc requests for the historic monthly Intra-Day Volume Summary will apply to all market participants. The Exchange notes that other exchanges provide a similar data product [10] that may be purchased on an ad-hoc basis. The proposed fee is comparably priced to at least one other exchange that sells a market data product similar to Intra-Day Volume Summary that may be purchased on an ad-hoc basis.[11]

The Exchange intends to offer the historic monthly Intra-Day Volume Summary on an ad-hoc basis and charge the proposed fees effective July 3, 2023.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is 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 to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposal to adopt fees for ad-hoc historic monthly Intra-Day Volume Summary is consistent with Section 6(b) of the Act [14] in general, and furthers the objectives of Section 6(b)(4) of the Act [15] in particular, in that it is an equitable allocation of dues, fees and other charges among its members and other recipients of Exchange data.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data.

The Exchange believes that the proposed ad-hoc historic monthly Intra-Day Volume Summary market data product would further broaden the availability of U.S. options market data to investors consistent with the principles of Regulation NMS. The proposed rule change would benefit investors by providing access to historic data, which as noted above, may promote better informed trading, as well as research and studies of the options industry. Particularly, information regarding opening and closing activity across different options series may indicate investor sentiment, which can be helpful research and/or trading information. Customers of the historic data product may be able to enhance their ability to analyze options trade and volume data, and create and test trading models and analytical strategies. The Exchange believes ad-hoc historic monthly Intra-Day Volume Summary would provide a valuable tool that customers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary

[5] The terms Customer, Professional Customer, Firm and Market Maker are defined in NYSE Arca Rule 1.1.

[6] The specifications for the ad-hoc historic monthly Intra-Day Volume Summary can be found at *https://www.nyse.com/market-data/historical/open-close-volume-summary.*

[7] *See e.g.,* Securities Exchange Act Release Nos. 89496 (August 6, 2020), 85 FR 48743 (August 12, 2020) (SR–C2–2020–010) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Introduce a New Data Product To Be Known as Intraday Open-Close Data); and 97723 (June 14, 2023), 88 FR 40358 (June 21, 2023) (SR–BOX–2023–16) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule for Trading on the BOX Options Market LLC Facility To Offer Ad-Hoc Historical Requests for the Intraday Open-Close Data Report and Adopt Fees for This Data). The ad-hoc historic monthly Intra-Day Volume Summary report contains the same information that is provided in the monthly subscription-based market data product known as the NYSE Options Open-Close Volume Summary. *See* note 5, *supra.*

[8] For example, Nasdaq PHLX LLC offers history for its intra-day data starting in January 2009 for purchase on an ad-hoc basis while Intra-Day Volume Summary history is only offered starting in August 2022. *See https://www.nasdaqtrader.com/micro.aspx?id=photo.*

[9] For example, a customer that requests historical Intra-Day Volume Summary for the months of October 2022 and November 2022, would be assessed a total of $2,000.

[10] *See e.g.,* Cboe LiveVol, LLC Market Data Fees available at *https://www.cboe.com/us/options/membership/fee_schedule/ctwo/.* Cboe C2 Options (''C2'') offers Open-Close Data: Intraday Ad-hoc Request (historical data) and assesses a fee of $500 per request per month. Cboe EDGX Exchange, Inc. (''EDGX'') similarly offers Open-Close Data: Intraday Ad-hoc Request (historical data) and assesses a fee of $500 per request per month. *See https://www.cboe.com/us/options/membership/fee_schedule/edgx/.* Nasdaq ISE, LLC (''ISE'') offers Nasdaq ISE Open/Close Trade Profile Intraday Ad-Hoc Request (historical data) and assesses a fee of $1,000 per request per month, $2,000 per request per quarter and $8,000 per request per year. *See* Sec. 10, Market Data, at *https://listingcenter.nasdaq.com/rulebook/ise/rules/ise-options-7.*

[11] *See* ISE fees, note 11, *supra.*

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(4).

for trading. Moreover, other exchanges offer a similar data product.[16]

The Exchange operates in a highly competitive market. Indeed, there are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[17] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in April 2023, the Exchange had less than 13% market share of executed volume of multiply-listed equity and ETF options trades.[18]

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.'' [19]

With respect to market data, the decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoalition* v. *SEC* upheld the Commission's reliance on the existence of competitive market mechanisms to evaluate the reasonableness and fairness of fees for proprietary market data:

In fact, the legislative history indicates that the Congress intended that the market system ''evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed'' and that the SEC wield its regulatory power ''in those situations where competition may not be sufficient,'' such as in the creation of a ''consolidated transactional reporting system.'' [20]

The court agreed with the Commission's conclusion that ''Congress intended that 'competitive forces should dictate the services and practices that constitute the U.S. national market system for trading equity securities.' '' [21] More recently, the Commission confirmed that it applies a ''market-based'' test in its assessment of market data fees, and that under that test:

the Commission considers whether the exchange was subject to significant competitive forces in setting the terms of its proposal for [market data], including the level of any fees. If an exchange meets this burden, the Commission will find that its fee rule is consistent with the Act unless there is a substantial countervailing basis to find that the terms of the rule violate the Act or the rules thereunder.[22]

Making similar historic data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supra-competitive fees. In the event that a market participant views one exchange's historic data product as more or less attractive than the competition they can and do switch between similar products. The proposed fees are a result of the competitive environment, as the Exchange seeks to adopt fees to attract purchasers of the ad-hoc historic monthly Intra-Day Volume Summary data product.

The Exchange believes its proposal to provide the ad-hoc historic monthly Intra-Day Volume Summary is reasonable as the proposed fee is comparable to the fee charged by at least one other exchange that provides a similar historic data product.[23] Indeed, proposing fees that are excessively higher than established fees for similar historic data products would simply serve to reduce demand for the Exchange's historic data product, which as noted, is entirely optional. Like the ad-hoc historic monthly Intra-Day Volume Summary, other exchanges offer similar historic data products that each provide insight into trading on those markets and may likewise aid in assessing investor sentiment. Although each of these similar historic data products provide only proprietary trade data and not trade data from other exchanges, it is possible investors are still able to gauge overall investor sentiment across different options series based on open and closing interest on any one exchange. Similarly, market participants may be able to analyze options trade and volume data, and create and test trading models and analytical strategies using only the ad-hoc historic monthly Intra-Day Volume Summary data relating to trading activity on one or more of the other markets that provide similar historic data products. As such, if a market participant views another exchange's data as more attractive than the Exchange's offering, then such market participant can merely choose not to purchase the Exchange's historic data product and instead purchase another exchange's historic product, which offer similar data points, albeit based on that other market's trading activity.

The Exchange also believes the proposed fees are reasonable as they would support the introduction of a historic market data product that is designed to aid investors by providing insight into trading on the Exchange. In turn, this data would assist market participants in gauging investor sentiment and trading activity, resulting in potentially better-informed trading decisions. As noted above, customers may also use such data to create and test trading models and analytical strategies.

Selling historic market data, such as the ad-hoc historic monthly Intra-Day Volume Summary, is also a means by which exchanges compete to attract business. To the extent that the Exchange is successful in attracting customers to the Exchange's historic data product, it may earn trading revenues and further enhance the value of its data products. If the market deems the proposed fees to be unfair or inequitable, customers can diminish or discontinue their use of the historic data and/or avail themselves of similar products offered by other exchanges.[24] The Exchange therefore believes that the proposed fees reflect the competitive environment and would be properly and equally assessed to all customers. The Exchange also believes the proposed fees are equitable and not unfairly discriminatory as the fees would apply equally to all customers who choose to purchase such data. The proposed fees would not differentiate between customers that purchase the ad-hoc historic monthly Intra-Day Volume Summary, and are set at a modest level

[16] *See,* note 8, *supra.*

[17] The Options Clearing Corporation (''OCC'') publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: *https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics.*

[18] Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.,* the Exchange's market share in equity-based options decreased from 12.94% for the month of April 2022 to 12.54% for the month of April 2023.

[19] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[20] *NetCoalition* v. *SEC*, 615 F.3d 525, 535 (D.C. Cir. 2010) (quoting H.R. Rep. No. 94–229 at 92 (1975), as reprinted in 1975 U.S.C.C.A.N. 323).

[21] *Id.* at 535.

[22] *See* Securities Exchange Act Release No. 34–90217 (October 16, 2020), 85 FR 67392 (October 22, 2020) (SR–NYSENAT–2020–05) (internal quotation marks omitted), quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74781 (December 9, 2008) (ArcaBook Approval Order).

[23] *See,* note 12, *supra.*

[24] *See,* note 11, *supra.*

that would allow any interested market participant to purchase such data based on their business needs. Nothing in this proposal treats any category of market participant any differently from any other category of market participant. The ad-hoc historic monthly Intra-Day Volume Summary is available to all market participants, *i.e.,* members and non-members, and all market participants would receive the same information in the data feed.

As noted above, the Exchange anticipates a wide variety of market participants to purchase the ad-hoc historic monthly Intra-Day Volume Summary data product, including but not limited to individual customers, buy-side investors, investment banks and academic institutions. As such, the Exchange anticipates that the historic data product may be used not just for commercial or monetizing purposes, but also for educational use and research. The Exchange reiterates that the decision as to whether or not to purchase the ad-hoc historic monthly Intra-Day Volume Summary is entirely optional for all potential customers. Indeed, no market participant is required to purchase the historic data product, and the Exchange is not required to make the historic data product available to market participants. Rather, the Exchange is voluntarily making the historic data product available, as requested by customers, and market participants may choose to receive (and pay for) this data based on their own business needs. Potential customers may request the data at any time if they believe it to be valuable or may decline to purchase such data.

In sum, the fierce competition for order flow constrains any exchange from pricing its historic market data at a supra-competitive price, and constrains the Exchange here in setting its fees for the ad-hoc historic monthly Intra-Day Volume Summary data product.

The proposed fees are therefore reasonable because in setting them, the Exchange is constrained by the availability of numerous substitute venues offering historic market data products and trading.[25] Such substitutes need not be identical, but only substantially similar to the product at hand. More specifically, in setting fees for the ad-hoc historic monthly Intra-Day Volume Summary data product, the Exchange is constrained by the fact that, if its pricing is unattractive to customers, customers have their pick of an increasing number of alternative venues to use instead of the Exchange.[26] Because of the availability of substitutes, an exchange that overprices its historic market data products stands a high risk that customers may substitute another source of market data information for its own. Those competitive pressures imposed by available alternatives are evident in the Exchange's proposed pricing. The existence of numerous alternatives to the Exchange ensures that the Exchange cannot set unreasonable fees for historic market data without suffering the negative effects of that decision in the fiercely competitive market in which it operates.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange also does not believe the proposed fees would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges are free to introduce their own comparable historic data product and adopt fees to better compete with the Exchange's offering. Rather, the Exchange believes that the proposal will promote competition by permitting the Exchange to sell a historic data product similar to those offered by other competitor options exchanges.[27] The Exchange is offering the ad-hoc historic monthly Intra-Day Volume Summary in order to keep pace with changes in the industry and evolving customer needs, and believes the data product will contribute to robust competition among national securities exchanges.

Furthermore, the Exchange operates in a highly competitive environment, and its ability to price the ad-hoc historic monthly Intra-Day Volume Summary is constrained by competition among exchanges that offer similar historic data products to their customers. As discussed above, there are currently a number of similar products available to market participants and investors. A number of U.S. options exchanges offer a historic market data product that is substantially similar to the Exchange's offering, which the Exchange must consider in its pricing discipline in order to compete effectively. For example, proposing fees that are excessively higher than established fees for similar historic data products would simply serve to reduce demand for the Exchange's historic data product, which as discussed, market participants are under no obligation to utilize or purchase. In this competitive environment, potential purchasers are free to choose which, if any, similar historic data product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed fees would apply uniformly to any customer, in that the Exchange would not differentiate between customers that purchase the ad-hoc historic monthly Intra-Day Volume Summary and all customers would receive the same information in the data feed. The Exchange believes the proposed fees are set at a modest level that would allow interested customers to purchase such data based on their business needs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[28] and Rule 19b–4(f)(6) thereunder.[29]

A proposed rule change filed under Rule 19b–4(f)(6)[30] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[31] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public

[25] *See,* note 8, *supra.*

[26] *See,* note 11, *supra.*

[27] *See,* note 8, *supra.*

[28] 15 U.S.C. 78s(b)(3)(A)(iii).

[29] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[30] 17 CFR 240.19b–4(f)(6).

[31] 17 CFR 240.19b–4(f)(6)(iii).

interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal does not raise any new or novel issues.[32] Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[33]

At any time within 60 days of the filing of such 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 shall institute proceedings under Section 19(b)(2)(B)[34] of the Act 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 (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–NYSEARCA–2023–46 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–NYSEARCA–2023–46. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEARCA–2023–46 and should be submitted on or before August 1, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–14525 Filed 7–10–23; 8:45 am]

BILLING CODE 8011–01–P

[32] *See supra,* notes 7 and 10.

[33] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[34] 15 U.S.C. 78s(b)(2)(B).

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–540, OMB Control No. 3235–0600]

Submission for OMB Review; Comment Request; Extension: Rule 611

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 611 (17 CFR 242.611) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

On June 9, 2005, effective August 29, 2005 (*see* 70 FR 37496, June 29, 2005), the Commission adopted Rule 611 of Regulation NMS under the Exchange Act to require any national securities exchange, national securities association, alternative trading system, exchange market maker, over-the-counter market maker, and any other broker-dealer that executes orders internally by trading as principal or crossing orders as agent, to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the execution of a transaction in its market at a price that is inferior to a bid or offer displayed in another market at the time of execution (a ''trade-though''), absent an applicable exception and, if relying on an exception, that are reasonably designed to assure compliance with the terms of the exception. Without this collection of information, respondents would not have a means to enforce compliance with the Commission's intention to prevent trade-throughs pursuant to the rule.

There are approximately 235 respondents[1] per year that will require an aggregate total of approximately 14,100 hours per year to comply with this Rule. It is anticipated that each respondent will continue to expend approximately 60 hours annually: two hours per month of internal legal time and three hours per month of internal compliance time to ensure that its written policies and procedures are up-to-date and remain in compliance with Rule 611. The estimated cost for an in-house attorney is $489 per hour and the estimated cost for an assistant compliance director in the securities industry is $432 per hour. Therefore the estimated total internal cost of compliance for the annual hour burden is as follows: [(2 legal hours × 12 months × $489) × 235] + [(3 compliance hours × 12 months × $432) × 235] = $6,412,680.[2]

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

[1] This estimate includes 16 national securities exchanges that are equity securities exchanges. The estimate also includes an estimated 187 firms that are over-the-counter market makers or exchange market makers, as well as an estimated 32 alternative trading systems that trade NMS stocks.

[2] The total cost of compliance for the annual hour burden has been revised to reflect updated estimated cost figures for an in-house attorney and an assistant compliance director. These figures are from SIFMA's *Management & Professional Earnings in the Securities Industry 2017,* modified by Commission staff for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead, and then adjusted for inflation.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent by August 10, 2023 to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: July 5, 2023.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–14515 Filed 7–10–23; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17986 and #17987; OKLAHOMA Disaster Number OK–00170]

Administrative Declaration of a Disaster for the State of Oklahoma

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Oklahoma dated 07/03/2023.

Incident: Severe Storms, Straight-line Winds, Tornadoes and Flooding.

Incident Period: 06/14/2023 through 06/18/2023.

DATES: Issued on 07/03/2023.

Physical Loan Application Deadline Date: 09/01/2023.

Economic Injury (EIDL) Loan Application Deadline Date: 04/03/2024.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Comanche, Tulsa

Contiguous Counties:

Oklahoma: Caddo, Cotton, Creek, Grady, Kiowa, Okmulgee, Osage, Pawnee, Rogers, Stephens, Tillman, Wagoner, Washington.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.000
Homeowners without Credit Available Elsewhere	2.500
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	2.375
Non-Profit Organizations without Credit Available Elsewhere	2.375
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	2.375

The number assigned to this disaster for physical damage is 17986 C and for economic injury is 17987 0.

The State which received an EIDL Declaration # is Oklahoma.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2023–14592 Filed 7–10–23; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17983; ILLINOIS Disaster Number IL–00080 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of Illinois

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Illinois dated 07/03/2023.

Incident: Severe Storms.

Incident Period: 03/31/2023.

DATES: Issued on 07/03/2023.

Economic Injury (EIDL) Loan Application Deadline Date: 04/03/2024.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street, SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Boone, DuPage, Lee, Sangamon.

Contiguous Counties:

Illinois: Bureau, Cass, Christian, Cook, Dekalb, Kane, Kendall, La Salle, Logan, Macon, Macoupin, McHenry, Menard, Montgomery, Morgan, Ogle, Whiteside, Will, Winnebago.

Wisconsin: Rock, Walworth.

The Interest Rates are:

	Percent
Businesses and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	2.375

The number assigned to this disaster for economic injury is 179830.

The States which received an EIDL Declaration #17983 are Illinois, Wisconsin.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2023–14595 Filed 7–10–23; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17984 and #17985; TEXAS Disaster Number TX–00659]

Administrative Declaration of a Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of TEXAS dated 07/03/2023.

Incident: Severe Storms and Flooding.

Incident Period: 05/27/2023 through 06/14/2023.

DATES: Issued on 07/03/2023.

Physical Loan Application Deadline Date: 09/01/2023.

Economic Injury (EIDL) Loan Application Deadline Date: 04/03/2024.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Potter.

Contiguous Counties:

Texas: Armstrong, Carson, Deaf Smith, Moore, Oldham, Randall.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.000
Homeowners without Credit Available Elsewhere	2.500
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	2.375
Non-Profit Organizations without Credit Available Elsewhere	2.375
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	2.375

The number assigned to this disaster for physical damage is 17984 6 and for economic injury is 17985 0.

The State which received an EIDL Declaration # is Texas.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2023–14590 Filed 7–10–23; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12122]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Multiple Realities: Experimental Art in the Eastern Bloc, 1960s–1980s'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Multiple Realities: Experimental Art in the Eastern Bloc, 1960s–1980s'' at the Walker Art Center, Minneapolis, Minnesota; the Phoenix Art Museum, Phoenix, Arizona; and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Nicole L. Elkon,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2023–14625 Filed 7–10–23; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Receipt of Noise Compatibility Program Update and Request for Review; Westfield-Barnes Regional Airport (BAF), Westfield, Massachusetts

AGENCY: Federal Aviation Administration, Department of Transportation (DOT).

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed Noise Compatibility Program (NCP) Update submitted by the City of Westfield, Massachusetts, through its Aviation Department, for Westfield-Barnes Regional Airport and has found it in compliance with applicable requirements. This NCP Update was submitted subsequent to a determination by the FAA that the associated Noise Exposure Maps (NEMs) for the Westfield-Barnes Regional Airport, were prepared in compliance with applicable requirements. The NCP Update will be approved or disapproved on or before November 22, 2023. Finally, this notice announces that the proposed NCP Update will be available for public review and comment for 60 days from the publication date of this notice.

DATES: The effective start date of the FAA's 180-day review period for the associated NCP Update is May 26, 2023. The FAA must issue an approval or disapproval of the NCP Update on or before November 22, 2023. The public review and comment period ends 60 days from the publication date of this notice.

FOR FURTHER INFORMATION CONTACT: Cheryl Quaine, Federal Aviation Administration, New England Regional Office Environmental Protection Specialist, Airports Division, Federal Aviation Administration, 1200 District Avenue, Burlington, Massachusetts, 01803. Phone number: 781–238–7613. Comments on the proposed NCP Update should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed NCP Update for the Westfield-Barnes Regional Airport. As required by title 14, Code of Federal Regulations, part 150 (hereinafter referred to as part 150), the NCP Update will be approved or disapproved on or before November 22, 2023. This notice also announces the availability of this NCP Update for public review and

comment for 60 days from the publication date of this notice.

Under the Aviation Safety and Noise Abatement Act (49 U.S.C. 47501 *et seq.*), an airport operator (hereinafter referred to as Sponsor) who has submitted NEMs that are found by the FAA to be in compliance with the requirements of part 150 may submit for FAA approval a NCP or NCP Update that sets forth the measures the Sponsor has taken, or proposes to take, to reduce existing noncompatible uses and prevent the introduction of additional noncompatible uses within the area covered by the NEMs. The FAA has formally received the NCP Update for the Westfield-Barnes Regional Airport effective on May 26, 2023. The City of Westfield, Massachusetts, through its Aviation Department, requested the FAA review this material and that the noise mitigation measures, to be implemented jointly by the Sponsor and surrounding communities, be approved as NCP Update under the Act. Preliminary review of the submitted material indicates that it conforms to part 150 requirements for the submittal of an NCP, but that further review is necessary prior to approval or disapproval of the NCP Update. The formal review period, limited by law to a maximum of 180 days, will be completed on or before November 22, 2023.

A public information meeting on the NCP Update was held by the Sponsor on March 16, 2022, and a public hearing was held on February 1, 2023. The FAA's detailed evaluation will be conducted under the provisions of part 150, § 105.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety or create an undue burden on interstate or foreign commerce, and whether they are reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Each airport NCP/NCP Update developed in accordance with part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the Sponsor with respect to which measures should be recommended for action. The FAA's approval or disapproval of each specific measure proposed by a Sponsor in an NCP/NCP Update is determined by applying approval criteria prescribed in § 150.35(b) of part 150. Only measures that meet the approval criteria can be approved and considered for Federal funding eligibility. FAA approval or disapproval of a measure only indicates whether that measure would, if implemented, be consistent with the purposes of part 150. When a measure is disapproved by the FAA, Sponsors are encouraged to work with their communities and the FAA, outside of the part 150 process as necessary, to implement initiatives that provide noise benefits for the surrounding community.

Interested persons are invited to comment on the proposed NCP Update with specific reference to these factors. To maximize the effectiveness of comments and the FAA's understanding of them, comments should be as specific as possible, identifying the concern(s) as well as suggested or desired resolution to the concern(s). When possible, quote text and cite details such as page and section numbers, NCP Update measure number, etc. to which the comment(s) pertain. This commenting procedure is intended to ensure that substantive comments and concerns are made available to the FAA in a timely manner so that the FAA has an opportunity to address them in its Record of Approval. All comments in their entirety become part of the public record, including any personal information provided in the comment including name, address, phone number, etc. All relevant comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable.

Copies of the proposed NCP Update are available for examination online at: *www.barnesairport.com* and hard copy is available at Westfield-Barnes Regional Airport, 110 Airport Road, Suite 207, Westfield, MA 01085.

Please direct questions or requests to arrange an appointment to review the NCP Update document to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in New England Regional Office, Burlington, MA, on July 6, 2023.

Julie Seltsam-Wilps,

Deputy Director, ANE–600.

[FR Doc. 2023–14653 Filed 7–10–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2023–0855-]

Request for Comments on the Federal Aviation Administration's Review the Civil Aviation Noise Policy; Extension of Comment Period

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of public meeting; Request for comments.

SUMMARY: On May 1, 2023, the Federal Aviation Administration (FAA) published a Request for comments seeking input on its review of four key considerations of its civil aviation noise policy, in the context of noise metrics and noise thresholds. The civil aviation noise policy sets forth how the FAA analyzes, explains, and publicly presents changes in noise exposure from aviation activity. The comment period for the request for comments was scheduled to end on July 31, 2023. FAA received several requests to extend the comment period. The FAA is extending the comment period for the request for comments by 60 days.

DATES: The comment period to the request for comments published on May 1, 2023, at 88 FR 26641, is extended from July 31, 2023, to September 29, 2023.

ADDRESSES: Send comments identified by docket number FAA–2023–0855 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://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 (DOT), 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.

Instructions: For detailed instructions on submitting comments and additional information on the public meeting, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document.

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 you can review at *https://www.dot.gov/privacy*.

Docket: Background documents or comments received may be read at *https://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.

FOR FURTHER INFORMATION CONTACT: For questions concerning this action, contact Mr. Donald S. Scata, Jr. or Ms. Krystyna Bednarczyk, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591; telephone (202) 267–0606; email *NoisePolicyReview@faa.gov*.

SUPPLEMENTARY INFORMATION: On May 1, 2023, the FAA published a request for comments in the **Federal Register** seeking public comments from interested individuals, entities, and other parties on our review of four key considerations of our civil aviation noise policy (88 FR 26641). The request for comments stated that the comment period would close on July 31, 2023. The FAA received requests to extend the comment period by members of the public, a city councilmember from a major metropolitan area, and from a consortium of nine industry groups representing national, regional, and ultra low-cost passenger carriers; the general aviation aircraft sector; cargo airlines; airport executives; and local, regional and state governing bodies that own and operate commercial airports in the United States and Canada. Some requestors stated that the scope of FAA's review is ''extremely broad,'' ''potential changes . . . would have significant implications for commercial airlines, airports, public air transport, and the FAA,'' and therefore requested additional time to evaluate the ''complex issues and implications raised by these questions, and to formulate a comprehensive and well-reasoned response.'' Other requestors noted that the FAA's request for comments overlaps with efforts to meet and confer with Congressional representatives on the FAA Reauthorization Act of 2023 introduced by the U.S. House of Representatives' Transportation and Infrastructure Committee and to provide comments in response to the DOT's request for information on critical issues related to drafting a national advanced air mobility (AAM) strategy, which would be open for 60 days and close on July 17, 2023. 88 FR 31593 (May 17, 2023). Commenters noted that having a two complicated and technical **Federal Register** notices due at approximately the same time, while other related and time-sensitive matters also require the attention of requesters, would create undue hardship on the public. The requests for an extension ranged from 60 to 90 days. The FAA is granting an extension of the comment period for the request for comments through September 29, 2023.

Issued in Washington, DC, on July 5, 2023.

Julie Ann Marks,

Deputy Director, Office of Environment and Energy.

[FR Doc. 2023–14597 Filed 7–10–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Open Meeting of the Advisory Committee on Risk-Sharing Mechanisms

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of open meeting.

SUMMARY: This notice announces that the U.S. Department of the Treasury's Advisory Committee on Risk-Sharing Mechanisms (ACRSM) will meet at the U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Cash Room, Washington, DC 20220, from 3:30 p.m. to 5:00 p.m. Eastern Time, July 26, 2023. The Committee meeting will be held in person and virtually and is open to the public.

DATES: Wednesday, July 26, 2023, from 3:30 p.m. to 5:00 p.m. Eastern Time.

ADDRESSES: U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Cash Room, Washington, DC 20220.

The public can attend remotely via live webcast at: *www.yorkcast.com/treasury/events/2023/07/26/acrsm*. The public can attend remotely via live webcast at *www.yorkcast.com/treasury/events/2023/07/26/acrsm*.

The webcast will also be available through the Committee's website at *https://home.treasury.gov/policy-issues/financial-markets-financial-institutions-and-fiscal-service/federal-insurance-office/terrorism-risk-insurance-program/advisory-committee-on-risk-sharing-mechanisms-acrsm*. Requests for reasonable accommodations under Section 504 of the Rehabilitation Act should be directed to Snider Page, Office of Civil Rights and Equal Employment Opportunity, U.S. Department of the Treasury, at (202) 622–0341, or *snider.page@treasury.gov*.

FOR FURTHER INFORMATION CONTACT: Annette Burris, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Room 1410, Washington, DC 20220, at (202) 622–2541. Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with the Federal Advisory Committee Act, 5 U.S.C. 1001–1014, through implementing regulations at 41 CFR 102–3.150.

Public Comment: Members of the public wishing to comment on the business of the ACRSM are invited to submit written statements by any of the following methods:

Electronic Statements

- Send electronic comments to *acrsm@treasury.gov*.

Paper Statements

- Send paper statements in triplicate to the Advisory Committee on Risk-Sharing Mechanisms, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Room 1410, Washington, DC 20220.

In general, the U.S. Department of the Treasury will post all statements on its website at *https://www.treasury.gov/initiatives/fio/acrsm/Pages/default.aspx* without change, including any business or personal information provided, such as names, addresses, email addresses, or telephone numbers. The U.S. Department of the Treasury will also make such statements available for public inspection and copying in the U.S. Department of the Treasury Library, 720 Madison Place NW, Room 1020, Washington, DC 20220, on official business days between the hours of 10:00 a.m. and 5:00 p.m. Eastern Time. You can make an appointment to inspect statements by telephoning (202) 622–2000. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

Background: The ACRSM provides advice and recommendations to the Federal Insurance Office (FIO) with respect to (1) the creation and development of nongovernmental, private market risk-sharing mechanisms for protection against losses arising from acts of terrorism, and (2) FIO's administration of the Terrorism Risk Insurance Program (TRIP).

Tentative Agenda/Topics for Discussion: This will be the first ACRSM meeting of 2023. In this meeting, the ACRSM will address, consistent with its charter's mandate, topics related to the role of nongovernmental mechanisms in supporting the terrorism risk insurance

market and related to TRIP. Specifically, the ACRSM will hear presentations addressing (1) the ACRSM's recommendations contained in its May 11, 2020 Report (available at *https://home.treasury.gov/system/files/311/5-20-ACRSM-Report-Final.pdf*); (2) FIO's Study on the Competitiveness of Small Insurers in the Terrorism Risk Insurance Marketplace, issued June 30, 2023; (3) FIO's evaluation of a potential federal insurance response to catastrophic cyber loss to U.S. critical infrastructure and its implications for TRIP; and (4) an update from Pool Reinsurance Corporation Limited (Pool Re, the terrorism risk reinsurer in the United Kingdom) on terrorism insurance coverage and cyber resilience methodologies in the international insurance market. The Committee will then discuss suggested areas for the ACRSM to focus on relating to private market risk sharing against losses arising from acts of terrorism and related to the administration of TRIP.

Dated: July 5, 2023.

Stephanie Schmelz,

Deputy Director, Federal Insurance Office.

[FR Doc. 2023–14527 Filed 7–10–23; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Board of Veterans' Appeals (Board), Department of Veterans Affairs (VA).

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, notice is hereby given that the Department of Veterans Affairs (VA) proposes to modify an existing system of records, ''Veterans Appellate Records System—VA'' (44VA01). This system is used by the Board of Veterans' Appeals (Board) to process and track appeals, hearing requests, and information related to appeals of benefits decisions issued by the Veterans Benefits Administration (VBA), Veterans Health Administration (VHA), and National Cemetery Administration (NCA).

DATES: Comments on this modified system of records must be received no later than 30 days after date of publication in the **Federal Register**. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the modified system of records will become effective a minimum of 30 days after date of publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary.

ADDRESSES: Comments may be submitted through *www.Regulations.gov* or mailed to VA Privacy Service, 810 Vermont Avenue NW, (005R1A), Washington, DC 20420. Comments should indicate that they are submitted in response to ''Veterans Appellate Records System—VA'' (44VA01). Comments received will be available at *regulations.gov* for public viewing, inspection or copies.

FOR FURTHER INFORMATION CONTACT: Kary Charlebois, *Kary.Charlebois@va.gov,* Chief, Privacy Act & FOIA, Board of Veterans' Appeals, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 382–2906.

SUPPLEMENTARY INFORMATION: The Board proposes to add records from two new IT systems to this system of records:

1. The first new IT system is Caseflow, which is the Board's appeals management system, used to track and process appeals adjudicated under the Veteran Appeals Improvement and Modernization Act of 2017 (AMA), or the modernized system.

2. The second new IT system is the Veterans Benefits Management System (VBMS). The Board utilizes the VBMS eFolder to store files related to appeals from non-VBMS business lines, such as the Veterans Health Administration (VHA). Storing the electronic files in VBMS allows for adjudication of the appeal utilizing Caseflow, which pulls from VBMS.

The Board proposes to add a new routine as routine use #19 which will permit the release of information from this system of records to the Office of Personnel Management (OPM) in connection with the application or effect of civil service laws, rules, regulations, or OPM guidelines in particular situations.

The Board is removing routine use #14 covering disclosure to the Comptroller General.

The Board is also revising the following routine uses:

1. Routine use #1 has been renumbered as routine use #5, to alert law enforcement personnel and security guards to the presence of dangerous persons in VA facilities or at VA activities conducted in non-VA facilities.

2. Routine use #2 has been revised and renumbered as routine use #4 for disclosure of information relevant to a suspected or reasonably imminent violation of law.

3. Routine use #3 has been renumbered as routine use #13 for disclosure for the development of a claimant's claim for VA benefits.

4. Routine use #4 has been revised and renumbered as routine use #1, for disclosure to a congressional office.

5. Routine use #5 has been revised and renumbered as routine use #11, for disclosure to the National Archives and Records Administration.

6. Routine use #6 has been renumbered as routine use #14, for disclosure to a former representative of a beneficiary.

7. Routine use #7 has been renumbered as routine use #15, for disclosure related to the legality or ethical propriety of the conduct of a person or organization prospectively, presently, or formerly representing a person in a matter before VA.

8. Routine use #8 has been renumbered as routine use #16, for disclosure to the VA-appointed representative of an employee.

9. Routine use #9 has been revised and renumbered as routine use #10 for disclosure to the Merit Systems Protection Board.

10. Routine use #10 has been revised and renumbered as routine use #8 for disclosure to the Equal Employment Opportunity Commission.

11. Routine use #11 has been revised and renumbered as routine use #9 for disclosure to the Federal Labor Relations Authority.

12. Routine use #12 has been renumbered as routine use #17 for disclosure to the United States Court of Appeals for Veterans Claims.

13. Routine use #13 has been revised and renumbered as routine use #18, for disclosure to accredited service organizations, VA-approved claim agents, and attorneys acting under a declaration of representation.

14. Routine use #15 has been revised and renumbered as routine use #6, for disclosure to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which VA is authorized to appear.

15. Routine use #16 has been revised and renumbered as routine use #7 for disclosure to contractors and others doing work for VA.

16. Routine use #17 has been renumbered as routine use #12 for disclosure to other Federal agencies to assist in preventing and detecting possible fraud or abuse.

17. Routine use 18 has been removed and replaced with routine uses #2 and #3, for VA data breach response and remediation, and for data breach

response and remediation for another federal agency.

Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Kurt D. DelBene, Assistant Secretary for Information and Technology and Chief Information Officer, approved this document on May 31, 2023 for publication.

Dated: July 6, 2023.

Amy L. Rose,

Government Information Specialist, VA Privacy Service, Office of Compliance, Risk and Remediation, Office of Information and Technology, Department of Veterans Affairs.

SYSTEM NAME AND NUMBER:

Veterans Appellate Records System—VA (44VA01).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Board of Veterans' Appeals (Board), Department of Veterans Affairs (VA), 810 Vermont Avenue NW, Washington, DC 20420, at the Wilkes-Barre VA facility, 1127 East End Boulevard, Building 42, Wilkes-Barre, PA 18702, and with the Board's contractor, Promisel & Korn, Inc., 3228 Amberley Lane, Fairfax, VA 22031, and in the VA Enterprise Cloud (VAEC) AWS GovCloud region in Oregon.

SYSTEM MANAGER(S):

Chairman (01), and Eric Hickam, *Eric.Hickam@va.gov,* 512–375–2520, Board of Veterans' Appeals, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38 U.S.C. chapter 71, § 5904.

PURPOSE(S) OF THE SYSTEM:

Initial decisions on claims for Federal Veterans' benefits are made at VA field offices throughout the nation. Claimants may appeal those decisions to the Board of Veterans' Appeals. See 38 U.S.C. Chapter 71. The Board gathers or creates the records in this system in order to carry out its appellate function, to statistically evaluate the appellate process, and to evaluate employee performance.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Veterans and other individuals who have sought to appeal a decision by the Secretary under a law that affects the provision of benefits by the Secretary to Veterans or the dependents or survivors of Veterans as described in 38 U.S.C. 511(a); Veterans Law Judges; Board employees; representatives of individuals covered by the system; personal and medical information of non-Veteran appellants and other parties to the appeal, including dependents; applicants and participants in the caregiver programs described in 38 U.S.C. 1720G; contesting claimants; and representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record may include military service and active duty separation information (*e.g.,* name, service number, date of birth, rank, sex, total amount of active service, branch of service, character of service, pay grade, assigned separation reason, service period, whether Veteran was discharged with a disability, reenlisted, received a Purple Heart or other military decoration); payment information (*e.g.,* Veteran payee name, address, dollar amount of readjustment service pay, amount of disability or pension payments, number of nonpay days, any amount of indebtedness (accounts receivable) arising from title 38 U.S.C. benefits and which are owed to the VA); medical information (*e.g.,* medical and dental treatment in the Armed Forces including type of service-connected disability, medical facilities, or medical or dental treatment by VA health care personnel or received from private hospitals and health care personnel relating to a claim for VA disability benefits or medical or dental treatment); personal information (*e.g.,* marital status, name and address of dependents, internet protocol addresses, occupation, amount of education of a Veteran or a dependent, dependent's relationship to Veteran); education benefit information (*e.g.,* information arising from utilization of training benefits such as a Veteran trainee's induction, reentrance or dismissal from a program or progress and attendance in an education or training program); applications for compensation, pension, education and employment benefits and training which may contain identifying information, military service and active duty separation information, payment information, medical and dental information, personal and education benefit information relating to a Veteran or beneficiary's incarceration in a penal institution *(e.g.,* name of incarcerated Veteran or beneficiary, claims file number, name and address of penal institution, date of commitment, type of offense, scheduled release date, Veteran's date of birth, beneficiary relationship to Veteran and whether Veteran or beneficiary is in a work release or half-way house program, on parole or has been released from incarceration); case notes from the e-VA application created from email and text message correspondence through the application; degree audits and copies of grades for Veterans and dependents enrolled in school; training records for Veterans and dependents participating in training programs.

The record, or information contained in the record, may also include copies of VA decisions and adjudications; transcripts of hearings; powers of attorney and attorney fee agreements; information on and dates of procedural steps taken in claims and appeals; records of and electronic copies of correspondence concerning appeals; diary entries, notations of mail received, information requests; tracking information as to file location; docket type and number; queue workflow information (*e.g.,* type of review; appeal number; status; Caseflow task action); certification information (*e.g.,* representative name, type, and certification ID number); Board hearing information (*e.g.,* type of hearing; status; participants; hearing notes); dispatch information; and employee productivity information.

Material in this system that is not maintained in Veterans Appeals Control and Locator System (VACOLS) includes verbatim digital recordings of hearings that are maintained indefinitely, microfiche decision locator tables and indices to decisions from 1983 to 1994, and microfiche reels with texts of decisions from 1977 to 1989.

RECORD SOURCE CATEGORIES:

Information in this system is provided by Veterans, Servicemembers, Reservists, spouses, surviving spouses, dependents and other beneficiaries of the Veteran, applicants for caregiver benefits described in 38 U.S.C. 1720G, accredited service organizations and other VA-approved representatives of the Veteran, VA-supervised fiduciaries (*e.g.,* VA Federal fiduciaries, court-appointed fiduciaries), military service departments, VA medical facilities and physicians, private medical facilities and physicians, education and rehabilitation training establishments, State and local agencies, other Federal agencies including the Department of Defense (DoD), Social Security Administration (SSA); U.S. Treasury Department, State, local, and county courts and clerks, Federal, State, and local penal institutions and correctional facilities, other third parties and other

VA records, Office of Servicemembers' Group Life Insurance (OSGLI); commercial insurance companies; undertakers; lending institutions holding a Veteran's or uniformed services member's mortgage; VA Loan Guaranty records; contractors remodeling or enlarging or adding construction to existing homes; relatives and other interested persons; Westlaw and InfoUSA; Inquiry Routing & Information System (IRIS) (maintained under System of Records ''151VA005OP6'' by the Office of Information & Technology), brokers and builder/sellers, credit and financial reporting agencies, an applicant's credit sources, depository institutions and employers, independent auditors and accountants, hazard insurance companies, taxing authorities, title companies, fee personnel, business and professional organizations, the general public, and other parties of interest involving VA-guaranteed, insured, vendee or direct loans or specially adapted housing; Veterans Benefits Management System (VBMS) (maintained under System of Records ''58VA21/22/28'' by the Veterans Benefits Administration); VA Fiduciary beneficiaries, VA beneficiaries' dependents, VA-appointed fiduciaries, individuals who were previously VA-appointed fiduciaries, individuals who VA considered for service as a VA-appointed fiduciary but did not select, field examiners, legal instrument examiners, fiduciary program personnel, third parties, other Federal, State, and local agencies, and VA records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

2. To appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that there has been a breach of the system of records, (2) VA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, VA (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 VA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

3. To another Federal agency or Federal entity, when VA 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.

4. To a Federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law, provided that the disclosure is limited to information that, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature. The disclosure of the names and addresses of Veterans and their dependents from VA records under this routine use must also comply with the provisions of 38 U.S.C. 5701.

5. To law enforcement personnel and security guards may be made in order to alert them to the presence of dangerous persons in VA facilities or at VA activities conducted in non-VA facilities.

6. To the Department of Justice (DoJ), or in a proceeding before a court, adjudicative body, or other administrative body before which VA is authorized to appear, when:

a. VA or any component thereof;

b. Any VA employee in his or her official capacity;

c. Any VA employee in his or her individual capacity where DoJ has agreed to represent the employee; or

d. The United States, where VA determines that litigation is likely to affect the agency or any of its components is a party to such proceedings or has an interest in such proceedings, and VA determines that use of such records is relevant and necessary to the proceedings.

7. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for VA, when reasonably necessary to accomplish an agency function related to the records.

8. To the Equal Employment Opportunity Commission (EEOC) in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or other functions of the Commission as authorized by law.

9. To the Federal Labor Relations Authority (FLRA) in connection with the investigation and resolution of allegations of unfair labor practices, the resolution of exceptions to arbitration awards when a question of material fact is raised, matters before the Federal Service Impasses Panel, and the investigation of representation petitions and the conduct or supervision of representation elections.

10. To the Merit Systems Protection Board (MSPB) in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions promulgated in 5 U.S.C. 1205 and 1206, or as authorized by law.

11. To the National Archives and Records Administration (NARA) in records management inspections conducted under 44 U.S.C. 2904 and 2906, or other functions authorized by laws and policies governing NARA operations and VA records management responsibilities.

12. To other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

13. To a Veteran, claimant or a third party claimant (*e.g.,* a Veteran's survivors or dependents) to the extent necessary for the development of that claimant's claim for VA benefits.

14. A record from this system (other than the address of the beneficiary) may be disclosed to a former representative of a beneficiary to the extent necessary to develop and adjudicate a claim for payment of attorney fees to such representative from past due benefits under 38 U.S.C. 5904(d).

15. Where VA determines that there is good cause to question the legality or ethical propriety of the conduct of a person or organization prospectively, presently or formerly representing a person in a matter before VA, a record from this system may be disclosed, on VA's initiative, to any or all of the following: (1) Applicable civil or criminal law enforcement authorities; (2) a person or entity responsible for the licensing, supervision, or professional discipline of the person or organization prospectively, presently or formerly representing a person in a matter before VA; (3) to other Federal and State agencies and to Federal courts when such information may be relevant to the individual's or organization's provision of representational services before such agency or court. Names and home

addresses of Veterans and their dependents will be released on VA's initiative under this routine use only to Federal entities.

16. To the VA-appointed representative of an employee, including all notices, determinations, decisions, or other written communications issued to the employee in connection with an examination ordered by VA under medical evaluation (formerly fitness-for duty) examination procedures or Department-filed disability retirement procedures.

17. To the United States Court of Appeals for Veterans Claims when requested by the Court to further the performance of its duties as delineated in Chapter 72 of Title 38 of the United States Code Annotated with respect to any action brought under that chapter.

18. To accredited service organizations, VA-approved claim agents, and attorneys acting under a declaration of representation, so that these individuals can aid claimants in the preparation, presentation, and prosecution of claims under the laws administered by VA upon the request of the claimant and provided that the disclosure is limited to information relevant to a claim, such as the name, address, the basis and nature of a claim, amount of benefit payment information, medical information, and military service and active duty separation information.

19. To the Office of Personnel Management (OPM) in connection with the application or effect of civil service laws, rules, regulations, or OPM guidelines in particular situations.

Note: Any record maintained in this system of records, which may include information relating to drug abuse, alcoholism or drug abuse, infection with the human immunodeficiency virus, or sickle cell anemia will be disclosed pursuant to an applicable routine use for the system only when permitted by 38 U.S.C. 7332.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Information is kept in a computer database entitled VACOLS and backed up on database backup server. Archived records that were created prior to expansion of the Board's electronic storage capability may be stored in filing folders or cabinets, microfiche, computer disks, or computer tape. Hearings before the Board are digitally recorded and stored indefinitely. Where a facility must use audio tape to record hearings, the recording is maintained for one year after which period it is destroyed. A transcript is made for each hearing held and is electronically attached to the record in VACOLS and/or VBMS. Digital recordings of hearings are maintained on a back-up server. Under the Vital Records Schedule, electronic back-up tapes are updated quarterly.

Caseflow information is stored in a database on the AWS GovCloud. The database is backed up in near real time data for failovers and recovery. Caseflow digitally stores all information on the AWS GovCloud. Virtual hearing audio files are digitally recorded and stored in the Cloud indefinitely. A digital transcript is made for each hearing held and it is electronically stored in VBMS eFolder. VBMS eFolder is the official copy of record for adjudicating claims for VA.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

VACOLS records in this system may be retrieved by any searchable field in the VACOLS database. This system notice covers only information retrieved by an individual's name or other identifier. Archived material from this system that is not in VACOLS may be retrieved by Veteran's name, VA file number, or Board archive citation number.

Caseflow records stored in the database are retrieved by any searchable field in the Caseflow application. This system covers information retrieved by an individual's name or other identifier. Caseflow application access is controlled by Common Security Employee Manager (CSEM) and roles define the level of access within the Caseflow application. Caseflow is an internal VA application.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system, in VACOLS, and those collected prior to VACOLS' use as a repository are retained indefinitely as Category B Vital Records unless otherwise specifically noted. Under the Vital Records Schedule, electronic backups are destroyed by erasure upon receipt of the next quarterly electronic back up set. Recordings of hearings will be made as described in Rule 714, 38 CFR 20.714, and transcriptions of recordings of hearings will be attached electronically in VACOLS and/or VBMS. Electronic recordings of hearings will be retained for at least one year from the date of the hearing, giving the hearing subject the opportunity to challenge the accuracy of the transcript. Records in the Caseflow system are stored and backed up in AWS GovCloud and the electronic recordings of hearings will be retained indefinitely as archive in AWS GovCloud.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Files are under custody of designated VA employees, including employees of the Board and its contractor, all of whom have a need to know the contents of the system of records in order to perform their duties. Access to VACOLS is strictly limited to reflect the need individual employees have for the different records in the system. Where a Veterans Service Organization office is located in a VA facility and has access to VACOLS through the Wide Area Network, that access is strictly limited to viewing records of current clients of the organization. No personal identifiers are used in statistical and management reports, and personal identifiers are removed from all archived Board decisions and other records in this system before VA makes them available to the public. Files kept by the contractor are in a locked safe in locked rooms in a secured building. Caseflow is a cloud application and the Cloud data center physical security begins at the Perimeter Layer restricting physical access.

RECORD ACCESS PROCEDURES:

Individuals seeking information regarding access to information contained in this system of records may write or call the Board of Veterans' Appeals Freedom of Information Act Officer, whose address and telephone number are as follows: Freedom of Information Act Officer (01C1), Board of Veterans' Appeals, 810 Vermont Avenue NW, Washington, DC 20420; (202) 382–2906.

CONTESTING RECORD PROCEDURES:

(See notification procedures above.)

NOTIFICATION PROCEDURES:

An individual desiring to know whether this system of records contains a record pertaining to him or her, how she or he may gain access to such a record, and how she or he may contest the content of such a record may write to the following address: Privacy Act Officer (01C1), Board of Veterans' Appeals, 810 Vermont Avenue NW, Washington, DC 20420. The following information, or as much as is available, should be furnished in order to identify the record: Name of Veteran, name of appellant other than the Veteran (if any), and Department of Veterans Affairs file number. For information about hearing transcripts or tape recordings, also furnish the date, or the approximate date, of the hearing.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

November 16, 2013, at 78 FR 66803.

[FR Doc. 2023–14569 Filed 7–10–23; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–XXXX]

Agency Information Collection Activity Under OMB Review: CFM Stakeholder Feedback Survey

AGENCY: Office of Construction and Facilities Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Office of Construction and Facilities Management, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice 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. Refer to ''OMB Control No. 2900–XXXX.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–XXXX'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: CFM Stakeholder Feedback Survey.

OMB Control Number: 2900–XXXX.

Type of Review: New collection.

Abstract: The Office of Construction & Facilities Management (CFM) Stakeholder Feedback Survey collects information for all of CFM's lines of business: major construction, major leases, facility condition assessments, and engineering studies. Respondents are members of project teams, and the information is related to how well the teams are performing. The purpose of the Stakeholder Feedback Survey Program is to improve project team performance across the four lines of business covered by the survey.

Respondents include federal employees in the Department of Veteran Affairs throughout CFM, Veterans Health Administration, and National Cemetery Administration, as well as U.S. Army Corps of Engineers construction management teams. The survey also collects information from members of private contractors associated with the projects described above (*e.g.,* architecture/engineering, construction, developers/lessors). Respondents provide feedback on the performance of the technical sub-teams with whom they have worked on a particular project.

The survey uses a set of ten questions to collect the information on team performance, plus two open-ended questions that address what is going well and concerns. The survey is delivered via email with a link to an online collection instrument. Advance notice and reminder emails are used to encourage participation.

The survey is administered by a federal contracting team (Blue Water Thinking and Booz Allen Hamilton). Raw data is seen and handled only by members of this team. Summary results are provided to CFM via a dashboard designed as part of the contract to design and administer the survey.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 88 FR 85 on May 3, 2023, pages 27957 and 27958.

Affected Public: Members of private contracting firms associated with the projects described above (*e.g.,* architecture/engineering, construction, developers/lessors) are asked to complete the survey.

Estimated Annual Burden: 77 hours.

Estimated Average Burden per Respondent: 8 minutes.

Frequency of Response: Team members of Major Construction and Major Leasing projects are asked to complete the survey twice a year for the duration of the project. Team members of all other types of projects are asked to complete the survey once a year.

Estimated Number of Respondents: 578.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer (Alt.), Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2023–14568 Filed 7–10–23; 8:45 am]

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Reader Aids

Federal Register

Vol. 88, No. 131

Tuesday, July 11, 2023

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