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DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 760

[Docket ID: FSA–2022–0016]

RIN 0560–AI64

Milk Loss Program and Emergency Relief Program

AGENCY: Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes provisions for providing agricultural disaster assistance as authorized by the Extending Government Funding and Delivering Emergency Assistance Act of 2021 and the Disaster Relief Supplemental Appropriations Act, 2023. The assistance will be for 2020, 2021, and 2022 milk losses. The Milk Loss Program will provide payments to eligible dairy operations for milk that was dumped or removed without compensation from the commercial milk market due to disaster events including droughts, wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze (including a polar vortex), and smoke exposure that occurred in the 2020, 2021, and 2022 calendar years. Additionally, the Disaster Relief Supplemental Appropriations Act, 2023, also authorizes assistance for eligible milk losses due to tornadoes that occurred in 2022. This rule specifies the administrative provisions, eligibility requirements, application procedures, and payment calculations for the Milk Loss Program. This rule also makes corrections to Phase 2 of the Emergency Relief Program (ERP).

DATES:

Effective date: September 11, 2023.

Comment date: We will consider comments on the information collection requirements under the Paperwork Reduction Act that we receive by: November 13, 2023.

Milk Loss Program application deadline: October 16, 2023.

ADDRESSES: We invite you to submit comments on the information collection requirements. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to: www.regulations.gov and search for docket ID FSA–2022–0016. Follow the instructions for submitting comments.
- *Mail:* Director, PSD, FSA, USDA, 1400 Independence Avenue SW, Stop 0512, Washington, DC 20250–0522.

Comments will be available for viewing online at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: For the Milk Loss Program: Douglas E. Kilgore; telephone: (202) 720–9011; or email: douglas.e.kilgore@usda.gov. For ERP: Kathy Sayers; telephone: (202) 720–7649; or email: kathy.sayers@usda.gov. Persons with disabilities who require alternative means for communication should contact the U.S. Department of Agriculture (USDA) Target Center at (202) 720–2600 (voice and text telephone (TTY)) or dial 711 for Telecommunications Relay service (both voice and text telephone users can initiate this call from any telephone).

SUPPLEMENTARY INFORMATION:

Background

This rule establishes the Milk Loss Program to provide disaster assistance for certain milk losses. The Extending Government Funding and Delivering Emergency Assistance Act of 2021 (Pub. L. 117–43) provides \$10 billion for crop losses, including milk losses, that occurred in calendar years 2020 and 2021 due to qualifying disaster events. The Disaster Relief Supplemental Appropriations Act, 2023, Division N of the Consolidated Appropriations Act, 2023 (Pub. L. 117–328) provides approximately \$3.7 billion for disaster assistance for similar crop losses that occurred in calendar year 2022. The disaster assistance outlined in both laws is for necessary expenses related to losses of crops, including milk and on-farm stored commodities, as a consequence of droughts, wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze (including a polar vortex), and smoke exposure. In addition, the Disaster Relief Supplemental Appropriations Act, 2023 authorized assistance for losses as a

consequence of tornadoes occurring in 2022.

This rule establishes the Milk Loss Program to provide assistance for qualifying milk losses.

The Milk Loss Program allows eligible dairy operations to receive payments for milk that was dumped or removed without compensation from the commercial milk market due to qualifying weather events that inhibited the delivery of milk or the storage of milk due to weather-related issues, such as power outages or impassable roads, for the 2020, 2021, and 2022 calendar years.

This rule also makes minor corrections to the ERP Phase 2 payment calculation and the producer eligibility requirements.

Milk Loss Program

The Milk Loss Program will provide payments to dairy operations for milk that was dumped or removed without compensation from the commercial milk market due to qualifying disaster events.

The milk loss base period is the first full month of milk production before the dumping or removal of milk first occurred due to a qualifying disaster event. The base period milk production is used to determine the average daily milk production from the cows in the dairy operation. The average daily milk production calculation includes the number of cows, the pounds of milk marketed for the month, and the number of days in the month.

The claim period for milk loss is each calendar month that milk was dumped or removed from the commercial market due to a qualifying disaster event. Each milk loss application covers the loss in a single calendar month. Milk loss that occurs in more than one calendar month due to the same qualifying disaster event requires a separate application for each month. The days that are eligible for indemnification begin on the date the milk was removed or dumped and continue for the concurrent days milk was removed or dumped. Once the dairy operation returns to the normal marketing of milk, the dairy operation is no longer eligible for assistance for milk removed or dumped due to that qualifying disaster unless after restarting commercial marketing of milk, additional milk is removed or dumped due to the same qualifying disaster event. The dairy operation will provide the milk marketing statement for the

month prior to the month milk was removed or dumped and for the month that the milk dumping occurred and will verify the days the dairy operation did not commercially market milk. For the Milk Loss Program, the duration of yearly claims is limited to 30 days per year for 2020, 2021, and 2022.

The fair market value of removed or dumped milk represents the dollar value the dairy operation would have received if it had commercially marketed such milk for that month. The dairy operation's milk marketing statement from the claim period will be used to verify the days milk was not marketed.

The Milk Loss Program payment calculation is as follows:

(Base period per cow average daily milk production × number of milking cows in claim period × number of days milk was removed or dumped in claim period) ÷ 100¹) × per hundredweight pay price.

The per hundredweight pay price is calculated as follows:

Gross pay price from claim period milk marketing statement – the hauling rate – \$0.15 promotion fee = per hundredweight pay price.

The final Milk Loss Program payment is determined by factoring the Milk Loss Program payment calculation by a:

- 90 percent payment factor for affected farmers who meet the definition of beginning farmer or rancher, limited resource farmer or rancher, socially disadvantaged farmer or rancher, or veteran farmer or rancher;² or
- 75 percent payment factor for all other affected farmers.

Dairy operations that apply for the Milk Loss Program will provide, at the time of application, the milk marketing statement for the month prior to the month that the milk was removed or dumped, the milk marketing statement for the affected month and a detailed

written statement of the circumstances of the milk removal, including the type and geographic scope of the weather event, what transportation limitations occurred, and any information on what was done with the removed milk production. Any other pertinent information that further describes the reason why milk was removed or dumped should be included to provide FSA the necessary information to determine eligibility for the Milk Loss Program, as well as all other information required to be furnished in the regulation. FSA county offices can assist dairy operations in completing the Milk Loss Program application.

Payments for the Milk Loss Program will be issued to eligible applicants as applications are received and approved. The deadline to apply for the Milk Loss Program will be October 16, 2023.

Milk Loss Program Application Process

USDA will accept Milk Loss Program applications beginning September 11, 2023.

To apply for the Milk Loss Program, affected farmers must submit a complete FSA-376, Milk Loss Program Application with applicable milk marketing statements, as well as all other information required to be furnished under the regulation at time of application, in person, by mail, email, facsimile, or other method announced by FSA to any FSA county office by the application deadline.

Applicants must also submit all of the following items within 60 days of the Milk Loss Program application deadline, if not previously filed with FSA:

- (1) Form AD-2047, Customer Data Worksheet, for new customers or existing customers who need to update their customer profile;
- (2) Form CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification, applicable for the program year or years for which the affected farmer is applying for the Milk Loss Program, if the applicant is an underserved farmer or rancher;
- (3) Form CCC-901, Member Information for Legal Entities, if applicable;
- (4) Form CCC-902, Farm Operating Plan for an individual or legal entity as provided in 7 CFR part 1400;
- (5) Form FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs, accompanied by a certification from a certified public accountant or attorney as to that person or legal entity's certification, for a legal entity and all members of that entity, for each applicable program year, including the

legal entity's members, partners, or shareholders, as provided in 7 CFR part 1400; and

(6) Form AD-1026, Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification, for the Milk Loss Program applicant and applicable affiliates as provided in 7 CFR part 12.

If requested by FSA, the affected farmer must provide additional documentation that establishes the affected farmer's eligibility for the Milk Loss Program. If supporting documentation is requested, the documentation must be submitted to FSA within 60 calendar days from the request or the application will be disapproved by FSA.

ERP Phase 2

FSA announced ERP Phase 2 in the final rule published on January 11, 2023 (88 FR 1862–1892). This document corrects an error in the ERP Phase 2 payment calculation in 7 CFR 760.1905(b)(3), which should specify that a producer's gross (not net) calculated ERP Phase 1 payments will be subtracted from the difference in a producer's benchmark year allowable gross revenue and disaster year allowable gross revenue.³ The ERP Phase 2 payment uses a producer's gross ERP Phase 1 payment in order to prevent paying a producer for the same loss under both phases of the program or applying different payment limitations to the same loss (for example, a 2022 crop year loss paid under ERP Phase 1 that also resulted in a reduction in allowable gross revenue for the 2021 disaster year under ERP Phase 2). A producer who received an ERP Phase 1 payment has already been paid the maximum amount they are eligible to receive for the loss for which the gross ERP Phase 1 payment amount was calculated.

This document also corrects the ERP Phase 2 producer eligibility requirements in § 760.1902(b)(3) and (4). ERP is a single program, and FSA's intent is to apply consistent producer eligibility requirements to both phases. As indicated in the ERP Phase 1 notification of funding availability (87 FR 30164–30172), partnerships, corporations, limited liability companies, and other organizational structures organized under State law must consist solely of citizens of the United States or resident aliens to be eligible for ERP. FSA is correcting the

¹ Divided by 100 to convert to hundredweight.

² FSA calculates payments based on a higher payment factor for underserved farmers and ranchers (or specific groups included in that term) in several programs, such as the Emergency Conservation Program; the Emergency Assistance for Livestock, Honeybees, and Farm-raised Fish Program; and the Tree Assistance Program. FSA has also used higher payment factors for these producers in several recently announced programs: the Food Safety Certification for Specialty Crops Program, the Organic and Transitional Education and Certification Program, the Pandemic Assistance Revenue Program, the Emergency Livestock Relief Program, and the Emergency Relief Program. In addition, the Noninsured Crop Disaster Assistance Program provides a reduced service fee and premium for underserved farmers and ranchers. This approach supports the equitable administration of FSA programs, as underserved farmers and ranchers are more likely to lack financial reserves and access to capital that would allow them to cope with losses due to unexpected events outside of their control.

³ The gross ERP Phase 1 calculated payment is the calculated payment amount prior to any payment reductions for reasons including, but not limited to, sequestration and payment limitation.

ERP Phase 2 eligibility requirements to add that criteria, which was inadvertently omitted from the regulation.

These changes are consistent with how FSA has implemented ERP Phase 2 and do not affect any payments that have been issued; they are being corrected in this document to reflect how ERP Phase 2 has been administered.

Notice and Comment, Effective Date, and Exemptions

The Administrative Procedure Act (5 U.S.C. 553) provides that the notice and comment and 30-day delay in the effective date provisions do not apply when the rule involves a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. This rule involves a program for payments to certain agricultural commodity producers and thus falls within the exemption for rules related to benefits.

This rule is exempt from the regulatory analysis requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996.

For major rules, the Congressional Review Act requires a delay in the effective date for 60 days from the date of publication to allow for Congressional review. This rule is not a major rule under the Congressional Review Act, as defined by 5 U.S.C. 804(2). Therefore, this rule is effective upon publication in the **Federal Register**.

Executive Orders 12866 and 13563

Executive Order 12866, “Regulatory Planning and Review,” and Executive Order 13563, “Improving Regulation and Regulatory Review,” 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 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Office of Management and Budget (OMB) designated this rule as not significant under Executive Order 12866, “Regulatory Planning and Review,” and therefore, OMB has not reviewed this rule.

Environmental Review

The environmental impacts of this final rule have been considered in a manner consistent with the provisions of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321–4347), the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), and the FSA regulation for compliance with NEPA (7 CFR part 799). The Milk Loss Program is mandated by Extending Government Funding and Delivering Emergency Assistance Act and the Consolidated Appropriations Act, 2023. The Milk Loss Program provides payments to eligible dairy operations for milk that was dumped or removed without compensation from the commercial milk market.

The intent of the Milk Loss Program is to compensate affected farmers who have suffered post- or pre-production market losses due to qualifying disaster events. Compensation is for actions that do not have ground disturbing impacts below the level of previous disturbance nor negative impacts to any other protected natural or cultural resource. The limited discretionary aspects of the programs (for example, determining AGI and payment limitations) were designed to be consistent with established FSA disaster programs. As such, the FSA categorical exclusions found in 7 CFR 799.31 apply, specifically 7 CFR 799.31(b)(6)(iii) and (iv). See § 799.31(b)(6)(iii) (“Financial assistance to supplement income, manage the supply of agricultural commodities, or influence the cost or supply of such commodities or programs of a similar nature or intent (that is, price support programs)”; and § 799.31(b)(6)(iv) (“Individual farm participation in FSA programs where no ground disturbance or change in land use occurs as a result of the proposed action or participation”).

Through this review, FSA has determined that the implementation of the program and the participation in the program does not constitute major Federal actions that would significantly affect the quality of the human environment, individually or cumulatively. Therefore, FSA will not prepare an environmental assessment or environmental impact statement for this rule; this rule serves as documentation of the programmatic environmental compliance decision for this Federal action.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, “Civil Justice Reform.” This rule will not preempt

State or local laws, regulations, or policies unless they represent an irreconcilable conflict with this rule. The rule will not have retroactive effect. Before any judicial action may be brought regarding the provisions of this rule, the administrative appeal provisions of 7 CFR parts 11 and 780 must be exhausted.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments.” Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes.

FSA has assessed the impact of this rule on Indian Tribes and determined that this rule does not, to our knowledge, have significant Tribal implications that require ongoing adherence to Executive Order 13175 at this time. If a Tribe requests consultation, the USDA Office of Tribal Relations will ensure meaningful consultation is provided where changes, additions, and modifications are not expressly mandated by law. Outside of Tribal consultation, USDA is working with Tribes to provide information about pandemic assistance, agricultural disaster assistance, and other issues.

The Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA, Pub. L. 104–4) requires Federal agencies to assess the effects of their regulatory actions on State local, and Tribal governments or the private sector. Agencies generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures of \$100 million or more in any 1 year for State, local, or Tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternatives and adopt the more cost effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates, as defined in Title II of UMRA, for State, local, and Tribal governments, or the

private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Federal Assistance Programs

The titles and numbers of the Federal assistance programs, as found in the Assistance Listing⁴ to which this rule applies are No. 10.965—Milk Loss Program, and 10.964—Emergency Relief Program.

Paperwork Reduction Act

In compliance with the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the information collection request has been approved by OMB under the control number of 0503–0028. FSA will collect the information from the dairy operations for milk to qualify for the payment. FSA provides one-time federal financial assistance program (or payment) to the dairy operations for milk as described in this document. Also, there are no changes to the burden hours for the ERP Phase 2 under the OMB control number of 0560–0312.

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA TARGET Center at (202) 720–2600 or (844) 433–2774 (toll-free nationwide). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office or write a letter

addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410 or email: OAC@usda.gov.

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List of Subjects in 7 CFR Part 760

Acreage allotments, Dairy products, Indemnity payments, Pesticides and pests, Reporting and recordkeeping requirements.

For the reasons discussed above FSA amends 7 CFR part 760 as follows:

PART 760—INDEMNITY PAYMENT PROGRAMS

- 1. The authority citation for part 760 is revised to read as follows:

Authority: 7 U.S.C. 4501 and 1531; 16 U.S.C. 3801, note; 19 U.S.C. 2497; Title III, Pub. L. 109–234, 120 Stat. 474; Title IX, Pub. L. 110–28, 121 Stat. 211; Sec. 748, Pub. L. 111–80, 123 Stat. 2131; Title I, Pub. L. 115–123, 132 Stat. 65; Title I, Pub. L. 116–20, 133 Stat. 871; Division B, Title VII, Pub. L. 116–94, 133 Stat. 2658; Title I, Pub. L. 117–43, 135 Stat. 356; and Division N, Title I, Pub. L. 117–328.

Subpart Q—Milk Loss Program

- 2. Revise § 760.1700 to read as follows:

§ 760.1700 Applicability.

This subpart specifies the terms and conditions for the Milk Loss Program. The Milk Loss Program will provide payments to eligible dairy operations for milk that was dumped or removed without compensation from the commercial milk market due to the results of droughts, wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze (including polar vortex), and smoke exposure that occurred in the 2020, 2021, and 2022 calendar year. The Milk Loss Program will also provide payments to eligible dairy operations for milk that was dumped or removed without compensation from the commercial milk market due to the results of tornadoes that occurred in the 2022 calendar year.

- 3. Amend § 760.1702 as follows:

- a. Revise the definitions of “Affected farmer” and “Application period”;
- b. Add the definitions of “Average adjusted gross farm income” and “Average adjusted gross income” in alphabetical order;

- c. Revise the definition of “Base period”;
- d. Add the definition of “Beginning farmer or rancher” in alphabetical order;
- e. Revise the definition of “Commercial market”;
- f. Add the definitions of “Income derived from farming, ranching, and forestry operations” and “Limited resource farmer or rancher” in alphabetical order;
- g. Remove the definition of “Milk handler”;
- h. Add the definitions of “Milk marketing organization” and “Ownership interest” in alphabetical order;
- i. Amend the definition of “Pay period” in paragraph (1) by removing the words “his whole” both times it appears, and removing the word “handler” and adding “marketing organization” in its place both times they appear;
- j. Amend the definition of “Payment subject to a refund” by removing the word “handler” and adding “marketing organization” in its place both times it appears;
- k. Revise the definition of “Qualifying disaster event”;
- l. Amend the definition of “Removed from the commercial market” in paragraph (2) by removing the word “handler” and “milk marketing organization” in its place, and removing the parenthetical phrase “(such as separating whole milk, destroying the fat, and drying the skim milk)”;
- m. Add definitions of “Socially disadvantaged farmer or rancher”, “Underserved farmer or rancher”, and “Veteran farmer or rancher” in alphabetical order; and
- n. Remove the definition of “Whole milk”.

The additions and revisions read as follows:

§ 760.1702 Definitions.

* * * * *

Affected farmer means an individual person or legal entity who produces milk which is removed from the commercial market any time or who produces but was unable to deliver milk to a commercial market as a result of a qualifying event, which is limited to either a:

(1) Weather-related event preventing transportation of the milk; or

(2) Weather-related event causing a power outage or structural damage causing milk to be unmerchantable.

Application period means any period during calendar year 2020, 2021, and 2022 which an affected farmer’s milk is dumped or removed without compensation from the commercial

⁴ See <https://sam.gov/content/assistance-listings>.

market due to a qualifying disaster event for which application for payment is made.

Average adjusted gross farm income means the average of the person or legal entity's adjusted gross income derived from farming, ranching, and forestry operations for the 3 taxable years preceding the most immediately preceding complete taxable year.

(1) If the resulting average adjusted gross farm income derived from items 1 through 12 of the definition of "income derived from farming, ranching, and forestry operations" is at least 66.66 percent of the average adjusted gross income of the person or legal entity, then the average adjusted gross farm income may also take into consideration income or benefits derived from the following:

(i) The sale of equipment to conduct farm, ranch, or forestry operations; and
(ii) The provision of production inputs and services to farmers, ranchers, foresters, and farm operations.

(2) The relevant tax years are:

(i) For the 2020 program year, 2016, 2017, and 2018; and
(ii) For the 2021 program year, 2017, 2018, and 2019; and
(iii) For the 2022 program year, 2018, 2019, and 2020.

Average adjusted gross income means the average of the adjusted gross income as defined under 26 U.S.C. 62 or comparable measure of the person or legal entity. The relevant tax years are:

(1) For the 2020 program year, 2016, 2017, and 2018;
(2) For the 2021 program year, 2017, 2018, and 2019; and
(3) For the 2022 program year, 2018, 2019, and 2020.

Base period means the first full calendar month prior to the claim period in which no qualifying disaster event occurred. If the claim period is multiple consecutive months, the base period remains the same calendar month preceding the start of the claim period.

Beginning farmer or rancher means a farmer or rancher who has not operated a farm or ranch for more than 10 years and who materially and substantially participates in the operation. For a legal entity to be considered a beginning farmer or rancher, at least 50 percent of the interest must be beginning farmers or ranchers.

* * * * *

Commercial market means the market to which the affected farmer normally delivers milk and from which it was removed.

* * * * *

Income derived from farming, ranching, and forestry operations means

income of an individual or entity derived from:

(1) Production of crops, specialty crops, and unfinished raw forestry products;

(2) Production of livestock, aquaculture products used for food, honeybees, and products derived from livestock;

(3) Production of farm-based renewable energy;

(4) Selling (including the sale of easements and development rights) of farm, ranch, and forestry land, water or hunting rights, or environmental benefits;

(5) Rental or lease of land or equipment used for farming, ranching, or forestry operations, including water or hunting rights;

(6) Processing, packing, storing, and transportation of farm, ranch, forestry commodities including renewable energy;

(7) Feeding, rearing, or finishing of livestock;

(8) Payments of benefits, including benefits from risk management practices, crop insurance indemnities, and catastrophic risk protection plans;

(9) Sale of land that has been used for agricultural purposes;

(10) Payments and benefits authorized under any program made available and applicable to payment eligibility and payment limitation rules;

(11) Income reported on Internal Revenue Service (IRS) Schedule F or other schedule used by the person or legal entity to report income from such operations to the IRS;

(12) Wages or dividends received from a closely held corporation, and IC-DISC or legal entity comprised entirely of family members when more than 50 percent of the legal entity's gross receipts for each tax year are derived from farming, ranching, or forestry activities as defined in this subpart; and

(13) Any other activity related to farming, ranching, and forestry, as determined by the Deputy Administrator for Farm Programs.

Limited resource farmer or rancher means a farmer or rancher:

(1) Who is a person whose:

(i) Direct or indirect gross farm sales did not exceed:

(A) \$180,300 in each calendar year for 2017 and 2018 (the relevant years for the 2020 program year); or

(B) \$179,000 in each of the 2018 and 2019 calendar years for the 2021 program year;

(C) \$189,200 in each of the 2019 and 2020 calendar years for the 2022 program year; and,

(ii) Total household income was at or below the national poverty level for a

family of four in each of the same two previous years referenced in paragraph (1)(i) of this definition;¹ or

(2) That is an entity and all members who hold an ownership interest in the entity meet the criteria in paragraph (1) of this definition.

Milk marketing organization means the marketing agency to or through which the affected dairy farmer marketed milk at the time the milk was either dumped or unable to be delivered to the commercial market due to a qualifying weather related event.

Ownership interest means to have either a legal ownership interest or a beneficial ownership interest in a legal entity. For the purposes of administering this subpart, a person or legal entity that owns a share or stock in a legal entity that is a corporation, limited liability company, limited partnership, or similar type entity where members hold a legal ownership interest and shares in the profits or losses of such entity is considered to have an ownership interest in such legal entity. A person or legal entity that is a beneficiary of a trust or heir of an estate who benefits from the profits or losses of such entity is considered to have a beneficial ownership interest in such legal entity.

* * * * *

Qualifying disaster event means droughts, wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze (including a polar vortex), and smoke exposure, occurring in the 2020, 2021, and 2022 calendar years. Qualifying disaster event also includes tornadoes occurring in the 2022 calendar year. Losses due to drought are only eligible if any area within the county in which the loss occurs was rated by the U.S. Drought Monitor as having a D2 (Severe Drought) for eight consecutive weeks or a D3 (Extreme Drought) or higher level of drought intensity during the applicable calendar years.

* * * * *

Socially disadvantaged farmer or rancher means a farmer or rancher who is a member of a group whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities. For entities, at least 50 percent of the ownership interest must be held by individuals who are members of such a

¹ Limited resource farmer or rancher status can be determined using a website available through the Limited Resource Farmer and Rancher Online Self Determination Tool through Natural Resources Conservation Service at <https://lrftool.sc.egov.usda.gov>.

group. Socially disadvantaged groups include the following and no others unless approved in writing by the FSA Deputy Administrator for Farm Programs (Deputy Administrator):

- (1) American Indians or Alaskan Natives;
- (2) Asians or Asian-Americans;
- (3) Blacks or African Americans;
- (4) Hispanics or Hispanic Americans;
- (5) Native Hawaiians or other Pacific Islanders; and
- (6) Women.

* * * * *

Underserved farmer or rancher means a beginning farmer or rancher, limited resource farmer or rancher, socially disadvantaged farmer or rancher, or veteran farmer or rancher.

Veteran farmer or rancher means a farmer or rancher:

- (1) Who has served in the Armed Forces (as defined in 38 U.S.C. 101(10)²) and:
 - (i) Has not operated a farm or ranch for more than 10 years; or
 - (ii) Has obtained status as a veteran (as defined in 38 U.S.C. 101(2)³) during the most recent 10-year period; or
- (2) That is an entity, and at least 50 percent of the ownership interest is held by members who meet the criteria in paragraph (1) of this definition.

* * * * *

§§ 760.1709 through 760.1718
[Redesignated as §§ 760.1711 through 760.1720].

- 4. Redesignate §§ 760.1709 through 760.1718 as §§ 760.1711 through 760.1720

§§ 760.1703 through 760.1708
[Redesignated as §§ 760.1704 through 760.1709]

- 5. Redesignate §§ 760.1703 through 760.1708 as §§ 760.1704 through 760.1709.
- 6. Add new § 760.1703 to read as follows:

§ 760.1703 Eligible affected farmers.

- (a) To be eligible, an affected farmer, the farmer must be a:
 - (1) Citizen of the United States;
 - (2) Resident alien, which for purposes of this subpart means “lawful alien” as defined in 7 CFR 1400.3;
 - (3) Partnership organized under state law consisting solely of citizens of the United States or resident aliens;

² The term “Armed Forces” means the United States Army, Navy, Marine Corps, Air Force, Space Force, and Coast Guard, including the reserve components.

³ The term “veteran” means a person who served in the active military, naval, air, or space service, and who was discharged or released under conditions other than dishonorable.

(4) Corporation, limited liability company, or other organizational structure organized under State law consisting solely of citizens of the United States or resident aliens; or

(5) Indian Tribe or Tribal organization, as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(b) In addition to the requirements in paragraph (a) of this section, to be eligible, an affected farmer must comply with all provisions of this subpart and, as applicable:

- (1) 7 CFR part 12—Highly Erodible Land and Wetland Conservation;
- (2) 7 CFR part 707—Payments Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent;
- (3) 7 CFR part 718—Provisions Applicable to Multiple Programs; and
- (4) 7 CFR part 1403—Debt Settlement Policies and Procedures.

- 7. Revise newly redesignated § 760.1704 to read as follows:

§ 760.1704 Payments to dairy farmers for milk.

(a) A milk loss payment will be made to an affected farmer who is determined by the FSA county committee to be in compliance with all the terms and conditions of this subpart in the amount equal to 90 percent for affected farmers who meet the definition of underserved farmer or rancher or 75 percent for all other affected farmers of the fair market value of the farmer’s normal marketings for the application period, less:

- (1) Any amount the affected farmer received for milk marketed during the application period; and
- (2) Any payment not subject to refund that the affected farmer received from a milk handler with respect to milk removed from the commercial market during the application period.

(b) [Reserved]

- 8. Amend newly redesignated § 760.1705 by:

- a. In paragraph (a):
 - i. Removing “dumped milk normal marketings” and adding its place “normal marketings of milk”;
 - ii. Removing the word “his” and adding “the affected farmer’s” in its place;
 - iii. Removing the word “whole” both times it appears; and
- b. Add paragraph (e).

The addition reads as follows:

§ 760.1705 Normal marketings of milk.

* * * * *

- (e) The days eligible for indemnification begin on the date milk was removed or dumped and continue

for the concurrent days milk was removed or dumped. Once the dairy operation returns to the normal marketing of milk, the dairy operation is no longer eligible for assistance for milk removed or dumped due to that qualifying disaster event unless after restarting commercial marketing of milk, additional milk is removed or dumped due to the same qualifying disaster event.

- 9. Amend newly redesignated § 760.1706 by:

- a. In paragraph (a):
 - i. Removing the words “milk normal marketings” and adding “milk” in its place;
 - ii. Removing the word “his”; and
- b. Revising paragraphs (b) and (c).

The revisions read as follows:

§ 760.1706 Fair market value of milk.

* * * * *

(b) The base period per cow average daily milk production is determined by dividing the full month of milk marketings by the average number of cows in milk production for that month and the number of days in that month. To determine the milk loss payment, the base period per cow average daily milk production is multiplied by the number of milking cows in production for the claim period and by the number of days milk was removed or dumped in the claim period with the result divided by 100 to determine the applicable hundredweight and then multiplied by the hundredweight pay price.

(c) To determine the hundredweight pay price for milk, the FSA county committee will deduct from the gross pay price from the claim period milk marketing statement the per hundredweight hauling rate for the applicable month and the per hundredweight \$0.15 promotion fee which it determines are normally incurred by the affected farmer but which were not incurred because of the removal of the farmer’s milk from the commercial market.

- 10. Revise newly redesignated § 760.1707 to read as follows:

§ 760.1707 Information to be furnished.

(a) The affected farmer must furnish to the FSA county committee complete and accurate information sufficient to enable the FSA county committee or the Deputy Administrator to make the determinations required in this subpart. Such information must include, but is not limited to:

- (1) A copy of the notice from, or other evidence of action by, the public agency which resulted in the dumping or removal of the affected farmer’s milk from the commercial market.

(2) The specific weather or disaster event and its results on milk marketing for the claim period.

(3) The quantity and butterfat test of milk produced and marketed during the base period. This information must be a certified statement from the affected farmer's milk marketing organization or any other evidence the FSA county committee accepts as an accurate record of milk production and butterfat tests during the base period.

(4) The average number of dry cows, bred heifers, and cows milked during the base period and during each pay period in the application.

(5) The affected farmer will provide two milk marketing statements, one for the base period and one for the claim period.

(6) On the milk marketing statement the per hundredweight hauling rate and the per hundredweight \$0.15 promotion fee, which are normally incurred by affected farmers who market through the milk marketing organization, that the affected farmer did not incur because of the dumping or removal of the milk from the commercial market, then the average price stated by the milk marketing organization will be the average gross price paid less these costs. If the milk marketing organization does not have this information, the affected farmer will furnish a statement specifying these costs, if any.

(7) The amount of proceeds, if any, received by the affected farmer from the marketing of milk produced during the application period.

(8) The amount of any payments not subject to refund made to the affected farmer by the milk marketing organization with respect to the milk produced during the application period and removed from the commercial market.

(9) A detailed written statement from the affected farmer regarding the circumstances of the milk removal or dumping, the type and geographic scope of the weather event, what transportation limitations occurred in addition to how and where the removed or dumped milk was discarded.

(b) If requested by FSA, the affected farmer must provide additional documentation that establishes the affected farmer's eligibility for a Milk Loss Program payment.

■ 11. Revise newly redesignated § 760.1708 to read as follows.

§ 760.1708 Application for payments for milk loss.

The affected farmer or the affected farmer's legal representative must sign and file an application for payment on a form which is approved for that

purpose by the Deputy Administrator. The form must be filed with the county FSA office for the county where the farm headquarters are located no later than close of business of the designated deadline announced by the Secretary for 2020, 2021, and 2022 losses.

■ 12. Revise newly redesignated § 760.1709 to read as follows.

§ 760.1709 Payment limitation and AGI.

(a) Per calendar year, a person or legal entity, other than a joint venture or general partnership, is eligible to receive, directly or indirectly payments of not more than \$125,000 according to the provisions in § 760.1507(b)(1); or not more than \$250,000 according to the provisions in § 760.1507(b)(2) if at least 75 percent of the person's or legal entity's average adjusted gross income is average adjusted gross farm income and the applicant provides the required certification(s) and documentation. Payments made to a joint venture or general partnership cannot exceed an amount determined by multiplying the maximum payment limitation by the number of persons and legal entities that comprise the first-level ownership of the joint venture or general partnership.

(b) To certify the average adjusted gross farm income, a person or legal entity, including all members with an ownership interest in a legal entity, general partnership, or joint venture, must provide the following:

(1) A certification in the manner prescribed by FSA from the person or legal entity that the average adjusted gross farm income of the person or legal entity is at least 75 percent of the average adjusted gross income; and

(2) A certification in the manner prescribed by FSA from a licensed certified public accountant or attorney that the average adjusted gross farm income of the person or legal entity is at least 75 percent of the average adjusted gross income.

(c) A new legal entity will have its adjusted gross farm income averaged only for those years for which it was in business; however, a new legal entity will not be considered "new" to the extent it takes over an existing operation and has any elements of common ownership interest and land with the preceding person or legal entity, or with persons or legal entities with an interest in the "old" legal entity. When there is such commonality, income of the previous person or legal entity will be averaged with that of the "new" legal entity for the base period.

(d) For a person filing a joint federal tax return, the certification of average

adjusted gross farm income will be reported as if the person had filed a separate federal tax return and the calculation is consistent with the information supporting the filed joint return.

(e) All persons and legal entities are subject to an audit by FSA of any information submitted for the purpose of increasing the program's payment limitation. As a part of this audit, income tax returns may be requested, and if requested, must be supplied by all related persons and legal entities. In addition to any other requirement under any Federal statute, relevant Federal income tax returns and documentation must be retained a minimum of 2 years after the end of the calendar year corresponding to the year for which payments or benefits are requested. Failure to provide necessary and accurate information to verify compliance will result in ineligibility for Milk Loss Program benefits.

(f) The direct attribution provisions in § 760.1507 apply for both payment limitation as well as in determining average adjusted gross farm income as defined and used in this subpart.

■ 13. Add new § 760.1710 to read as follows.

§ 760.1710 Time and method of application.

(a) A completed FSA-376, Milk Loss Program Application, must be submitted at the time of application along with the information listed in § 760.1707 to the affected farmer's recording county office by the close of business on the Milk Loss Program application deadline. Applications may be submitted in person or by mail, email, facsimile, or other methods announced by FSA. The Deputy Administrator has the discretion and authority to waive or modify deadlines and other requirements or program provisions in cases where the Deputy Administrator determines it is equitable to do so and where the Deputy Administrator finds that the lateness or failure to meet such other requirements or program provisions do not adversely affect Milk Loss Program operation.

(b) Failure of an individual, entity, or a member of an entity to submit the following payment limitation and payment eligibility forms within 60 days from the date of the Milk Loss Program application deadline, may result in no payment or a reduced payment:

(1) Form AD-2047, Customer Data Worksheet, for new customers or existing customers who need to update their customer profile;

(2) Form CCC-860, Socially Disadvantaged, Limited Resource,

Beginning and Veteran Farmer or Rancher Certification, if applicable for the program year or years for which the affected farmer is applying for the Milk Loss Program and if the affected farmer chooses to provide that certification;

(3) Form CCC-901, Member Information for Legal Entities, if applicable;

(4) Form CCC-902, Farm Operating Plan for an individual or legal entity as provided in 7 CFR part 1400;

(5) Form FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs, accompanied by a certification from a certified public accountant or attorney as to that person or legal entity's certification, for a legal entity and all members of that entity, for each applicable program year, including the legal entity's members, partners, or shareholders, as provided in 7 CFR part 1400; and

(6) Form AD-1026, Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification, for the Milk Loss Program and applicable affiliates as provided in 7 CFR part 12.

(c) If supporting documentation is requested under § 760.1707(b), the documentation must be submitted to FSA within 60 calendar days from the request or the application will be disapproved by FSA.

(d) Milk Loss Program payments are limited to 30 days per year for each of 2020, 2021, and 2022.

(e) Each Milk Loss Program application is limited to the milk loss for one calendar month due to a qualifying disaster event or multiple qualifying disaster events. Milk loss that occurs in a subsequent month for the same qualifying disaster event will require a separate application.

§ 760.1711 [Amended]

■ 14. In newly redesignated § 760.1711, amend paragraph (c) by removing the word “his”.

■ 15. Revise newly redesignated § 760.1712 to read as follows:

§ 760.1712 Estates and trusts; minors.

(a) A receiver of an insolvent debtor's estate and the trustee of a trust estate will, for the purpose of this subpart, be considered to represent an insolvent affected farmer and the beneficiaries of a trust, respectively, and the production of the receiver or trustee will be considered to be the production of the represented person. Program documents executed by any such person will be accepted only if they are legally valid and such person has the authority to sign the applicable documents.

(b) An affected dairy farmer who is a minor will be eligible for milk loss payments only if at least one of the following requirements is true:

(1) The right of majority has been conferred on him by court proceedings or by law;

(2) A guardian has been appointed to manage the property and the applicable program documents are signed by the guardian; or

(3) A bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had the person been an adult.

§ 760.1713 [Amended]

■ 16. Amend newly redesignated § 760.1713 by:

■ a. In paragraph (a) removing the words “or manufacturer”; and

■ b. In paragraph (b) removing the words “he would otherwise have” and adding “that would otherwise be available” in their place.

§ 760.1714 [Amended]

■ 17. Amend newly redesignated § 760.1714 by removing the words “or manufacturer”.

§ 760.1716 [Amended]

■ 18. Amend newly redesignated § 760.1716 as follows:

■ a. In paragraph (a), remove the words “as well as his milk handler and” and add “milk marketing organization, and” in their place.

■ b. In paragraph (b) remove the words “his milk handler” and add “milk marketing organization” in their place.

■ 19. Amend newly redesignated § 760.1720 by:

■ a. In paragraph (a)(2), removing the word “whole” and;

■ b. In paragraph (a)(3), removing the word “handler” and adding in its place “marketing organization” and removing the word “whole”; and

■ c. Revise paragraph (a)(4).

The revision reads as follows:

§ 760.1720 Calculating payments for milk losses.

(a) * * *

(4) Multiplied by a program factor of 90 percent for underserved farmers or ranchers, or 75 percent for all other farmers or ranchers.

* * * * *

Subpart S—Emergency Relief Program

§ 760.1902 [Amended]

■ 20. Amend § 760.1902 as follows:

■ a. In paragraph (b)(3), remove the word “Law” and add “law consisting solely of citizens of the United States or resident aliens”; and

■ b. In paragraph (b)(4), remove the word “law” and add “law consisting solely of citizens of the United States or resident aliens”.

§ 760.1905 [Amended]

■ 21. In § 760.1905, in paragraph (b)(3) remove the word “net” and add “gross” in its place.

John Berge,

Acting Administrator, Farm Service Agency.

[FR Doc. 2023-19479 Filed 9-6-23; 4:15 pm]

BILLING CODE 3411-E2-P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 52

[NRC-2023-0054]

Regulatory Guide: Quality Assurance Program Criteria (Design and Construction)

AGENCY: Nuclear Regulatory Commission.

ACTION: Final guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 6 to Regulatory Guide (RG), 1.28, “Quality Assurance Program Criteria (Design and Construction)”. RG 1.28, Revision 6, endorses, with certain clarifications and regulatory positions, Part I and Part II requirements included in NQA-1-2017, NQA-1-2019, and NQA-1-2022 for the implementation of a quality assurance (QA) program during the design and construction phases of nuclear power plants and fuel reprocessing plants.

DATES: Revision 6 to RG 1.28 is available on September 11, 2023.

ADDRESSES: Please refer to Docket ID NRC-2023-0054 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-2023-0054. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select

“Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

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

Revision 6 to RG 1.28 and the regulatory analysis may be found in ADAMS under Accession Nos. ML23177A002 and ML22304A055, respectively.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Andrea Keim, Office of Nuclear Reactor Regulation, telephone: 301–415–1671, email: Andrea.Keim@nrc.gov and James Steckel, Office of Nuclear Regulatory Research, telephone: 301–415–1026, email: James.Steckel@nrc.gov. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

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

In addition to the endorsement of Part I and Part II requirements included in NQA–1–2017, NQA–1–2019, and NQA–1–2022, this RG endorses NEI 14–05A, “Guidelines for the Use of Accreditation in Lieu of Commercial Grade Surveys for Procurement of Laboratory Calibration and Test Services,” Revision 1, issued September 2020 as an acceptable approach for licensees and suppliers subject to the QA requirements of appendix B to part 50 of title 10 of the *Code of Federal Regulations* (10 CFR) and the definitions in 10 CFR 21.3.

The proposed Revision 6 to RG 1.28 was issued with a temporary identification of Draft Regulatory Guide, DG–1403 (ADAMS Accession No. ML22304A054).

II. Additional Information

The NRC published a notice of availability of DG–1403 in the **Federal Register** on May 3, 2023 (88 FR 27713) for a 30-day public comment period. The public comment period closed on June 2, 2023. Public comments on DG–1403 and the staff responses to the public comments are available in ADAMS under Accession No. ML23177A003.

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

III. Congressional Review Act

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

IV. Backfitting, Forward Fitting, and Issue Finality

The issuance of this regulatory guide does not constitute backfitting as defined in 10 CFR 50.109, “Backfitting,” and as described in NRC Management Directive 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests”, or affect issue finality of any approval issued under 10 CFR part 52, “Licenses, Certificates, and Approvals for Nuclear Power Plants,” because, as explained in this regulatory guide, licensees are not required to comply with the positions set forth in this regulatory guide.

V. Submitting Suggestions for Improvement of Regulatory Guides

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

Dated: September 6, 2023.

For the Nuclear Regulatory Commission.

Harriet Karagiannis,

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

[FR Doc. 2023–19548 Filed 9–8–23; 8:45 am]

BILLING CODE 7590–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2023–0219; FRL–8813–02–R3]

Air Plan Approval; Pennsylvania; Liberty Borough Area Second 10-Year PM₁₀ Limited Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving into the Pennsylvania state implementation plan (SIP), a limited maintenance plan (LMP) submitted by the Commonwealth of Pennsylvania’s Department of Environmental Protection (PADEP or Commonwealth) on behalf of the Allegheny County Health Department (ACHD). This plan addresses the second 10-year maintenance period after redesignation for coarse particulate matter, particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM₁₀). A LMP is used to meet the Clean Air Act (CAA or the Act) requirements for formerly designated nonattainment areas that meet certain qualification criteria. EPA has determined that ACHD’s second maintenance plan meets applicable CAA requirements.

DATES: This final rule is effective on October 11, 2023.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2023–0219. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through www.regulations.gov, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT:

Ellen Schmitt, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-5787. Ms. Schmitt can also be reached via electronic mail at schmitt.ellen@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

On July 21, 2021, EPA received from PADEP, on behalf of ACHD, a revision to the Commonwealth's SIP for the Liberty Borough area.¹ The SIP revision is a PM₁₀ LMP for the Liberty Borough area and fulfills the second 10-year planning requirement of CAA section 175A to ensure the area is compliant with the 1987 24-hour PM₁₀ national ambient air standard (NAAQS or standard) through 2033.²

The LMP relies upon control measures contained in the first 10-year maintenance plan and the determination that the Liberty Borough area currently monitors PM₁₀ levels well-below the PM₁₀ NAAQS. The Liberty Borough area has been meeting the PM₁₀ standard for many years and was redesignated to attainment on September 11, 2003 (68 FR 53515) with an approved 10-year PM₁₀ maintenance plan.

On July 12, 2023 (88 FR 44237), EPA published a notice of proposed rulemaking (NPRM), approving the Commonwealth's July 2021 PM₁₀ LMP SIP submittal. The reasons for our approval are included in our July 2023 proposal and will not be restated here. The public comment period for our proposed action closed on August 11, 2023. We received no public comments. Therefore, we are finalizing our action as proposed.

II. Final Action

In this final action, EPA is approving the second 10-year PM₁₀ LMP for the Liberty Borough area as a revision to the Pennsylvania SIP, which the Agency received as a submittal on July 21, 2021.

¹ In its SIP submission, ACHD refers to the area at issue as the Liberty-Clairton area. In this final rule document as well as in the associated proposed rulemaking action, EPA refers to this area as the Liberty Borough area to distinguish it from the Liberty-Clairton fine particulate matter (PM_{2.5}) nonattainment area and to be consistent with what the Agency called the area in our approval of the first 10-year maintenance plan and attainment plan. See 63 FR 47493 (September 8, 1998) and 68 FR 53515 (September 11, 2003).

² The first 10-year maintenance period for the Liberty Borough area ended in 2013 and the second 10-year maintenance plan, which is the subject of this final rule document, extends through 2023.

EPA's approval of the Liberty Borough area LMP satisfies CAA section 175A requirements for the 24-hour PM₁₀ NAAQS for the second 10-year maintenance period for the Liberty Borough area.

III. Statutory and Executive Order Reviews**A. General Requirements**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose

substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address "disproportionately high and adverse human health or environmental effects" of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies." EPA further defines the term fair treatment to mean that "no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies."

ACHD and PADEP did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule

cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 13, 2023. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of

such rule or action. This action finalizing the second 10-year maintenance plan for the Liberty Borough PM₁₀ area may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

Adam Ortiz,

Regional Administrator, Region III.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph ©(1) is amended by revising the entry for “PM₁₀ Maintenance Plan” to read as follows:

* * * * *

(e) * * *

(1) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
PM ₁₀ Maintenance Plan	Allegheny County—Clairton PM ₁₀ nonattainment area.	9/14/02	9/11/03, 68 FR 53515	52.2063(c)(215).
		7/21/21	9/11/23, [Insert Federal Register Citation].	Limited maintenance plan covering the second 10-year period through 2023. “Allegheny County” is the designated name for this area under 40 CFR 81.339, but it has also been referred to as the “Liberty Borough area” in numerous regulatory actions.
* * * * *				

* * * * *

■ 3. Section 52.2059 is amended by adding paragraph (z) to read as follows:

§ 52.2059 Control strategy: Particulate matter.

* * * * *

(z) EPA approves the limited maintenance plan for the second 10-year maintenance period for the PM₁₀ Liberty Borough area in Allegheny County.

[FR Doc. 2023–19286 Filed 9–8–23; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 175

[Docket No. USCG–2023–0243]

RIN 1625–AC88

DUKW Amphibious Passenger Vessels

AGENCY: Coast Guard, DHS.

ACTION: Interim final rule; request for comments.

SUMMARY: The Coast Guard issues this interim rule as the first step to implement the statutorily mandated requirements for DUKW amphibious passenger vessels. This statutory mandate was enacted after the sinking of the *Stretch Duck 7* on July 19, 2018, which resulted in the loss of 17 lives on Table Rock Lake, Missouri. Section 11502 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 mandates additional safety measures for DUKW amphibious passenger vessels operating on navigable waters subject to Coast Guard jurisdiction. This interim final rule codifies the statutorily mandated requirements.

DATES: This interim rule is effective on September 11, 2023. Interested persons are invited to submit comments and related material on or before December 11, 2023.

ADDRESSES: You may submit comments identified by docket number USCG–

2023–0243 using the Federal Decision Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: For information about this document, email Jaideep Sirkar, telephone (202) 372–1366, email CGENG@uscg.mil.

SUPPLEMENTARY INFORMATION:

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I. Public Participation and Request for Comments

The Coast Guard views public participation as essential to effective rulemaking and will consider all comments and material received on this interim rule during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this interim rule, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at www.regulations.gov. To do so, go to <https://www.regulations.gov>, type USCG–2023–0243 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this interim rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the www.regulations.gov Frequently Asked Questions web page.

We review all comments received, but we will only post comments that address the topic of the interim rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to www.regulations.gov will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Public meeting. We are not planning to hold a public meeting but will consider doing so if we determine from public comments that a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the

date, time, and location of such a meeting.

II. Abbreviations

2023 NDAA James M. Inhofe National Defense Authorization Act for Fiscal Year 2023
 APV Amphibious passenger vessel
 BLS Bureau of Labor Statistics
 CFR Code of Federal Regulation
 CG–ENG Coast Guard’s Office of Design and Engineering Standards
 DHS Department of Homeland Security
 FR Federal Register
 GMC General Motors Corporation
 GPH Gallons per hour
 GPM Gallons per minute
 LED Light emitting diode
 MISLE Marine Information for Safety and Law Enforcement
 NTSB National Transportation Safety Board
 NVIC1–01 Navigation and Inspection Circular No. 1–01
 OMB Office of Management and Budget
 § Section
 SME Subject matter expert
 TRB National Academies of Sciences, Engineering, and Medicine’s Transportation Research Board
 U.S.C. United States Code

III. Basis and Purpose

The legal basis for this rulemaking is the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023¹ (2023 NDAA). Section 11502(f) of the 2023 NDAA requires the Coast Guard to implement interim requirements for operators of DUKW amphibious passenger vessels (APVs). Specifically, the 2023 NDAA directs the Coast Guard to require that operators of DUKW APVs comply with nine requirements within 180 days and defines a DUKW APV as a vessel that uses, modifies, or is derived from the General Motors Corporation (GMC) DUKW–353 design, and operates as a small passenger vessel in “waters subject to the jurisdiction of the United States,” as defined 33 CFR 2.38 (or a successor regulation). The nine requirements are:

- (1) Remove the canopies and any window coverings of such vessels for waterborne operations, or install a canopy that does not restrict horizontal or vertical escape by passengers in the event of flooding or sinking;
- (2) If a canopy and window coverings are removed from any such vessel pursuant to paragraph (1), require that all passengers wear a personal flotation device approved by the Coast Guard before the onset of waterborne operations of such vessel;
- (3) Reengineer such vessels to permanently close all unnecessary access plugs and reduce all through-hull

penetrations to the minimum number and size necessary for operation;

(4) Install independently powered electric bilge pumps that can dewater such vessels at the volume of the largest remaining penetration in order to supplement an operable Higgins pump or a dewatering pump of equivalent or greater capacity;

(5) Install in such vessels not fewer than four independently powered bilge alarms;

(6) Conduct an in-water inspection of any such vessel after each time a through-hull penetration has been removed or uncovered;

(7) Verify the watertight integrity of any such vessel through an in-water inspection at the outset of each waterborne departure;

(8) Install underwater light emitting diode (LED) lights that activate automatically in an emergency; and

(9) Otherwise comply with any other provisions of relevant Coast Guard guidance or instructions in the inspection, configuration, and operation of such vessels.

Section 11502(g) of the 2023 NDAA directs the Coast Guard to issue the section 11502(f) requirements without regard for the public notice and comment requirements in 5 U.S.C. 553. Therefore, this interim final rule implements the requirements for DUKW APV vessels and the accompanying definition without first receiving public notice and comment. Although the rule mirrors the specific statutory requirements, the Coast Guard issues this interim rule with request for public comments. In the future, we will issue final regulations after consideration of the public comments received. The other statutorily mandated requirements in sections 11502(b) through (e) the 2023 NDAA will be the subject of a future rulemaking.

IV. Background and Regulatory History

The purpose of this interim rule is to provide additional safety measures onboard applicable APVs. This rule follows a series of serious marine incidents involving the loss of multiple lives. On May 1, 1999, 13 lives were lost due to the *Miss Majestic* sinking. The *Miss Majestic* sank within a 30-second period, about 250 yards from shore, when a mechanical failure led to rapid flooding.

Following the incident, the Coast Guard met with the APV industry to discuss and develop comprehensive guidelines for best practices for the inspection and operation of these vehicles. The Coast Guard issued Navigation and Inspection Circular No. 1–01 (NVIC 1–01) on December 11,

¹ See Public Law 117–263, December 23, 2022, 136 Stat 2395.

2000² to provide supplemental guidance for DUKW APVs to meet the same level of safety as conventional small passenger vessels certificated under 46 CFR Subchapter T. The guidance document provides detailed recommendations for DUKW operators to consider for the design and operations of their vessels.

On July 19, 2018, a Coast Guard-inspected DUKW APV, experienced a loss of 17 lives when the *Stretch Duck 7* sunk. Multiple investigations into the event occurred, including investigations by the National Transportation Safety Board (NTSB) and the Coast Guard.

To further develop a path forward to improve safety on DUKW vessels, the Coast Guard commissioned a third-party study by the National Academies of Sciences, Engineering, and Medicine's Transportation Research Board (TRB). The TRB Special Report 342, *Options for Improving the Safety of DUKW Type Amphibious Vessels*, was published on December 16, 2021.³ The committee studied eight marine casualty events involving DUKW APVs that occurred in the United States and the United Kingdom from 1999 to 2021. Of the 8 marine casualty events, 3 of these events led to a total of 32 fatalities. The study reviewed all NTSB and Coast Guard information available and made recommendations for further steps to improve the safety of DUKW APV operations.

The 2023 NDAA provides the Coast Guard the capability to swiftly improve the safety of the DUKW fleet. The Coast Guard considered both NVIC 1–01 and TRB Special Report 342 as key tools when developing this rule.

V. Discussion of the Rule

Section 11502(f) of the 2023 NDAA requires the Coast Guard to implement interim requirements for operators of DUKW APVs, which are the only requirements imposed by this rule. This interim rule adds the Congressionally mandated interim requirements from section 11502(f) of the 2023 NDAA to 46 CFR Subchapter T in a new § 175.124, and a definition of DUKW APV to § 175.400. Additionally, the rule clarifies certain aspects of the requirements, as discussed below. All of the requirements in 46 CFR part 176 for plan submission, review and approval

by the Coast Guard for vessel alterations still apply in addition to these new requirements.

While we assume that most DUKW APVs will need modifications to comply with these interim requirements, a vessel that is already in partial or full compliance only needs to make the modifications necessary to achieve full compliance. For example, a DUKW APV that has two independently powered bilge alarms would only need to install two additional independently powered bilge alarms to comply with § 175.124(d). Similarly, a DUKW APV that has four independently powered bilge alarms would not need to install any additional bilge alarms. This compliance would be verified during the normal vessel inspection process.

Canopies and Egress

The requirements in 2023 NDAA section 11502(f)(1) and (2) require either the removal of canopies and any window coverings installed for waterborne operations, and the use of lifejackets approved by the Coast Guard for passengers before the onset of waterborne operations; or the installation of a canopy that does not restrict horizontal or vertical escape by passengers in the event of flooding or sinking. The requirements in 2023 NDAA section 11502(f)(1) and (2) are consolidated to clarify the two alternative means of modifying the DUKW APV to comply with the requirements in 2023 NDAA section 11502(f)(1) and (2).

Specifically, if the first of alternative in 2023 NDAA section 11502(f)(1) is chosen, then the lifejacket requirements in 2023 NDAA section 11502(f)(2) must be complied with. We added these requirements to 46 CFR 175.124(a)(1) and (2).

We also noted in § 175.124(a) that the lifejacket requirements for small passenger vessels are described in 46 CFR part 180, and we changed the terminology from “personal flotation device”, as used in the 2023 NDAA, to “lifejacket,” which is consistent with existing regulatory language and better describes the type of personal flotation device that passengers would use.

Section 11502(f)(8) of 2023 NDAA requires installation of underwater LED lights. Section 175.124(g) requires that the LED lights must be installed within the passenger compartment, capable of operating underwater, and activate automatically upon immersion to aid in emergency egress. This provides more specificity about how operators should comply with the requirement for LED lights.

Flooding

Section 11502(f)(3) of 2023 NDAA requires reengineering the vessel to close unnecessary access plugs and reduce all through-hull penetrations to the minimum number and size necessary for operation. Section 175.124(b) adds this requirement and incorporates additional language provided in the TRB Special Report 342, recommendation 4.a, to require that reengineering allows for both the safe operation and the maintenance of the DUKW APV. All the other requirements in 46 CFR part 176 for hull repairs and alterations still apply, in addition to the requirements in § 175.124(b) to permanently close or otherwise minimize access plugs and through-hull penetrations.

Section 11502(f)(4) of 2023 NDAA requires installing independently powered electric bilge pumps that are capable of dewatering such vessels at the volume of the largest remaining penetration in order to supplement an operable Higgins pump or a dewatering pump of equivalent or greater capacity. Section 175.124(c) does not reference “an operable Higgins pump” because we believe that any Higgins pump still onboard a DUKW APV would no longer be operational. Higgins pumps are over 80 years old and do not have spare parts readily available. Instead, § 175.124(c) incorporates an equation from NVIC 1–01 that determines the cumulative discharge rate of electric bilge pumps required to be onboard each vessel. The use of this formula was affirmed in the TRB Special Report 342, recommendation 4.c. To the extent that a DUKW APV still has an operable Higgins pump or other dewatering pump, the discharge rate from those pumps would be accounted for in the formula.

Section 11502(f)(5) of 2023 NDAA requires installation in vessels not fewer than 4 independently powered bilge alarms. Section 175.124(d) adopts that requirement without change. With respect to the location of those alarms, the DUKW APV must comply with the existing requirements found in § 182.530 for bilge high level alarms. Otherwise, operators should ensure that bilge alarms are located in separate spaces or in such a way to maximize effectiveness of the bilge alarms.

Inspections

Section 11502(f)(6) of 2023 NDAA requires the conducting of an in-water inspection of any such vessel after each time a through-hull penetration of such vessel has been removed or uncovered; and section 11502(f)(7) requires

² Navigation and Inspection Circular No. 1–01, www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/NVIC/2001/n1-01.pdf (last visited 5/10/23).

³ National Academies of Sciences, Engineering, and Medicine. 2021. *Options for Improving the Safety of DUKW Type Amphibious Vessels*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/26447> (last visited 5/10/23).

verification through an in-water inspection the watertight integrity of any such vessel at the outset of each waterborne departure of such vessel. Sections 175.124(e) and (f), respectively, adopt these requirements without change.

Guidance

Section 11502(f)(9) of 2023 NDAA requires compliance with other Coast Guard guidance or instructions in the inspection, configuration, and operation of DUKW APVs. This rule does not add this as a separate requirement in § 175.124. Rather, we incorporated the guidance or instruction directly into the text of § 175.124(a)–(g), as discussed above.

Definition and Applicability

A DUKW APV is specifically defined in section 11502(h)(2) of the 2023 NDAA as a vessel that uses, modifies, or is derived from the GMC DUKW–353 design, and operates as a small passenger vessel in waters subject to the jurisdiction of the United States. These models can usually be identified by “GMC DUKW–353” on their serial number name plates and are usually referred to as World War II Fleet DUKWs or Stretch Ducks, depending on the degree of modification the vessel has received. This rule adds a definition of DUKW APV to § 175.400 to clarify the applicability of the requirements in § 175.124.

Based on data from the Marine Information for Safety and Law Enforcement (MISLE) database, as of April 2023, there were 16 affected vessels owned or operated by three companies.

The Truck Duck APV model is not included in the Coast Guard’s interpretation of the statutory definition of DUKW APV for this rule. Truck Ducks were independently designed, purposely built with a different chassis and larger hull, and utilized modern construction methods. As a result of their larger hulls and higher freeboards, they have a lower-risk profile, and they do not have the same casualty history compared to the WWII and Stretch DUKW models. Moreover, Truck Ducks are not manufactured by GMC and would not have “GMC DUKW–353” on their serial number name plate. Truck Ducks and other APVs that are under the jurisdiction of the Coast Guard are not impacted by this rule.

Implementation

2023 NDAA section 11502(g) provides that the Coast Guard must implement these interim requirements within 180 days after enactment. Therefore, the

Coast Guard is implementing these interim requirements immediately upon publication of this interim rule in the **Federal Register**. Operators will have 120 days from the date of publication of this interim rule to comply with the requirements.

VI. Regulatory Analyses

The Office of Management and Budget (OMB) has not reviewed this rule under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). By section 11502(g) of the 2023 NDAA, this interim rule is being published without regard to the Regulatory Flexibility Act, 5 U.S.C. 603, economic analysis requirements.

In lieu of our standard Regulatory Analyses, the Coast Guard is soliciting public comments to gather additional information for any future analyses.

A. Solicitation of Public Input on Specific Questions To Inform Regulatory Analyses

The Coast Guard asks for information. Your responses to the following questions will help the Coast Guard develop a rulemaking in the future. The questions are not all-inclusive, and any supplemental information is welcome. In responding to each question, please identify the question you are responding to and explain the reasons for your answer. If responding to a question and your response includes a monetary or numerical figure, please provide us with sufficient information, data, and transparency to be able to re-create any calculations. We encourage you to let us know your specific concerns with respect to any of the requirements of this interim final rule or the future rule (see section 11502 of the 2023 NDAA) under consideration.

1. Are any vessels affected by this rule currently in compliance with this rule, either in its entirety or in some provisions?

2. In order to comply with the requirement to modify the DUKW APV’s canopies in § 175.124(a), would owners (a) Remove the canopies and any window coverings installed for waterborne operations and require that all passengers wear a USCG-approved lifejacket before the onset of waterborne operations of the DUKW APV; or (b) Install a canopy that does not restrict horizontal or vertical escape by passengers in the event of flooding or sinking?

3. What are the occupations of the workers who would do the canopy modification required by § 175.124(a)? How long, in hours, will it take (each of) these worker(s) to perform the

modification? What materials will they need? How much does each material cost?

4. What are the occupations of the workers who would do the reengineering to close unnecessary plugs and through-hull penetrations, as required by § 175.124(b)? How long, in hours, will it take (each of) these worker(s) to perform the reengineering? How many penetrations would need to be closed? What are the materials and the cost of materials needed to close a penetration?

5. What is the current combined flow rate for the bilge pumps on the DUKW APVs? What is the target combined flow rate for the bilge pumps according to § 175.124(c)? Are Higgins pumps still operational? What are the occupations of the workers who install the extra bilge pumps? How long, in hours, will it take (each of) these worker(s) to install the extra bilge pumps? How many extra bilge pumps would be needed? What is the cost of each extra bilge pump? What about additional materials?

6. How many bilge alarms do DUKW APVs currently have? § 175.124(d) requires at least four bilge alarms. What are the occupations of the workers who install the extra bilge alarms? How long, in hours, will it take (each of) these worker(s) to install the extra bilge alarms? What is the cost of each extra bilge alarm? What about additional materials?

7. After the modifications, by § 175.124(e), someone will have to conduct an in-water inspection of the DUKW APV. What are the occupations of the workers who would do the inspection? How long, in hours, will it take (each of) these worker(s) to perform the inspection? What about travel time?

8. Apart from the modifications required in this rule, how often per year are through-hull penetrations removed or uncovered?

9. Before every waterborne departure, someone will have to conduct an in-water inspection. What are the occupations of the workers who would do the inspection? How long, in hours, will it take (each of) these worker(s) to perform the inspection? How many departures does a DUKW APV make per year?

10. According to § 195.124(g), the DUKW APV will need underwater LED lights. What are the occupations of the workers who would install the lights? How long, in hours, will it take (each of) these worker(s) to install the lights? How much do the lights cost? What about other materials?

11. How long would an affected vessel be out of service to make the modifications necessary to comply with

the requirements of this interim final rule?

12. How many trips would an impacted vessel be likely to miss while out of service to make the necessary modifications? Does this differ by time of year?

13. How will complying with this rule affect 2023, 2024, and 2025 revenues for you?

14. Future regulations may require that operators of DUKW APVs provide reserve buoyancy through passive means to ensure that such vessels remain afloat and upright in the event of flooding, including when carrying a full complement of passengers and crew (section 11502(b)(1) of the 2023 NDAA). What means would an operator of an affected vessel most likely use to fulfill the reserve buoyancy requirement? Please provide any details available on the possible cost and time to install the

means of meeting the reserve buoyancy requirement, as well as who (what occupation) would do the installation.

15. How will compliance with the present or future rule affect passenger capacity? How does that affect revenues? Will you change the number of trips offered as a result?

16. Future regulations may require that an operator of an affected vessel proceed to the nearest harbor or safe refuge in any case in which a relevant watch or warning is issued (section 11502(b)(3)(A) of the 2023 NDAA). How often has a trip been interrupted or canceled due to weather conditions? What is the impact of these interrupted or cancelled trips on revenues? How can oversight of company management systems be further improved?

17. If you are a small business, what economic impact would this rule have on you, your business, or your

organization? In your comments, please explain how and to what degree the requirement would have an economic impact. Also, please explain why these requirements affect your small business differently than it might affect a larger business.

18. Future regulations may require annual training for operators and crew of DUKW APVs (section 11502(b)(5) of the 2023 NDAA). A table of training requirements proposed by section 11502(b)(5) of the 2023 NDAA and existing training requirements appears in the table below. What specific training may need to be developed in light of this potential future regulation? Please provide information and data (whether quantitative or qualitative) regarding costs that training providers might incur from having to develop or update current courses and training requirements.

TABLE 1—PROPOSED AND EXISTING TRAINING REQUIREMENTS

Training requirement	Current requirement?
Section 11502(b)(5)(A)—Annual training for operators and crew of DUKW APVs	
Personal flotation	The only requirement for passengers to don life jackets is in § 185.508, where the master has to require the crew to wear them in certain instances and the crew has to help passengers don them. Section 185.420 has the general requirement for the crew training on helping passengers don life jackets in a situation like described in § 185.508.
Seat belt requirements	No existing requirement for training.
Verifying the integrity of the vessel at the onset of each waterborne departure.	No existing requirement for training.
Identification of weather hazards, use of National Weather Service resources prior to operation.	Master must pass exam for master credential, which includes topics of “Characteristics of Weather Systems” and “Weather Charts and Reports”; no existing requirement for crew training on weather.
Section 11502(b)(5)(B)—Annual training for crew of DUKW APVs to respond to emergency situations	
Flooding	46 CFR 185.420.
Engine compartment fires	46 CFR 185.420.
Man-overboard situations	46 CFR 185.420.
In water emergency egress procedures	No current training requirement for DUKW APV operators on egress.

19. Are there any additional factors that we should consider in our assessment of the impacts of this interim rule, or in any of the other 2023 NDAA requirements detailed? Please offer any other comments or suggestions that may improve future regulation.

Please submit comments or concerns you may have in accordance with the “Public Participation and Request for Comments” section above.

B. Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, requires Federal agencies to consider the potential impact on small entities when they issue a rule after being required to first publish a general notice of proposed rulemaking. Under 5 U.S.C

604(a), a regulatory flexibility analysis is not required for this interim rule because we are not publishing a general notice of proposed rulemaking. Therefore, we did not conduct a regulatory flexibility analysis for this rule.

C. Collection of Information

At this time, this interim rule calls for no new collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. We request comments from the general public on this assumption.

D. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on States, on the relationship

between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows.

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered in 46 U.S.C. 3306, 3703, 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels), as well as the reporting of casualties and

any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from regulation by the States. See the Supreme Court's decision in *United States v. Locke* and *Intertanko v. Locke*, 529 U.S. 89 (2000). This rule implements the mandatory requirements prescribed by the 2023 NDAA for the design and maintenance of DUKW APV vessels operating on navigable waters subject to Coast Guard jurisdiction. Therefore, because the States may not regulate within these categories, this rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this rule has implications for federalism under Executive Order 13132, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

E. Unfunded Mandates

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

This rule implements the statutory mandate in 2023 NDAA section 11502 (f) and is not a discretionary regulatory action. This rule only applies to the vessels that use, modify, or are derived from the GMC DUKW–353 design and operate as small passenger vessels in waters subject to the jurisdiction of the United States, as defined in 33 CFR 2.38. As of April 2023, the Coast Guard estimates there are only 16 affected vessels owned or operated by three companies. The Coast Guard expects these companies would incur the direct costs of this interim rule. The Coast Guard requests comments on the

impacts of this interim rule under the Unfunded Mandates Reform Act.

F. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

G. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform) to minimize litigation, eliminate ambiguity, and reduce burden.

H. Protection of Children

We have analyzed this rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

I. Indian Tribal Governments

This rule does not have Tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), because it will not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

J. Energy Effects

We have analyzed this rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

K. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods;

sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

L. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev. 1,⁴ associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series),⁵ which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

This rule is categorically excluded under paragraphs L52 and L54 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev 1. Paragraph L52 pertains to “regulations concerning vessel operation safety standards.” Paragraph L54 pertains to promulgation of regulations that are editorial and procedural. This interim rule implements the statutorily mandated enhanced safety measures on DUKW amphibious passenger vessels operating on navigable waters subject to Coast Guard jurisdiction. This interim rule supports the Maritime Safety mission of the Coast Guard.

List of Subjects in 46 CFR Part 175

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard amends 46 CFR part 175 as follows:

PART 175—GENERAL PROVISIONS

■ 1. The authority citation for part 175 is revised to read as follows:

Authority: 46 U.S.C. 2103, 3205, 3306, 3703; Pub. L. 103–206, 107 Stat. 2439; 49

⁴ <https://www.dhs.gov/publication/directive-023-01-rev-01-and-instruction-manual-023-01-001-01-rev-01-and-catex>.

⁵ <https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-Engineering-Logistics-CG-4-/Program-Offices/Environmental-Management/Environmental-Planning-and-Historic-Preservation/Article/3053264/us-coast-guard-supplemental-environmental-assessment-for-the-national-coast-gua/>.

U.S.C. App. 1804; DHS Delegation 00170.1, Revision No. 01.2, paragraph (II)(92)(a); § 175.900 also issued under 44 U.S.C. 3507.

■ 2. Add § 175.124 to read as follows:

§ 175.124 Requirements for DUKW Amphibious Passenger Vessels.

No later than January 9, 2024, all operators of a DUKW amphibious passenger vessel, as defined in 46 CFR 175.400, must:

(a) Modify the DUKW amphibious passenger vessel to either:

(1) Remove the canopies and any window coverings installed for waterborne operations, and require that all passengers wear a lifejacket approved by the Coast Guard, as described in part 180 of this subchapter, before the onset of waterborne operations of the DUKW amphibious passenger vessel; or

(2) Install a canopy that does not restrict horizontal or vertical escape by passengers in the event of flooding or sinking.

(b) Reengineer the DUKW amphibious passenger vessel to permanently close all unnecessary access plugs and reduce all through-hull penetrations to the minimum number and size necessary for the safe operation or maintenance of the DUKW amphibious passenger vessel.

(c) Install an independently powered electric bilge pump(s) with a minimum total pumping capacity of:

$$\text{GPM} = 3600 \times A \times \sqrt{H}$$

Where—

GPM = The minimum total pumping capacity in gallons per minute.

A = The area (in square feet) of the largest hull penetration below a line drawn parallel to and at least 6 inches (150 millimeters) above the deepest load waterline.

$\sqrt{H}$ = The square root of the vertical distance in feet from the center of the penetration to the deepest load waterline.

(d) Install in the DUKW amphibious passenger vessel not fewer than 4 independently powered bilge alarms.

(e) Conduct an in-water inspection of the DUKW amphibious passenger vessel after each time a through-hull penetration of such vessel has been removed or uncovered.

(f) Verify through an in-water inspection the watertight integrity of the DUKW amphibious passenger vessel at the outset of each waterborne departure of such vessel.

(g) Install within the passenger compartment LED lights capable of operating underwater that activate automatically to aid with emergency egress.

■ 3. Amend § 175.400 by adding in alphabetical order a definition for

“DUKW amphibious passenger vessel” to read as follows:

§ 175.400 Definitions of terms used in this subchapter.

* * * * *

DUKW amphibious passenger vessel means a vessel that uses, modifies, or is derived from the GMC DUKW-353 design, and is operating as a small passenger vessel in waters subject to the jurisdiction of the United States, as defined in 33 CFR 2.38.

* * * * *

Dated: September 1, 2023.

W.R. Arguin,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2023–19421 Filed 9–8–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket Nos. 090206140–91081–03 and 120405260–4258–02; RTID 0648–XD338]

Revised Reporting Requirements Due to Catastrophic Conditions for Federal Seafood Dealers and Individual Fishing Quota Dealers in Portions of Florida

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

ACTION: Temporary rule; determination of catastrophic conditions.

SUMMARY: In accordance with the regulations implementing the individual fishing quota (IFQ) and Federal dealer reporting specific to the commercial reef fish fishery in the Gulf of Mexico (Gulf) and the coastal migratory pelagic (CMP) fisheries in the Gulf, the Regional Administrator (RA), Southeast Region, NMFS has determined that Hurricane Idalia has caused catastrophic conditions in the Gulf for certain Florida counties. This temporary rule authorizes any dealer in the affected area described in this temporary rule who does not have access to electronic reporting to delay reporting of trip tickets to NMFS and authorizes IFQ dealers within the affected area to use paper-based forms, if necessary, for basic required administrative functions, e.g., landing transactions. This temporary rule is intended to facilitate continuation of IFQ and dealer reporting operations during the period of catastrophic conditions.

DATES: The RA is authorizing Federal dealers and IFQ dealers in the affected area to use revised reporting methods from September 6, 2023, through October 6, 2023.

FOR FURTHER INFORMATION CONTACT: IFQ Customer Service, telephone: 866–425–7627, email: nmfs.ser.catchshare@noaa.gov. Federal dealer reporting, Fisheries Monitoring Branch, telephone: 305–361–4581.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf is managed under the Fishery Management Plan (FMP) for Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP), prepared by the Gulf of Mexico Fishery Management Council (Gulf Council). The CMP fishery is managed under the FMP for CMP Resources in the Gulf of Mexico and Atlantic Region (CMP FMP), prepared by the Gulf Council and South Atlantic Fishery Management Council. Both FMPs are implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The Generic Dealer Amendment established Federal dealer reporting requirements for federally permitted dealers in the Gulf and South Atlantic (79 FR 19490, April 9, 2014). Amendment 26 to the Reef Fish FMP established an IFQ program for the commercial red snapper component of the Gulf reef fish fishery (71 FR 67447, November 22, 2006). Amendment 29 to the Reef Fish FMP established an IFQ program for the commercial grouper and tilefish components of the Gulf reef fish fishery (74 FR 44732, August 31, 2009). Regulations implementing these dealer reporting requirements (50 CFR 622.5(c)) and IFQ programs (50 CFR 622.21 and 622.22) require that Federal dealers and IFQ participants have access to a computer and internet and that they conduct administrative functions associated with dealer reporting and the IFQ program, e.g., landing transactions, online. However, these regulations also specify that during catastrophic conditions, as determined by the RA, the RA may waive or modify the reporting time requirements for Federal dealers and authorize both Federal dealers and IFQ participants to use paper-based forms to complete administrative functions for the duration of the catastrophic conditions. The RA must determine that catastrophic conditions exist, specify the duration of the catastrophic conditions, and specify which participants or geographic areas are deemed affected.

Hurricane Idalia made landfall in the U.S. near Keaton Beach, Florida, in the Gulf as a Category 3 hurricane on August 30, 2023. Strong winds and flooding from this hurricane impacted communities throughout the Big Bend region of coastal Florida. This resulted in power outages and damage to homes, businesses, and infrastructure. As a result, the RA has determined that catastrophic conditions exist in the Gulf for the Florida counties of Levy, Dixie, Taylor, and Jefferson.

Through this temporary rule, the RA is authorizing Federal dealers to delay reporting of trip tickets to NMFS and IFQ participants in the affected area to use paper-based forms, from September 6, 2023, through October 6, 2023. NMFS will provide additional notification to affected dealers via NOAA Weather Radio, Fishery Bulletins, and other appropriate means. NMFS will continue to monitor and re-evaluate the areas and duration of the catastrophic conditions, as necessary.

Dealers may delay electronic reporting of trip tickets to NMFS during catastrophic conditions. Dealers are to report all landings to NMFS as soon as possible. Assistance for Federal dealers in affected area is available from the NMFS Fisheries Monitoring Branch at 1-305-361-4581. NMFS previously provided Federal dealers and IFQ participants with the necessary paper forms and instructions for submission in the event of catastrophic conditions. Paper forms are also available from the RA upon request. The electronic systems for submitting information to NMFS will continue to be available to

all dealers, and dealers in the affected area are encouraged to continue using these systems, if accessible.

The administrative program functions available to IFQ participants in the area affected by catastrophic conditions will be limited under the paper-based system. There will be no mechanism for transfers of IFQ shares or allocation under the paper-based system in effect during catastrophic conditions. Assistance in complying with the requirements of the paper-based system will be available via the NMFS Catch Share Support line, 1-866-425-7627 Monday through Friday, between 8 a.m. and 4:30 p.m., Eastern Time.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is consistent with the regulations in 50 CFR 622.5(c)(1)(iii), 622.21(a)(3)(iii), and 622.22(a)(3)(iii), which were issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the final rules implementing the Gulf and Federal dealer reporting requirements and the Gulf IFQ programs, have already been subject to notice and public comment. These rules authorize the RA to determine when catastrophic conditions exist, and which participants or geographic areas are deemed affected by

catastrophic conditions. The final rules also authorize the RA to provide timely notice to affected participants via publication of notification in the **Federal Register**, NOAA Weather Radio, Fishery Bulletins, and other appropriate means. All that remains is to notify the public that catastrophic conditions exist, that Federal dealers and IFQ participants may use paper forms, and that Federal dealers may submit delayed reports. Such procedures are also contrary to the public interest because of the need to immediately implement this action because affected dealers continue to receive these species in the affected area and need a means of completing their landing transactions. With the power outages and damages to infrastructure that have occurred in the affected area due to Hurricane Idalia, numerous businesses are unable to complete landings transactions, fishing reports, and dealer reports electronically. In order to continue with their businesses, IFQ participants need to be aware they can report using the paper forms, and Federal dealers need to be aware that they can delay reporting.

For the aforementioned reasons, there is good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: September 6, 2023.

Jennifer M. Wallace,

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

[FR Doc. 2023-19504 Filed 9-6-23; 4:15 pm]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 88, No. 174

Monday, September 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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2023–0056; FRL–11369–01–R4]

Air Plan Approval; FL; Miscellaneous SIP Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a Florida State Implementation Plan (SIP) revision, submitted by the State of Florida through the Florida Department of Environmental Protection (FDEP) on April 1, 2022. The SIP revision revises multiple stationary source rules in Florida's SIP with substantive and minor changes throughout. EPA is proposing to approve these changes pursuant to the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before October 11, 2023.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2023–0056 at www.regulations.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy,

information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Background

EPA is proposing to approve certain changes to the Florida SIP that were submitted by FDEP on April 1, 2022. Specifically, EPA is proposing to approve changes to Rules 62–296.414, Florida Administrative Code (F.A.C.), *Concrete Batching Plants*; 62–296.415, F.A.C., *Soil Thermal Treatment Facilities*; 62–296.418, F.A.C., *Bulk Gasoline Plants*; 62–296.500, F.A.C., *Reasonably Available Control Technology (RACT)—Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO_x) Emitting Facilities*; 62–296.501, F.A.C., *Can Coating*; 62–296.502, F.A.C., *Coil Coating*; 62–296.503, F.A.C., *Paper Coating*; 62–296.504, F.A.C., *Fabric and Vinyl Coating*; 62–296.505, F.A.C., *Metal Furniture Coating*; 62–296.506, F.A.C., *Surface Coating of Large Appliances*; 62–296.507, F.A.C., *Magnet Wire Coating*; 62–296.508, F.A.C., *Petroleum Liquid Storage*; 62–296.510, F.A.C., *Bulk Gasoline Terminals*; 62–296.511, F.A.C., *Solvent Metal Cleaning*; 62–296.512, F.A.C., *Cutback Asphalt*; 62–296.513, F.A.C., *Surface Coating of Miscellaneous Metal Parts and Products*; 62–296.514, F.A.C., *Surface Coating of Flat Wood Paneling*; 62–296.515, F.A.C., *Graphic Arts Systems*; and 62–296.516, F.A.C., *Petroleum Liquid Storage Tanks with External Floating Roofs*.¹

¹ The April 1, 2022, submittal transmits several changes to other Florida SIP-approved rules. These changes are not addressed in this notice and will be considered by EPA in separate rulemakings.

II. EPA's Analysis of Florida's April 1, 2022, SIP Revision

A. Rule 62–296.414, *Concrete Batching Plants*

Florida's April 1, 2022, SIP revision updates Rule 62–296.414, *Concrete Batching Plants*, with one change to a cross-reference, several language edits, and an adjustment to one timing requirement.

First, the SIP revision changes one cross-reference in subparagraph (3)(a) to reflect that EPA Method 9 is now found in 40 CFR part 60, Appendix A–4. Previously, the rule indicated that EPA Method 9 could be found in 40 CFR part 60, Appendix A generally. EPA is proposing to approve this change since it specifies which section of Appendix A houses EPA Method 9.

The SIP revision also makes several language edits. One language change eliminates the unnecessary phrase “new and existing” from the introductory paragraph of the rule to describe emissions units. The rule applies to all emissions units producing concrete and concrete products by batching or mixing cement and other materials, and the change merely simplifies the text. Another edit in subparagraphs (4)(a) and (4)(b) changes language to specify that visible emissions testing must be conducted for “stack emissions referenced in subsection 62–296.414(1), F.A.C.” rather than “for each dust collector exhaust point.” This change broadens the scope of the rule by requiring visible emissions tests to be performed at any emission point on a stack that is appropriate per the required testing method, rather than only at a dust collector exhaust point. One last language change in subparagraph (4)(b) replaces the word “performance” with “visible emissions” in the phrase “performance test.” This change is clarifying in nature as the performance test for this rule has always been a visible emissions test, so the language does not alter any applicable requirements.

Finally, the SIP revision has changed a timing requirement that specifies how soon a visible emissions test must be performed within the commencement of initial operation. The SIP revision changes the requirement for a visible emissions test to be performed within 30 days of commencing “initial” operation to 60 days. FDEP explains that it is making this change because it is

more logistically practicable for a subject source to perform the test in 60 days instead of the first 30 days. EPA agrees with the State, does not expect a difference in emissions between a test result performed within the first 30 days in comparison to one performed within the second set of 30 days that would interfere with any applicable CAA requirement, and notes that the emissions limitations in paragraphs (1) and (2) immediately apply to subject sources.

For the reasons discussed above, these proposed changes to the SIP would not interfere with any applicable requirement concerning attainment of the NAAQS and reasonable further progress (RFP) or any other applicable requirement of the Act.² Therefore, EPA is proposing to approve the aforementioned changes to Rule 62–296.414 into the Florida SIP.

B. Rule 62–296.415, Soil Thermal Treatment Facilities

Florida's April 1, 2022, SIP revision updates Rule 62–296.415, *Soil Thermal Treatment Facilities*, with two language edits, several cross-reference changes, and the removal of one obsolete compliance date.

The SIP revision makes two language edits to Rule 62–296.415. First, the introductory paragraph to the rule has been revised to change the word “section” to “rule” in describing Rule 62–296.415. EPA is proposing to accept this change because it is consistent with the nomenclature used in Florida's regulations. Second, Rule 62–296.415 was revised to eliminate the unnecessary phrase “new, modified, and existing” because all soil thermal treatment facilities covered by the rule are either new or existing. Therefore, the removal of this phrase merely simplifies the text.

In addition to the language changes, Florida has revised the rule to update several cross-references. In subsection (1)(b) the rule citation for requiring a continuous emission monitor was changed from “Rule 62–297.500, F.A.C.,” to “Subsection 62–296.415(6), F.A.C.,” due to the repeal of Rule 62–297.500. Because Florida repealed Rule 62–297.500 and it is not a part of the Florida SIP, this cross-reference does not function in its current form. The new cross-reference is to an applicable section within Rule 62–296.415, which is a SIP-approved rule. EPA is proposing to approve this revision because owners and operators of soil thermal treatment facilities will now be subject to specific continuous emissions monitoring

requirements for carbon monoxide. The SIP revision also revises a cross-reference in subsection (4). Specifically, the revision changes the applicable rule citation for unconfined emissions of soil thermal treatment facilities from Rule 62–296.310 to Rule 62–296.320. Similar to the change in subsection (1)(b), this cross-referenced rule has been repealed and is not a part of the Florida SIP, so the cross-reference does not function in its current form. The new cross-reference is to a SIP-approved rule containing the applicable requirements for controlling unconfined emissions of particulate matter at soil thermal treatment facilities. EPA is proposing to approve this change because owners and operators of soil thermal treatment facilities will now be subject to specific rules to control unconfined emissions of particulate matter. Another change adds language to subparagraphs (5)(a)–(5)(c) to specify which section in 40 CFR part 60, Appendix A describes the respective federally approved test methods cited in each subparagraph. The changes also add that the State has adopted and incorporated by reference the EPA test methods at Rule 62–204.800.³ The new reference to Rule 62–204.800 replaces a reference to the test methods incorporated and adopted by reference generally into Chapter 62–297. EPA test methods were previously adopted by reference in Rule 62–297.401. Rule 62–297.401 was repealed from the State rules on July 19, 2014, and EPA removed it from the SIP on April 2, 2018. *See* 83 FR 13875. Because Florida repealed Rule 62–297.401 and it is not a part of the Florida SIP, this cross-reference does not function in its current form. The new cross-reference is to Rule 62–297.800 which adopts and incorporates by reference EPA test methods. EPA is proposing to approve this revision because owners and operators of soil thermal treatment facilities will be subject to the requirements outlined in applicable EPA test methods. EPA proposes to accept these changes because they correct and specify multiple cross-references in the rule.

Finally, the SIP revision eliminates an obsolete compliance date in the introductory paragraph for Rule 62–296.415. Currently, the introductory paragraph requires that all facilities comply with the requirements in Rule 62–296.415 by December 1, 1992. Since this compliance date has passed, the compliance date is obsolete and no longer needed in the SIP. All soil

thermal treatment facilities will still be required to comply with the requirements in the rule.

For the reasons discussed above, these proposed changes to the SIP would not interfere with any applicable requirement concerning attainment of the NAAQS and RFP or any other applicable requirement of the Act. Therefore, EPA is proposing to approve the aforementioned changes to Rule 62–296.415 into the Florida SIP.

C. Rule 62–296.418, Bulk Gasoline Plants

Florida's April 1, 2022, SIP revision updates Rule 62–296.418, *Bulk Gasoline Plants* with one change that specifies the counties by name that are subject to the rule—Broward, Duval, Hillsborough, Miami-Dade, Orange, Palm Beach, and Pinellas Counties—instead of referring generally to areas designated as air quality maintenance areas for ozone under Rule 62–204.340.

Florida has several counties that were initially designated as nonattainment for the 1-hour ozone NAAQS but are now in maintenance. On November 6, 1991, EPA designated and classified Broward, Dade,⁴ and Palm Beach counties as moderate nonattainment for the 1979 1-hour ozone NAAQS; Duval County as transitional nonattainment; Hillsborough and Pinellas counties as marginal nonattainment; and Orange County as attainment.⁵ *See* 56 FR 56694. The State was required to develop and submit to EPA plans to attain the standard in the nonattainment areas, including reasonably available control technology (RACT) regulations to control ozone for incorporation into the Florida SIP. On November 8, 1993, Florida submitted to EPA an ozone redesignation request and maintenance plan for Broward, Dade, Palm Beach, and Duval Counties. EPA approved Florida's maintenance plan and request to redesignate Broward, Dade, and Palm Beach counties to attainment for the 1-hour ozone NAAQS, effective April 25, 1995, and Duval County to attainment for the 1-hour ozone NAAQS, effective March 6, 1995. *See* 60 FR 10325 (February 24, 1995). On December 7, 1995, EPA approved Florida's request to redesignate Hillsborough and Pinellas counties to attainment for the 1-hour ozone NAAQS. *See* 60 FR 62748.

Currently, the Rule applies to those counties that were designated as maintenance areas for ozone under SIP-approved Rule 62–204.340, *Designation*

³ Rule 62–204.800 adopts and incorporates by reference federal rules cited throughout FDEP's air pollution rules.

⁴ Dade County was renamed as Miami-Dade County in 1997.

⁵ Orange County has never been designated as nonattainment for the 1-hour ozone NAAQS.

² *See* CAA Section 110(l).

of Attainment, Nonattainment, and Maintenance Areas. Rule 62–204.340 lists Orange County, Duval County, the area consisting of Broward, Dade, and Palm Beach Counties, and the area consisting of Hillsborough and Pinellas Counties as maintenance areas for ozone. The SIP revision replaces the language referring to those areas listed under Rule 62–204.340 with a listing of the applicable counties in each of the listed maintenance areas under Rule 62–204.340.⁶

For the reasons discussed above, these proposed changes to the SIP would not interfere with any applicable requirement concerning attainment of the NAAQS and RFP or any other applicable requirement of the Act. Therefore, EPA is proposing to approve the aforementioned changes to Rule 62–296.418 into the Florida SIP.

D. Rule 62–296.500, Reasonably Available Control Technology (RACT)—Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO_x) Emitting Facilities

Florida's April 1, 2022, SIP revision updates Rule 62–296.500, *Reasonably Available Control Technology (RACT)—Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO_x) Emitting Facilities*, with one language edit, a specification as to what facilities the rule applies to, several changes to cross-references, and one additional exemption.

First, the language change to Rule 62–296.500 revises both subparagraphs (1)(b) and (2)(c) to change the word “section” to “rule” in describing Rule 62–296.500. EPA is proposing to accept this change because it is consistent with the nomenclature used in Florida's regulations.

The SIP revision also makes a change that clarifies which facilities the rule applies to. The current SIP-approved rule states in subparagraph (1)(a) that the rule applies to “existing VOC-emitting facilities” and “new and modified VOC-emitting facilities” in those “areas designated as air quality maintenance areas for ozone under Rule 62–204.340, F.A.C.” The SIP revision removes this language and instead states that the rule applies to “each stationary VOC-emitting stationary emissions unit in Broward, Duval, Hillsborough, Miami-Dade, Orange, Palm Beach, or Pinellas County . . .” EPA is proposing

to approve this change because the specific counties listed in the revision are the same as those listed as ozone maintenance areas in the SIP-approved version of Rule 62–204.340.⁷

In addition to the above-described changes, Florida has revised the rule to update several cross-references. First, subparagraphs (1)(a) and (1)(b) are revised to add the phrases “Prevention of Significant Deterioration review or Preconstruction Review for Nonattainment Areas” for the currently SIP-approved cross-references to 40 CFR 52.21, Rule 62–212.400, and Rule 62–212.500. The SIP revision also adds the phrase “as adopted and incorporated by reference in Rule 62–204.800, F.A.C.” after the reference to 40 CFR 52.21. The SIP revision also identifies the December 1984 date for the existing cross-reference to EPA document number 450/3–84–019 in subparagraph (2)(b)4., which explains what form a manufacturer's certification of the coating composition must be in, and states that this version is “herein adopted and incorporated by reference.” EPA proposes to accept these changes as they add more identifying information to currently SIP-approved cross-references and incorporate by reference an EPA document that was already referenced in the Rule.

Finally, subparagraph (2)(a) is revised to exempt emissions units operating under an Air General Permit pursuant to Rule 62–210.310 from the requirement to obtain separate permits to construct or operate pursuant to this paragraph. Although these emission units would not be required to obtain any additional permits under paragraph (2)(a), they would still be subject to applicable emission limits and other requirements in Rules 62–296.501 through 62.296.516 and 62–296.570 (*i.e.*, the permitting exemption would not change the requirement for owners and operators of these facilities to comply with applicable RACT requirements under these rules).^{8,9}

For the reasons discussed above, these proposed changes to the SIP would not interfere with any applicable requirement concerning attainment of the NAAQS and RFP or any other applicable requirement of the Act. Therefore, EPA is proposing to approve the aforementioned changes to Rule 62–296.500 into the Florida SIP.

E. Rules 62–296.501, Can Coating; 62–296.502, Coil Coating; 62–296.503, Paper Coating; 62–296.504, Fabric and Vinyl Coating; 62–296.505, Metal Furniture Coating; 62–296.506, Surface Coating of Large Appliances; and 62–296.507, Magnet Wire Coating

Florida's April 1, 2022, SIP revision updates Rules 62–296.501, *Can Coating*; 62–296.502, *Coil Coating*; 62–296.503, *Paper Coating*; 62–296.504, *Fabric and Vinyl Coating*; 62–296.505, *Metal Furniture Coating*; 62–296.506, *Surface Coating of Large Appliances*; and 62–296.507, *Magnet Wire Coating* with identical changes to cross-references in their respective rules.

The SIP revision updates four cross-references in each of the cited rules. First, subparagraph (4)(a) of each rule has been revised to add the following language to include a citation to the CFR for EPA Method 24: “as described at 40 CFR part 60, Appendix A–7, adopted and incorporated by reference at Rule 62–204.800, F.A.C.” The new reference to Rule 62–204.800 replaces a reference to the test methods incorporated and adopted by reference generally in Chapter 62–297. EPA test methods were previously adopted by reference in Rule 62–297.401. As mentioned previously, Rule 62–297.401 was repealed from the State rules on July 19, 2014, and EPA removed it from the SIP on April 2, 2018. *See* 83 FR 13875. Because Florida repealed Rule 62–297.401 and it is not a part of the Florida SIP, this cross-reference does not function in its current form. The new cross-reference is to Rule 62–297.800 which adopts and incorporates by reference EPA test methods. EPA is proposing to approve this revision because owners and operators of each of the respective facilities will be subject to the requirements outlined in applicable EPA test methods. Further, subparagraph (4)(a) has also been revised in each rule to include the full title for EPA document 450/3–84–019, the location of the document on the Florida Department of State's website, and a statement that the document is adopted and incorporated by reference in the rule: “Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04298>), hereby adopted and incorporated by reference.” Next, subparagraph (4)(b) of each rule has been revised to add the following language that includes a citation to the CFR for EPA Method 25 and identifies the rule that adopts and incorporates by reference that test method: “as described at 40 CFR part

⁶ If an area in Florida is designated nonattainment and classified as moderate or higher for an ozone NAAQS in the future, Florida would be required to submit a plan to attain the NAAQS, and only then would need to revise this rule to possibly include other counties that would be subject to the RACT requirements in the rule.

⁷ See footnote 6.

⁸ See Rules 62–210.310(1)(a)(2) and 62–210.310(3)(n) in the Florida SIP.

⁹ See email from Preston McLane, Florida Department of Environmental Protection, to Brad Akers, EPA Region 4 (August 23, 2023), available in the docket for this proposed rulemaking.

60, Appendix A–7, adopted and incorporated by reference at Rule 62–204.800, F.A.C.” Further, subparagraph (4)(b) has also been revised in each rule to include the full title of EPA document 450/2–78–041: “Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer.” Finally, the revision revises subparagraph (4)(b)(2) in every rule to update the cross-reference for the specified test method for volatile organic compounds from Rule 62–297.440(7) to Rule 62–297.450. Rule 62–297.440(7) was repealed from the State rules on July 10, 2014, and EPA removed it from the Florida SIP on April 2, 2018. *See* 83 FR 13875. Because Florida repealed Rule 62–297.440(7) and it is not a part of the Florida SIP, this cross-reference does not function in its current form. The new cross-reference is to Rule 62–297.450, which is a SIP-approved rule. EPA is proposing to approve this revision because owners and operators of each of the respective facilities will now be subject to specific VOC capture efficiency test procedures.

For the reasons discussed above, these proposed changes to the SIP would not interfere with any applicable requirement concerning attainment of the NAAQS and RFP or any other applicable requirement of the Act. Therefore, EPA is proposing to approve the aforementioned changes to Rules 62–296.501, *Can Coating*; 62–296.502, *Coil Coating*; 62–296.503, *Paper Coating*; 62–296.504, *Fabric and Vinyl Coating*; 62–296.505, *Metal Furniture Coating*; 62–296.506, *Surface Coating of Large Appliances*; and 62–296.507, *Magnet Wire Coating* into the Florida SIP.

F. Rule 62–296.508, *Petroleum Liquid Storage*

Florida’s April 1, 2022, SIP revision updates Rule 62–296.508, *Petroleum Liquid Storage*, with one language change and several changes to cross-references.

First, the language change to Rule 62–296.508 revises paragraph (3) to change the word “section” to “rule” in describing Rule 62–296.508. EPA is proposing to accept this change because it is consistent with the nomenclature used in Florida’s regulations.

The SIP revision also updates several cross-references in the rule. First, subparagraph (3)(b) has been revised to add the following language that now includes a citation to the CFR for EPA Method 25, and identifies the State rule that adopts and incorporates by reference that test method: “as described at 40 CFR part 60, Appendix

A–7, adopted and incorporated by reference at Rule 62–204.800, F.A.C.” Further, subparagraph (3)(b) has also been revised to include the full title of EPA document 450/2–78–041: “Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer.” Finally, the revision revises subparagraph (4)(b)(2) to update the cross-reference for the specified test method for volatile organic compounds from Rule 62–297.440(7) to Rule 62–297.450. As mentioned in Section II.E, Rule 62–297.440(7) was repealed from the State rules on July 10, 2014, and EPA removed it from the Florida SIP on April 2, 2018. *See* 83 FR 13875. Because Florida repealed Rule 62–297.440(7) and it is not a part of the Florida SIP, this cross-reference does not function in its current form. The new cross-reference is to Rule 62–297.450, which is a SIP-approved rule. EPA is proposing to approve this revision because owners and operators of each of the respective facilities will now be subject to specific VOC capture efficiency test procedures.

For the reasons discussed above, these proposed changes to the SIP would not interfere with any applicable requirement concerning attainment of the NAAQS and RFP or any other applicable requirement of the Act. Therefore, EPA is proposing to approve the aforementioned changes to Rule 62–296.508 into the Florida SIP.

G. Rule 62–296.510, *Bulk Gasoline Terminals*

Florida’s April 1, 2022, SIP revision updates Rule 62–296.510, *Bulk Gasoline Terminals* to revise several cross-references.

The SIP revision revises cross-references in two subparagraphs. First, subparagraph (4)(a) has been revised to add the following language that now includes a citation to the CFR for EPA Methods 2A and 2B: “as described at 40 CFR part 60, Appendix A–1.” Further, the following language has been added to the same subparagraph to include a citation to the CFR for EPA Methods 25A and 25B: “as described at 40 CFR part 60, Appendix A–7.” Florida also changes subparagraph (4)(a) to state that EPA Methods 2A, 2B, 25A, and 25B have been “adopted and incorporated by reference at Rule 62–204.800, F.A.C.” Second, subparagraph (4)(b) has been revised to add the following language that now includes a citation to the CFR for EPA Methods 21 and 27: “as described at 40 CFR part 60, Appendix A–7; and EPA Method 27, as described at 40 CFR part 60, Appendix A–8.” Similar to the change in subparagraph (4)(a), Florida adds language noting that

EPA Methods 21 and 27 have also been “adopted and incorporated by reference at Rule 62–204.800.” The new reference to Rule 62–204.800 replaces a reference to the test methods incorporated and adopted by reference generally in Chapter 62–297. EPA test methods were previously adopted by reference in Rule 62–297.401. As mentioned previously, Rule 62–297.401 was repealed from the State rules on July 19, 2014, and EPA removed it from the SIP on April 2, 2018. *See* 83 FR 13875. Because Florida repealed Rule 62–297.401 and it is not a part of the Florida SIP, this cross-reference does not function in its current form. The new cross-reference is to Rule 62–297.800 which adopts and incorporates by reference EPA test methods. EPA is proposing to approve this revision because owners and operators of bulk gasoline terminals will now be subject to the requirements outlined in applicable EPA test methods. EPA proposes to accept these changes because they do not alter any requirements and they add more identifying information to already SIP-approved test methods.

For the reasons discussed above, these proposed changes to the SIP would not interfere with any applicable requirement concerning attainment of the NAAQS and RFP or any other applicable requirement of the Act. Therefore, EPA is proposing to approve the aforementioned changes to Rule 62–296.510 into the Florida SIP.

H. Rule 62–296.511, F.A.C., *Solvent Metal Cleaning*

Florida’s April 1, 2022, SIP revision updates Rule 62–296.511, *Solvent Metal Cleaning*, by revising several cross-references and making one language edit.

First, the SIP revision updates several cross-references. In subparagraph(1)(a), Florida has revised the language to state that 40 CFR part 63, subpart T, is adopted and incorporated by reference in Rule 62–204.800 rather than in Rule 62–204.800(9). This edit provides a correction as the incorporation by reference of 40 CFR part 63, subpart T does not exist in 62–204.800(9) but does in 62–204.800 generally. Second, subparagraph (5)(a) has been revised to add the following language that now includes a citation to the CFR for EPA Method 21 and identifies the State rule that adopts and incorporates by reference that test method: “as described at 40 CFR part 60, Appendix A–7, adopted and incorporated by reference at Rule 62–204.800.” The new reference to Rule 62–204.800 replaces a reference to the test methods incorporated and adopted by reference

generally in Chapter 62–297. EPA test methods were previously adopted by reference in Rule 62–297.401. As mentioned previously, Rule 62–297.401 was repealed from the State rules on July 19, 2014, and EPA removed it from the SIP on April 2, 2018. *See* 83 FR 13875. Because Florida repealed Rule 62–297.401 and it is not a part of the Florida SIP, this cross-reference does not function in its current form. The new cross-reference is to Rule 62–297.800 which adopts and incorporates by reference EPA test methods. EPA is proposing to approve this revision because owners and operators of solvent metal cleaning facilities will be subject to the requirements outlined in applicable EPA test methods. Subparagraph (5)(b) has also been revised by adding the following language that now includes a citation to the CFR for EPA Method 25, and identifies the State rule that adopts and incorporates by reference that test method: “as described at 40 CFR part 60, Appendix A–7, adopted and incorporated by reference at Rule 62–204.800, F.A.C.” Further, the same subparagraph is revised to include the full title of EPA document 450/2–78–041: “Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer.” Finally, the revision revises subparagraph (5)(c) to update the cross-reference for the specified test method for volatile organic compounds from Rule 62–297.440(7) to Rule 62–297.450. As mentioned in Section II.E, Rule 62–297.440(7) was repealed from the State rules on July 10, 2014, and EPA removed it from the Florida SIP on April 2, 2018. *See* 83 FR 13875. Because Florida repealed Rule 62–297.440(7) and it is not a part of the Florida SIP, this cross-reference does not function in its current form. The new cross-reference is to Rule 62–297.450, which is a SIP-approved rule. EPA is proposing to approve this revision because owners and operators of each of the respective facilities will now be subject to specific VOC capture efficiency test procedures. Lastly, the SIP revision makes one language edit in subparagraph (1)(a). The edit removes the unnecessary phrase “new and existing” because all applicable facilities are either new or existing. Since the removal of this phrase does not alter the applicability of the rule, EPA finds this change acceptable.

For the reasons discussed above, these proposed changes to the SIP would not interfere with any applicable requirement concerning attainment of the NAAQS and RFP or any other

applicable requirement of the Act. Therefore, EPA is proposing to approve the aforementioned changes to Rule 62–296.511 into the Florida SIP.

I. Rule 62–296.512, Cutback Asphalt

Florida’s April 1, 2022, SIP revision updates Rule 62–296.512, *Cutback Asphalt*, with one language edit and the removal of a subsection that was never applicable to the rule.

First, the language edit revises paragraph (1) to make a minor wording change from “emission limiting standard or control technology” to “emission limiting control standards,” in describing the provisions in subsection 62–296.512(2). EPA approves of this change because paragraph 62–296.512(2) is titled “Control Standards” and only contains control standards.

Second, the SIP revision removes the entirety of paragraph (3), “Test Methods and Procedures” from the rule. The test methods and procedures identified in this paragraph are meant to test particulate matter emissions. However, the rule does not contain a testing requirement, and particulate matter is not a pollutant that is regulated by this rule as the only emission limits applicable in this rule are for volatile organic compounds. *See* Rule 62–296.500(1)(a). EPA is proposing to approve this change because the test methods and procedures in paragraph (3) are not applicable to Rule 62–296.512.

For the reasons discussed above, these proposed changes to the SIP would not interfere with any applicable requirement concerning attainment of the NAAQS and RFP or any other applicable requirement of the Act. Therefore, EPA is proposing to approve the aforementioned changes to Rule 62–296.512, F.A.C. into the Florida SIP.

J. Rule 62–296.513, Surface Coating of Miscellaneous Metal Parts and Products, and Rule 62.296.514, Surface Coating of Flat Wood Paneling

Florida’s April 1, 2022, SIP revision updates Rules 62.296.513, *Surface Coating of Miscellaneous Metal Parts and Products*, and 62.296.514, *Surface Coating of Flat Wood Paneling* with identical changes to cross-references in the respective rules.

The SIP revision makes identical changes to three separate cross-references in both rules. First, subparagraph (4)(a) of each rule has been revised to add the following language to include a citation to the CFR for EPA Method 24 and identify the State rule that adopts and incorporates by reference that test method: “as described at 40 CFR part 60, Appendix

A–7, adopted and incorporated by reference at Rule 62–204.800, F.A.C.” Further, subparagraph (4)(a) has also been revised in both rules to include the full title of EPA document 450/3–84–019, the location of the document on the Florida Department of State’s website, and a statement that the document is adopted and incorporated by reference in the rule: “Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04298>) hereby adopted and incorporated by reference.” Finally, the SIP revision removes the phrase “incorporated and adopted by reference in Chapter 62–297, F.A.C” from subparagraph (4)(a) in each rule given the changes described earlier in this paragraph. Second, subparagraph (4)(b)(1) in both rules has been revised to add the following language after the reference to EPA Method 25: “as described at 40 CFR part 60, Appendix A–7, adopted and incorporated by reference at Rule 62–204.800, F.A.C.” Further, subparagraph (4)(b)(1) has also been revised in both rules to include the full title of EPA document 450/2–78–041: “Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer.” Finally, subparagraph (4)(b)(2) is updated in both rules to update the cross-reference for the specified test method for volatile organic compounds from Rule 62–297.440(7) to Rule 62–297.450. As mentioned in Section II.E, Rule 62–297.440(7) was repealed from the State rules on July 10, 2014, and EPA removed it from the Florida SIP on April 2, 2018. *See* 83 FR 13875. Because Florida repealed subsection 62–297.440(7), and it is not a part of the Florida SIP, this cross-reference does not function in its current form. The new cross-reference is to Rule 62–297.450, which is a SIP-approved rule. EPA is proposing to approve this revision because owners and operators of each of the respective facilities will now be subject to specific VOC capture efficiency test procedures.

For the reasons discussed above, these proposed changes to the SIP would not interfere with any applicable requirement concerning attainment of the NAAQS or any other applicable requirement of the Act. Therefore, EPA is proposing to approve the aforementioned changes to Rules 62–296.513 and 62–296.514 into the Florida SIP.

K. Rule 62.296.515, Graphic Arts Systems

Florida's April 1, 2022, SIP revision updates Rule 62.296.515, *Graphic Arts Systems*, to revise several cross-references.

The SIP revision revises three cross-references. First, subparagraph (3)(a) has been revised to add the following language that now includes a citation to the CFR for EPA Methods 24 and 24A and identifies the State rule that adopts and incorporates by reference those test methods: "as described at 40 CFR part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C." Further, subparagraph (3)(a) has also been revised to include the full title of EPA document 450/3-84-019, the location of the document on the Florida Department of State's website, and a statement that the document is adopted and incorporated by reference in the rule: "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04298>) hereby adopted and incorporated by reference." Finally, the SIP revision removes the phrase "incorporated and adopted by reference in Chapter 62-297, F.A.C." from subparagraph 3(a) given the changes described earlier in this paragraph. Second, subparagraph (3)(b)(1) has been revised to add the following language that now includes a citation to the CFR for EPA Method 25, and identifies the State rule that adopts and incorporates by reference that test method: "as described at 40 CFR part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C." Further, subparagraph (3)(b)(1) has also been revised to include the full title of EPA document 450/2-78-041: "Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer." Finally, subparagraph (3)(b)(2) is revised to update the cross-reference for the specified test method for volatile organic compounds from Rule 62-297.440(7) to Rule 62-297.450. As mentioned in Section II.E, Rule 62-297.440(7) was repealed from the State rules on July 10, 2014, and EPA removed it from the Florida SIP on April 2, 2018. See 83 FR 13875. Because Florida repealed Rule 62-297.440(7) and it is not a part of the Florida SIP, this cross-reference does not function in its current form. The new cross-reference is to Rule 62-297.450, which is a SIP-approved rule. EPA is proposing to approve this revision because owners and operators of each of the respective

facilities will now be subject to specific VOC capture efficiency test procedures.

For the reasons discussed above, these proposed changes to the SIP would not interfere with any applicable requirement concerning attainment of the NAAQS or any other applicable requirement of the Act. Therefore, EPA is proposing to approve the aforementioned changes to Rule 62-296.515 into the Florida SIP.

L. Rule 62.296.516, Petroleum Liquid Storage Tanks With External Floating Roofs

Florida's April 1, 2022, SIP revision updates Rule 62.296.516, *Petroleum Liquid Storage Tanks with External Floating Roofs*, to revise a cross reference. Subparagraph (3)(a) has been revised to add the following language that now includes a citation to the CFR for EPA Method 21, and identifies the State rule that adopts and incorporates by reference that test method: "as described at 40 CFR part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C." Further, the same subparagraph has been edited to specify the section in EPA document 450/2-78-047, an already SIP-approved cross-reference, that provides a description of the applicable test method: "as described in section 5.2 on p.5-3 . . ." EPA proposes to approve these changes because they do not alter any requirements and they add more identifying information to already SIP-approved test methods.

For the reasons discussed above, these proposed changes to the SIP would not interfere with any applicable requirement concerning attainment of the NAAQS and RFP or any other applicable requirement of the Act. Therefore, EPA is proposing to approve the aforementioned changes to Rule 62-296.516 into the Florida SIP.

III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, and as discussed in Section II of this preamble, EPA is proposing to incorporate by reference Rules 62-296.414, *Concrete Batching Plants*; 62-296.415, *Soil Thermal Treatment Facilities*; 62-296.418, *Bulk Gasoline Plants*; 62-296.500, *Reasonably Available Control Technology (RACT)—Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO_x) Emitting Facilities*; 62-296.501, *Can Coating*; 62-296.502, *Coil Coating*; 62-296.503, *Paper Coating*; 62-296.504, *Fabric and Vinyl Coating*; 62-296.505, *Metal Furniture Coating*; 62-296.506,

Surface Coating of Large Appliances; 62-296.507, *Magnet Wire Coating*; 62-296.508, *Petroleum Liquid Storage*; 62-296.510, *Bulk Gasoline Terminals*; 62-296.511, *Solvent Metal Cleaning*; 62-296.512, *Cutback Asphalt*; 62-296.513, *Surface Coating of Miscellaneous Metal Parts and Products*; 62-296.514, *Surface Coating of Flat Wood Paneling*; 62-296.515, *Graphic Arts Systems*; and 62-296.516, *Petroleum Liquid Storage Tanks with External Floating Roofs*. EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 4 Office (please contact the person identified in the "For Further Information Contact" section of this preamble for more information).

IV. Proposed Action

EPA is proposing to approve the April 1, 2022, Florida SIP revision consisting of changes to Rules 62-296.414, *Concrete Batching Plants*; 62-296.415, *Soil Thermal Treatment Facilities*; 62-296.418, *Bulk Gasoline Plants*; 62-296.500, *Reasonably Available Control Technology (RACT)—Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO_x) Emitting Facilities*; 62-296.501, *Can Coating*; 62-296.502, *Coil Coating*; 62-296.503, *Paper Coating*; 62-296.504, *Fabric and Vinyl Coating*; 62-296.505, *Metal Furniture Coating*; 62-296.506, *Surface Coating of Large Appliances*; 62-296.507, *Magnet Wire Coating*; 62-296.508, *Petroleum Liquid Storage*; 62-296.510, *Bulk Gasoline Terminals*; 62-296.511, *Solvent Metal Cleaning*; 62-296.512, *Cutback Asphalt*; 62-296.513, *Surface Coating of Miscellaneous Metal Parts and Products*; 62-296.514, *Surface Coating of Flat Wood Paneling*; 62-296.515, *Graphic Arts Systems*; and 62-296.516, *Petroleum Liquid Storage Tanks with External Floating Roofs*, from the Florida SIP for the reasons discussed above.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely proposes to approve State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of

Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 14094 (88 FR 21879, April 11, 2023);

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the

negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

The FDEP did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this proposed action. Due to the nature of the action being proposed here, this proposed action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this proposed action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving EJ for people of color, low-income populations, and Indigenous peoples.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: September 5, 2023.

Carol Kemker,

Acting Regional Administrator, Region 4.

[FR Doc. 2023–19463 Filed 9–8–23; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

RIN 0648–BL98

Snapper-Grouper Fishery of the South Atlantic Region; Golden Crab Fishery of the South Atlantic Region; Dolphin and Wahoo Fishery of the Atlantic; Acceptable Biological Catch Control Rules

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

ACTION: Announcement of availability of fishery management plan amendments; request for comments.

SUMMARY: The South Atlantic Fishery Management Council has submitted amendments to three fishery management plans (FMPs) for review, approval, and implementation by NMFS. If approved by the Secretary of Commerce, the amendments would

revise the FMPs for the Snapper-Grouper Fishery and the Golden Crab Fishery of the South Atlantic Region, and the Dolphin and Wahoo Fishery of the Atlantic, referenced here as the Acceptable Biological Catch (ABC) Control Rule Amendments. The ABC Control Rule Amendments would modify the ABC control rules, allow phase-in of ABC changes, allow for some carry-over of an unharvested portion of the annual catch limit (ACL) to the following fishing year, and modify the FMP framework procedures to implement carry-overs of ACLs when appropriate. The purpose of the ABC Control Rule Amendments is to ensure catch level recommendations are based on the best scientific information available, prevent overfishing while achieving optimum yield, and increase flexibility in setting catch limits.

DATES: Written comments must be received no later than November 13, 2023.

ADDRESSES: You may submit comments on the ABC Control Rule Amendments, identified by “NOAA–NMFS–2023–0067,” by either of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter “NOAA–NMFS–2023–0067” in the Search box. Click the “Comment” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Nikhil Mehta, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

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.

An electronic copy of the ABC Control Rule Amendments, which includes an environmental assessment, a fishery impact statement, and a regulatory impact review, may be obtained from the NMFS Southeast Regional Office website at <https://www.fisheries.noaa.gov/action/comprehensive-acceptable-biological->

catch-abc-control-rule-amendment-revisions-abc-control.

FOR FURTHER INFORMATION CONTACT:

Nikhil Mehta, telephone: 727–824–5305, or email: nikhil.mehta@noaa.gov.

SUPPLEMENTARY INFORMATION:

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit an FMP or FMP amendment to the Secretary of Commerce (the Secretary) for review and approval, partial approval, or disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or amendment, publish an announcement in the **Federal Register** notifying the public that the FMP or amendment is available for review and comment.

The South Atlantic snapper-grouper and golden crab fisheries are managed under the FMP for the Snapper-Grouper Fishery of the South Atlantic (Snapper-Grouper FMP) and the Golden Crab Fishery of the South Atlantic (Golden Crab FMP), respectively. The dolphin and wahoo fishery of the Atlantic is managed under the Dolphin and Wahoo FMP. These three FMPs were prepared by the South Atlantic Fishery Management Council (Council) and are implemented by NMFS through regulations at 50 CFR part 622. The Council has developed, and submitted to NMFS for review and approval, the Comprehensive Acceptable Biological Catch Control Rule Amendment: Revisions to the Acceptable Biological Catch Control Rules and Specifications for Carry-Overs and Phase-Ins. The Council document is composed of Amendment 45 to the Snapper-Grouper FMP, Amendment 11 to the Golden Crab FMP, and Amendment 11 to the Dolphin and Wahoo FMP. If approved, the ABC Control Rule Amendments would be implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Act.

Background

The Council and NMFS manage the snapper-grouper and golden crab fisheries in Federal waters from North Carolina south to the Florida Keys in the South Atlantic. The dolphin and wahoo fishery is managed in Federal waters from Maine south to the Florida Keys.

The Council's Scientific and Statistical Committee (SSC) developed an ABC control rule in 2008, using uncertainty and risk traits to determine the acceptable risk of overfishing. The ABC control rule is the method by which the ABC for a stock is set, ideally based on an overfishing limit (OFL)

from a stock assessment but sometimes using more data-limited methodology. The acceptable risk of overfishing is denoted as P-Star (P*) and is applied through assessment projections to develop the SSC's ABC recommendation. During development of the Comprehensive ACL Amendment by the Council, the SSC recommended adding additional levels of specificity to the ABC control rules to better address unassessed and data-limited stocks. The Comprehensive ACL Amendment included the ABC control rules for the Snapper-Grouper, Golden Crab, and Dolphin and Wahoo FMPs in 2012 (77 FR 15916, March 16, 2012). In 2015, the ABC control rule for the Snapper-Grouper FMP was revised by adding the Only Reliable Catch Stocks (ORCS) approach for applicable snapper-grouper stocks in Amendment 29 to the Snapper-Grouper FMP (80 FR 30947, June 1, 2015). The ORCS approach was recommended by the Council's SSC for calculating ABC values for unassessed stocks when only reliable catch information is available, and was determined to be based on the best scientific information available.

In October 2016, NMFS published a final rule to revise the guidelines for National Standard 1 (NS1) of the Magnuson-Stevens Act (81 FR 71858, October 18, 2016). NS1 states that fishery conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry. One of the objectives of the 2016 NS1 revisions was to provide additional flexibility within current statutory limits to address fishery management issues. For example, the revised NS1 guidelines allow for changes in catch limits to be phased in over time and is also described as “phase-in” in the ABC Control Rule Amendments. The revised guidelines also allow for some of the unused portion of an ACL to be carried over from 1 fishing year to the next, which is also described as “carry-over” in this notice. Fishery management councils, NMFS regions, and stakeholders have expressed considerable interest in using the phase-in and carry-over provisions in ABC control rules. In 2020, recommendations and best practices for how to develop and apply these provisions were provided in a NOAA Technical Memorandum (NMFS–F/SPO–203, July 2020). The goals of the technical memo were to: (1) provide examples of how carry-over and phase-in provisions have been implemented in fisheries so that we can learn from past experiences; (2)

describe some possible approaches to design and implement carry-over and phase-in provisions; and (3) identify characteristics of fish stocks, fisheries, and management approaches that may impact the benefits and risks of applying carry-over and phase-in provisions. If approved, the ABC Control Rule Amendments would incorporate carry-over and phase-in provisions by modifying the existing ABC control rules for the Snapper-Grouper, Golden Crab, and Dolphin and Wahoo FMPs by clarifying the incorporation of scientific uncertainty and management risk, modifying the approach used to determine the acceptable risk of overfishing, and prioritizing the use of stock rebuilding plans for overfished stocks.

Actions Contained in the ABC Control Rule Amendments

The ABC Control Rule Amendments would modify the ABC control rules, allow phase-in of ABC changes, allow carry-over of unharvested portion of the ACL, and modify framework procedures to implement carry-overs of ACLs when allowed, for Snapper-Grouper, Dolphin and Wahoo, and Golden Crab FMPs.

Modify the ABC Control Rules

As discussed above, the current ABC control rule for the Snapper-Grouper FMP was revised by Amendment 29, and the Comprehensive ACL Amendment implemented the ABC control rules for the Golden Crab, and Dolphin and Wahoo FMPs in 2012. For assessed species, the current ABC control rules classify assessments according to level 1. Level 1 has tier classifications that determine the P* by reducing from an initial value of 50 percent according to uncertainty of assessment results and stock vulnerability (risk tolerance). ABC is determined through projections of assessment information using the accepted probability of overfishing. For unassessed species, ABC is determined by levels 2 through 5, applying one of the following data-limited methods, as data allow (listed from highest to lowest priority): Depletion-Based Stock Reduction Analysis, Depletion-Corrected Average Catch, Only Reliable Catch Stocks (only included in the Snapper-Grouper FMP as level 5), and a decision tree based on species catch history. Determination of ABC for overfished stocks undergoing rebuilding is not specified. Details on the control rule levels, tiers, and classifications are described in Table 2.1.1.1 of the ABC Control Rule Amendments. In summary, level 1 is assigned to assessed stocks and levels 1 through 4 are assigned to

unassessed stocks for the Golden Crab, and Dolphin and Wahoo FMPs. Level 5 is assigned to the applicable unassessed stocks in the Snapper-Grouper FMP. Level 1 has tiers that further quantitative classification and methodology to calculate the ABC based on life-history, catch history, scientific uncertainty, stock status, and productivity and susceptibility analysis (PSA).

The ABC Control Rule Amendments would modify the ABC control rules for the Snapper-Grouper, Golden Crab, and Dolphin and Wahoo FMPs by categorizing stocks based on the available information, scientific uncertainty evaluation, and incorporation of the Council's risk tolerance policy through an accepted P^* . The P^* would be specified based on relative stock biomass and a stock risk rating. When possible, the SSC would determine the OFL recommendation and characterize its uncertainty based on, primarily, the stock assessment or, secondarily, the SSC's expert opinion. The OFL and its uncertainty would then be used to derive and recommend the ABC, based on the risk tolerance selected by the Council. The step by step procedure detailing how the ABC is derived for assessed stocks can be found in section 2.1.1 of the ABC Control Rule Amendments. ABC for unassessed stocks would be recommended by the SSC based on applicable data-limited methods. Unassessed stocks would be assigned the moderate biomass level unless there is a recommendation from the SSC that justifies a different level. For overfished stocks, the Council would specify a stock rebuilding plan, considering recommendations from the SSC and the advisory panel (AP) of the respective FMP. The ABC while the rebuilding plan is in effect would be based on recommendations from the Council's SSC. The probability of success for rebuilding plans (1 minus P^*) would be at least 50 percent. Control rule categories for assessments are described in detail in Table 2.1.1.2 of the ABC Control Rule Amendments.

In summary, four categories would facilitate an ABC determination based on scientific uncertainty and SSC guidance. The Council, with advice from the SSC and AP, would evaluate management risk for each stock through a stock risk rating. Stock risk ratings include information currently used in the PSA, but also incorporate socio-economic (for example, potential for discard losses, annual commercial value, recreational desirability, *etc.*) and environmental attributes (for example, climate change) (see Appendix E of the ABC Control Rule Amendments for

more details). These recommendations would be revisited when new information becomes available (for example, in a new stock assessment). The Council would then specify the risk rating as low, medium, or high risk of overfishing. A higher risk of overfishing would indicate that risk tolerance (the accepted probability of overfishing) should be lower. These stock risk ratings, along with relative biomass levels, would be used to determine the Council's default risk tolerance for each stock. Default P^* values based on relative biomass and stock risk rating are shown in Table 2.1.1.3 of the ABC Control Rule Amendments. As an example, a stock with high biomass and medium stock risk rating would have a P^* of 45 percent. This would be lower than the OFL, in accordance with Magnuson-Stevens Act. The SSC can recommend the Council reconsider the stock risk rating. This could happen, for example, with the emergence of new scientific studies or new information discovered through a stock assessment.

The modified ABC control rules would also allow the Council to deviate, to a greater or lesser amount, from the default accepted probability of overfishing by up to 10 percent for an individual stock, based on its expert judgment, new information, or recommendations by the SSC or other expert advisors. Accepted probability of overfishing may not exceed 50 percent. Using a 50 percent probability of overfishing implies negligible scientific uncertainty and sets OFL equal to ABC. At P^* equals 0.50, removals above ABC caused by deviations in biological parameters (*e.g.*, natural mortality (M), recruitment) could cause an overfishing determination and delay rebuilding plans. Therefore, adjusting P^* above the value recommended by the SSC would be infrequent and would need to be well justified based on new scientific understanding and the Council's risk tolerance. Additionally, when requested by the Council, the SSC would recommend the ABC for up to 5 years as both a constant value across years and as individual annual values for the same period of years. These options provide more flexibility to both the Council and SSC in the ABC determination.

The ABC Control Rule Amendments would not change the current ABC levels for any species managed under the Snapper-Grouper, Golden Crab, and Dolphin and Wahoo FMPs. Modifying the ABC control rules as proposed would give the SSC the ability to recommend adjusting or deriving uncertainty of future assessment results (ultimately impacting projections of

future catch) if they determine uncertainty is not adequately estimated through information used in the assessment. Evaluation of risk tolerance would also be improved by considering factors beyond the current PSA and expanding the range of reference points used to describe and incorporate relative biomass. For unassessed stocks, the proposed modifications would expand the number of methods that could be considered for estimating OFL and ABC. The addition of economic factors in the ABC control rules would allow the Council to better consider the long-term economic implications when examining management risk, which could lead to better economic outcomes and increase net economic benefits in a fishery for a given species. The inclusion of social factors in the ABC control rules would allow the Council to directly consider the importance of a given species to fishing communities and businesses when determining risk tolerance and would have long-term social benefits in the form of a more appropriate ABC.

Allow Phase-In of ABC Changes

Currently, phase-in of ABC changes is not allowed in the Snapper-Grouper, Dolphin and Wahoo, and Golden Crab FMPs. Comprehensive ABC Control Rule Amendment would establish criteria specifying when phase-in of ABC changes would be allowed and specify the approach for phase-in of ABC changes.

The ABC Control Rule Amendments would allow phase-in of increases to ABC as specified by the Council, with advice from the SSC and AP. Increases to ABC (assuming comparable data between assessments) are generally indicative of an increase in relative biomass and improving stock condition. This allows greater consideration of ecological, social, and economic effects of an increased ABC and flexibility in how that change can be implemented. Because ABCs during an increasing phase-in would be less than those initially recommended by the SSC, the phase-in time period is not limited (it can exceed the maximum timeframe specified for phase-in decreases). The Council may specify ABC to be less than the SSC's recommended ABC, but may not exceed the SSC's recommendation. Phasing in an ABC increase would set ABC below the SSC's recommendation. If the phase-in is included in projections used to develop the SSC's ABC recommendation, there also may be an increase to the recommended long-term ABC (the ABC that persists after the phase-in is complete). Thus, phasing in increases to ABC over a longer time

period could result in a greater increase to long-term ABC, and phasing in increases over a shorter period could result in a smaller increase to long-term ABC.

Phase-in of ABC decreases are allowed, when a new ABC is less than 80 percent of the existing ABC, and over no more than 3 years, which is the maximum phase in period allowed by the NS1 guidelines. The criterion requiring a minimum threshold of difference between the current and new ABCs to be 20 percent defines a significant enough change to merit phasing in the change, and is more flexible than other minimum threshold levels considered in the ABC Control Rule Amendments. Phase-ins may be used regardless of the stock relative biomass. The Council would consider whether to apply a phase-in on a case-by-case basis when specifying a stock ABC through an amendment after a new ABC has been recommended by the SSC. A longer phase-in period provides more flexibility and allows a more gradual change from the existing ABC to the new ABC.

Phase-in of the ABC is an option the Council can consider to address the social and economic effects from management changes. Adopting this flexibility does not require the Council to phase-in all ABC changes, nor does adopting one approach prevent the Council from choosing a more restrictive schedule of ABC phase-in (less than 3 years). When considering whether to phase-in an ABC change, the Council would compare and contrast the risk to the stock against the expected social and economic benefits of the alternative ABC. Management strategy evaluations may be used to quantify such trade-offs. The Council would be able to consult with its scientific and fishery advisors to help develop a rationale and implementation plan for phase-in. The proposed phase-in of ABC changes are consistent with the NMFS 2020 guidance and incorporates flexibility as per the revised NS1 guidelines into the FMPs for Snapper-Grouper, Golden Crab, and Dolphin and Wahoo.

Allow Carry-Over of Unharvested Portion of ACLs

Currently, carry-over of unharvested portion of ACLs is not allowed in the Snapper-Grouper, Golden Crab, and Dolphin and Wahoo FMPs. The ABC Control Rule Amendments would establish criteria specifying circumstances when an unharvested portion of the originally specified sector ACL can be carried over from 1 year to increase the available harvest in the

immediate next year. Carry-overs may not be delayed, and only amounts from the originally specified sector ACL may be carried over. Carry-over of the unharvested portion of a sector ACL would be allowed if the stock status is known, the stock is neither overfished nor experiencing overfishing, an overfishing limit for the stock is defined, and: ABC decreases are not being phased-in; and there are measures that restrict annual landings to the ACL; and post-season accountability measures (AM) that reduce the ACL in the following year according to any landings overages in place for that stock and sector.

The ABC Control Rule Amendments would also specify limits on how much of the unharvested portion of a sector ACL may be carried over from 1 year to increase the sector ACL in the next year. The ABC and the total ACL may be temporarily increased to allow this carry-over. The temporary ABC may not exceed the OFL. The revised total ACL may not exceed the temporary ABC or the total ACL plus the carried over amount, whichever is less. If a stock experiences overfishing, either as the result of a stock assessment or as determined by NMFS' annual evaluation of landings, that stock would no longer qualify for carry-over. Additional conditions to annually qualify for carry-over can be added on a stock-by-stock basis. For example, to prevent overharvest of other species commonly caught with the target species (referred to as co-caught species) during years with a carried-over ACL, a future FMP amendment specifying an ABC and ACL with carry-over could additionally require that the previous year's harvest for co-caught species also be less than or equal to the ACL for carry-over to occur. When applicable, the Council would specify whether fisheries that have split seasons or sub-sector allocations (such as gear allocations) should be eligible for inter-annual carry-over on a case-by-case basis.

Carry-overs would also be sector-specific. The Snapper-Grouper and Dolphin and Wahoo FMPs have commercial and recreational sectors, and the Golden Crab FMP includes only a commercial sector. Thus if only one sector is carrying over unused ACL, the carried-over amount would be allocated completely to that sector, subject to limitations defined above. If more than one sector is carrying over unused ACL in the same year, each sector carry-over amount would be completely allocated to the sector from which it was derived, unless the sum of all carry-over amounts plus the specified total ACL is greater

than the OFL. In this case, the difference between the temporary revised ABC and the specified total ACL would be allocated using sector allocation percentages specified by the FMP. A revised sector ACL and revised ABC would remain in place for a single fishing year. Following a year that included carry-over, evaluations of carry-over amounts for future years would be based on the ABC and sector ACLs specified by the FMP, not the temporarily revised values.

The proposed carry-over criteria and conditions are consistent with the NMFS 2020 guidance. The proposed carry-over criteria and conditions would also make carry-over applicable to only a few stocks managed by the Council under the Snapper-Grouper FMP at the time this action was developed. However, allowing carry-over does fulfill Federal guidance on carry-overs that requires allowance of this management tool to be included in an FMP, and provide additional management flexibility to better enable harvest of optimum yield of a healthy stock.

Modify Framework Procedures

The current framework procedure for the Snapper-Grouper FMP in the regulations at 50 CFR 622.194 was implemented by Amendment 29 in 2015. The current framework procedure allows for changes via rulemaking to: biomass levels, age-structured analyses, target dates for rebuilding overfished species, maximum sustainable yield (MSY) (or proxy), optimum yield (OY), ABC, total allowable catch (TAC), quotas (including a quota of zero), ACLs, annual catch targets (ACTs), AMs, maximum fishing mortality threshold (MFMT), minimum stock size threshold (MSST), trip limits, bag limits, size limits, gear restrictions (ranging from regulation to complete prohibition), seasonal or area closures, fishing year, rebuilding plans, definitions of essential fish habitat (EFH), EFH, EFH habitat areas of particular concern (HAPCs), or coral HAPCs, restrictions on gear and fishing activities applicable in EFH and EFH HAPCs, and establish or modify spawning special management zones (SMZs).

The current framework procedure for the Golden Crab FMP in the regulations at 50 CFR 622.252 was implemented by the final rule for the original Golden Crab FMP in 1996 (61 FR 43952, August 27, 1996). The current framework procedure allows for changes via rulemaking to: biomass levels, age-structured analyses, MSY, ABC, TAC, quotas (including quotas equal to zero),

trip limits, minimum sizes, gear regulations and restrictions, permit requirements, seasonal or area closures, sub-zones and their management measures, time frame for recovery of golden crab if overfished, fishing year (adjustment not to exceed 2 months), observer requirements, authority for the NMFS Regional Administrator (RA) to close the fishery when a quota is reached or is projected to be reached, definitions of EFH, EFH HAPCs, or Coral HAPCs.

The current framework procedure for the Dolphin and Wahoo FMP in the regulations at 50 CFR 622.194 was implemented by Amendment 5 to the Dolphin and Wahoo FMP in 2014 (79 FR 32878, June 9, 2014). The current framework procedure allows for changes via rulemaking to: biomass levels, age-structured analyses, target dates for rebuilding overfished species, MSY (or proxy), OY, ABC, TAC, quotas (including a quota of zero), ACLs, ACTs, AMs, MFMT, MSST, trip limits, bag limits, size limits, gear restrictions (ranging from regulation to complete prohibition), seasonal or area closures, fishing year, rebuilding plans, definitions of EFH, EFH HAPCs, or Coral HAPCs, restrictions on gear and fishing activities applicable in EFH and EFH HAPCs, and establish or modify spawning SMZs.

The existing framework procedures for the three FMPs affected by the ABC Control Rule Amendments already enable the Council to ask the SSC to consider recommending a temporary, higher ABC. However, the existing approach is not efficient for changes to catch levels and would likely not allow the Council and NMFS to develop and implement changes to catch levels, given the timing of Council and SSC meetings, the time required to develop a framework action, and the time needed for NMFS to implement changes to catch levels within a fishing year based on landings from the previous year.

The ABC Control Rule Amendments would modify the framework procedures in the Snapper-Grouper, Golden Crab, and Dolphin and Wahoo FMPs to allow for the future transfer, if pre-qualifying criteria are met, of an unharvested portion of a stock, total, or sector-specific ACL to the following fishing year (details are described in the *Allow Carry-Over of Unharvested Portion of ACLs* section of this notice).

A future stock assessment must determine if carry-over is possible for that species and specify the appropriate catch level. Then, the SSC would determine and recommend an ABC to the Council, and the Council would

develop an FMP amendment or framework action for the species with the option of ACL carry-over. If the required rulemaking for a catch level change that would follow was implemented by NMFS, then that species would be eligible for future carry-over through a subsequent abbreviated framework action under the abbreviated framework procedures described in the ABC Control Rule Amendments. To support potential carry-over justification, a Term of Reference would be added to each future stock assessment to project the maximum amount of landings beyond the ABC that could be carried over in 1 year while not resulting in overfishing or the stock becoming overfished within the projection period.

When the Council develops a subsequent fishery management action in response to a stock assessment to specify or revise an ABC and ACL for a stock or sector, the Council would determine whether carry-over would be authorized, if annual conditions justify a stock or sector ACL carry-over. In doing so, the Council would consider the potential need for, and benefits of, carry-over for a stock according to criteria specified in the ABC control rule. The Council would also consider the duration of time when the specified ABC and ACL are effective. An FMP amendment or framework action that specifies carry-over for a stock or sector would include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the ABC control rule.

Following the conclusion of each fishing year, Council staff would notify the Council if any stocks and sectors for which carry-over is approved qualify based on the previous year's landings, and may necessitate using preliminary landings estimates from the previous year if those landings data are not yet finalized. If a stock or sector qualifies for carry-over according to specifications of the ABC and annual landings meet criteria specified in the ABC control rule, NMFS would implement carry-over of eligible landings from the previous year via a temporary rule published in the **Federal Register** through the existing FMP framework procedure and rulemaking process.

The proposed carry-over procedure for eligible fish stocks or fishery sectors generally would not require additional AP input or SSC recommendation, because input relevant to an ABC being approved with potential for carry-over would be part of the prior development process for the FMP amendment or

framework in which the ABC and ACL for a stock or sector are already specified. Application of the carry-over procedure is expected to be routine and formulaic.

The NMFS RA would review the Council's recommendations and supporting information. If the RA concurs that the Council's recommendations are consistent with the objectives of the applicable FMP, the Magnuson-Stevens Act, and all other applicable law, the RA would be authorized to implement the Council's proposed action through publication of appropriate notification in the **Federal Register**.

If the Council chooses to deviate from the criteria and guidance of the proposed ABC control rules, this abbreviated process would not apply.

Further details of the proposed process can be found in section 2.4.1 and Appendix J of the ABC Control Rule Amendments. An example of the carry-over can be found in Appendix H of the ABC Control Rule Amendments.

The proposed process would allow carry-overs to occur in a more timely manner than that of an FMP amendment or framework action. A faster process is necessary due to the year-to-year nature of carry-overs. Under-harvest of an ACL may only be carried over in the immediate next year. Therefore, defining a stock's eligibility and the amount of ACL being carried over must occur fast enough that the fishery has time to harvest the carried over amount within the fishing year following a year of under-harvest. The proposed process also provides the Council discretion in determining whether carry-over should be applied to a potentially eligible stock when setting the ABC and ACL.

As stated earlier, the ABC Control Rule Amendments would not change current ABCs or ACLs for any species managed under the FMPs affected by the ABC Control Rule Amendments.

Proposed Rule for Comprehensive ABC Control Rule Amendment

NMFS has drafted a proposed rule to implement the ABC Control Rule Amendments. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule for the ABC Control Rule Amendments to determine whether it is consistent with the FMPs, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Consideration of Public Comments

The Council has submitted ABC Control Rule Amendments for the Secretary to review. If approved, the ABC Control Rule Amendments would be implemented by NMFS. Comments on the ABC Control Rule Amendments must be received no later than November 13, 2023. Comments received

during the respective comment periods, whether specifically directed to the ABC Control Rule Amendments or the proposed rule, will be considered by NMFS in the decision to approve, partially approve, or disapprove the ABC Control Rule Amendments. All comments received by NMFS on the FMP amendments or the proposed rule

during their respective comment periods will be addressed in a final rule.

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

Dated: September 6, 2023.

Jennifer M. Wallace,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2023–19507 Filed 9–8–23; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 88, No. 174

Monday, September 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

U.S. Codex Office

Codex Alimentarius Commission: Meeting of the Codex Alimentarius Commission

AGENCY: U.S. Codex Office, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The U.S. Codex Office is sponsoring a public meeting on October 18, 2023, from 1:00–4:00 p.m. EDT. The objective of the public meeting is to provide information and receive public comments on agenda items and draft U.S. positions to be discussed at the 46th Session of the Codex Alimentarius Commission (CAC46), which will meet in Rome, Italy from November 27, 2023 to December 2, 2023. The U.S. Manager for Codex Alimentarius and the Under Secretary for Trade and Foreign Agricultural Affairs recognize the importance of providing interested parties the opportunity to obtain background information on the 46th Session of the CAC and to address items on the agenda.

DATES: The public meeting is scheduled for October 18, 2023, from 1:00–4:00 p.m. EDT.

ADDRESSES: The public meeting will take place via Video Teleconference only. Documents related to the 46th Session of the CAC will be accessible via the internet at the following address: <https://www.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=CAC&session=46>.

Mary Frances Lowe, U.S. Delegate to the 46th Session of CAC, invites interested U.S. parties to submit their comments electronically to the following email address: maryfrances.lowe@usda.gov.

Registration: Attendees may register to attend the public meeting at the following link: <https://www.zoomgov.com/meeting/register/>

[vJltcuqgrzsuHOvxmm8j2MedkvGy-3fZOiA](https://www.zoomgov.com/join/9JltcuqgrzsuHOvxmm8j2MedkvGy-3fZOiA). After registering, you will receive a confirmation email containing information about joining the meeting.

For further information about the 46th session of CAC, contact U.S. Delegate, Mary Frances Lowe, U.S. Manager for Codex Alimentarius, Office of the Under Secretary for Trade and Foreign Agricultural Affairs, U.S. Department of Agriculture, (202) 205–7760, maryfrances.lowe@usda.gov. For an additional contact regarding the public meeting, contact the U.S. Codex Office by email at: uscodex@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius Commission was established in 1963 by two United Nations organizations: the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade; promotes coordination of all food standards work undertaken by international governmental and nongovernmental organizations; determines priorities, initiates, and guides the preparation of draft standards; finalizes the standards elaborated and publishes them in the Codex Alimentarius (food code) either as regional or worldwide standards, wherever this is practicable; and amends published standards, as appropriate, in the light of new developments.

Issues To Be Discussed at the Public Meeting

The following items on the agenda for the 46th Session of CAC will be discussed during the public meeting:

- Report by the Chairperson on the 84th and 85th Sessions of the Executive Committee (including matters referred)
- Amendments to the Procedural Manual
- Work of Codex Committees (adoption, new work, revocation, discontinuation, and amendments to Codex texts proposed by the following committees):
 - Codex Committee on Food Hygiene
 - Codex Committee on Residues of Veterinary Drugs in Foods
 - Codex Committee on Nutrition and Foods for Special Dietary Uses
 - Codex Committee on Food Additives
 - Codex Committee on Contaminants in Foods
 - Codex Committee on Food Import and Export Inspection and Certification Systems
 - Codex Committee on Food Labelling
 - Codex Committee on Methods of Analysis and Sampling
 - Codex Committee on Pesticide Residues
 - Codex Committee on General Principles
 - FAO/WHO Regional Coordinating Committees
- Editorial amendments to Codex texts proposed by the Codex Secretariat
- Other matters related to Codex Subsidiary Bodies
- Application of the Statements of Principle concerning the role of science in the Codex decision-making process and the extent to which other factors are taken into account (SoP)
- New Food Sources and Production Systems
- Codex Budgetary and Financial Matters
- Matters arising from FAO and WHO
- Election of Chairperson and Vice-Chairpersons and Members Elected on a Geographical Basis to the Codex Executive Committee and appointment of Coordinators
- Designation of Countries responsible for appointing the Chairpersons of Codex Subsidiary Bodies

- Relevant documents are or will be available at the following address: <https://www.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=CAC&session=46>.

Public Meeting

At the public meeting on October 18, 2023, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Mary Frances Lowe, U.S. Delegate to the 46th Session of CAC, at maryfrances.lowe@usda.gov. Written comments should state that they relate to activities of the 46th Session of CAC.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is

important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA Codex web page located at: <http://www.usda.gov/codex>, a link that also offers an email subscription service providing access to information related to Codex. Customers can add or delete their subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at <https://www.usda.gov/oascr/filing-program-discrimination-complaint-usda-customer>, or write a letter signed by you or your authorized representative. Send your completed complaint form or letter to USDA by mail, fax, or email. Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250-9410; Fax: (202) 690-7442; Email: program.intake@usda.gov. Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Done at Washington, DC, on September 5, 2023.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2023-19461 Filed 9-8-23; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nebraska Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the

Federal Advisory Committee Act that the Nebraska Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a planning meeting via web conference. The purpose of the meeting will be to continue discussing project related to the Effects of the Covid-19 Pandemic on K-12 Education in the state.

DATES: Tuesday, September 26, 2023 at 12:00 p.m. Central Time.

ADDRESSES: The meeting will be held via Zoom.

September 26th Planning Meeting:

<https://www.zoomgov.com/j/1615020687?pwd=SWZMSmUxV3BiWGk4ZFVpdXdRRk1lQT09>.

Registration Link (Audio/Visual):

Join by Phone (Audio Only): 1-833-435-1820 USA Toll Free; Meeting ID: 161 502 0687.

FOR FURTHER INFORMATION CONTACT:

Victoria Moreno, DFO, at vmoreno@usccr.gov or by phone at 434-515-0204.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussions through the above call-in numbers (audio only) or online registration links (audio/visual). An open comment period at each meeting will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Individuals who are deaf, deafblind, and/or hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and meeting ID number.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meetings. Written comments may be emailed to Victoria at vmoreno@usccr.gov.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meetings. Records of the meetings will be available via www.facadatabase.gov under the Commission on Civil Rights, Nebraska Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

Agenda

- I. Welcome and Roll Call
- II. Chair's Comments
- III. Committee Business
- IV. Public Comment
- V. Adjournment

Dated: September 5, 2023.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2023-19460 Filed 9-8-23; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Tennessee Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA) that a meeting of the Tennessee Advisory Committee to the Commission will convene by Zoom on Wednesday, September 13, 2023, at 12:00 p.m. (CT). The purpose of the meeting is to discuss their draft report on Voting Rights in the state.

DATES: The meeting will take place on Wednesday, September 13, 2023, at 12:00 p.m. (CST).

Registration Link (Audio/Visual):

<https://www.zoomgov.com/j/1603888233?pwd=WxpxQWl0YVZYREZoVU1wcEtYd3cxzd09>.

Telephone (Audio Only): Dial (833) 568-8864 USA Toll Free; Access Code: 160 388 8233.

FOR FURTHER INFORMATION CONTACT:

Victoria Moreno at vmoreno@usccr.gov or by phone at 434-515-0204.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the Zoom link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the call-in number found through registering at the web link provided above for the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the respective

meeting. Written comments may be emailed to Victoria Moreno at vmoreno@usccr.gov. All written comments received will be available to the public.

Persons who desire additional information may contact the Regional Programs Unit at (202) 809-9618. Records and documents discussed during the meeting will be available for public viewing as they become available at the www.facadatabase.gov. Persons interested in the work of this advisory committee are advised to go to the Commission's website, www.usccr.gov, or to contact the Regional Programs Unit at the above phone number or email address.

Agenda

Wednesday, September 13, 2023, at 12:00 p.m. (CT)

1. Welcome & Roll Call
2. Chair's Comments
3. Discussion on Report
4. Next Steps
5. Public Comment
6. Adjourn

Dated: September 5, 2023.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2023-19459 Filed 9-8-23; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Texas Advisory Committee Advisory Committee; Cancellation

AGENCY: Commission on Civil Rights.

ACTION: Notice; cancellation of virtual business meeting.

SUMMARY: The Commission on Civil Rights is cancelling the virtual business meeting of the Texas Advisory Committee.

FOR FURTHER INFORMATION CONTACT:

Brooke Peery, bpeery@usccr.gov, (202) 701-1376.

SUPPLEMENTARY INFORMATION: The Commission on Civil Rights published a notice in the **Federal Register** concerning a virtual business meeting of the Texas Advisory Committee. The meeting scheduled for Tuesday, September 12, 2023, at 12 p.m. Central Time is cancelled. The notice is in the **Federal Register** of Monday, August 28, 2023, in FR Doc. 2023-18422 in the first and second columns of page 58544.

Dated: August 29, 2023.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2023-19035 Filed 9-8-23; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Georgia Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Georgia Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom. The purpose of the meeting is to discuss the post-report activities of the Committee's recent civil rights project on civil asset forfeiture in Georgia.

DATES: Friday, October 6, 2023, from 11:00 a.m.-12:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held via Zoom.

Registration Link (Audio/Visual):
<https://www.zoomgov.com/j/1600464433>.

Join by Phone (Audio Only): 1-833-435-1820 USA Toll-Free; Meeting ID: 160 046 4433#.

FOR FURTHER INFORMATION CONTACT:

Melissa Wojnarowski, Designated Federal Officer (DFO), at mwojnarowski@usccr.gov or 1-202-618-4158.

SUPPLEMENTARY INFORMATION: This Committee meeting is available to the public through the registration link above. Any interested member of the public may attend this meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Pursuant the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting "CC" in the meeting platform. To request additional accommodations, please email svillanueva@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Sarah Villanueva at svillanueva@usccr.gov.

Persons who desire additional information may contact the Regional Programs Coordination Unit at 1-434-515-0204.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via www.facadatabase.gov under the Commission on Civil Rights, Georgia Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at svillanueva@usccr.gov.

Agenda

- I. Welcome & Roll Call
- II. Approval of Minutes
- III. Announcements and Updates
- IV. Discussion: Post-Report Activities
- V. Next Steps
- VI. Public Comment
- VII. Adjournment

Dated: September 5, 2023.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2023-19458 Filed 9-8-23; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the U.S. Virgin Islands Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the U.S. Virgin Islands Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom. The purpose of the meeting is to hear testimony on the political and legal status, as well as civil rights implications, in the U.S. Virgin Islands.

DATES: Thursday, September 21, 2023, from 12:00 a.m.-2:00 p.m. Atlantic Time.

ADDRESSES: The meeting will be held via Zoom.

Meeting Link (Audio/Visual): <https://www.zoomgov.com/j/1601320808>.

Join by Phone (Audio Only): 1-833-435-1820 USA Toll-Free; Meeting ID: 160 132 0808#.

FOR FURTHER INFORMATION CONTACT:

David Barreras, Designated Federal

Officer, at dbarreras@usccr.gov or 1–202–656–8937.

SUPPLEMENTARY INFORMATION: This Committee meeting is available to the public through the Zoom meeting link above. Any interested member of the public may attend this meeting. An open comment period will be provided to allow members of the public to make oral statements as time allows. Pursuant the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting “CC” in the meeting platform. To request additional accommodations, please email svillanueva@usccr.gov at least 5 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Sarah Villanueva at svillanueva@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–202–656–8937.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via www.facadatabase.gov under the Commission on Civil Rights, U.S. Virgin Islands Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission’s website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at svillanueva@usccr.gov.

Agenda

- I. Welcome & Opening Remarks
- II. Panelist Presentations
- III. Committee Q&A
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given fewer than 15 calendar days prior to the meeting due to exceptional circumstances related to the availability of the invited expert.

Dated: September 6, 2023.
David Mussatt,
Supervisory Chief, Regional Programs Unit.
[FR Doc. 2023–19493 Filed 9–8–23; 8:45 am]
BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–929]

Small Diameter Graphite Electrodes From the People’s Republic of China: Final Results of Antidumping Duty Administrative Review; 2021–2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Fushun Jinly Petrochemical Carbon Co., Ltd. (Fushun Jinly) made sales of small diameter graphite electrodes from the People’s Republic of China (China) at less than normal value during the period of review (POR) February 1, 2021, through January 31, 2022.

DATES: Applicable September 11, 2023.

FOR FURTHER INFORMATION CONTACT: Dennis McClure, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5973.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* on March 7, 2023.¹ For a discussion of events subsequent to the *Preliminary Results*, see the Issues and Decision Memorandum.² Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). On June 28, 2023, we extended the deadline for these final results to September 5, 2023.³

¹ See *Small Diameter Graphite Electrodes from the People’s Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Rescission of Review, in Part; 2021–2022*, 88 FR 14133 (March 7, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, “Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review: Small Diameter Graphite Electrodes from the People’s Republic of China; 2021–2022,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

³ See Memorandum, “Extension of Deadline for Final Results,” dated June 28, 2023.

Scope of the Order

The product covered by the order includes all small diameter graphite electrodes with a nominal or actual diameter of 400 millimeters (16 inches) or less and graphite pin joining systems for small diameter graphite electrodes. A full description of the scope of the order is provided in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the parties’ briefs are addressed in the Issues and Decision Memorandum. A list of these issues is attached as an appendix to this notice.⁴ The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties regarding our *Preliminary Results*, we made one revision to the margin calculation for Fushun Jinly as explained in Comment 2 of the Issues and Decision Memorandum.

Final Results of the Review

Commerce determines that the following weighted-average dumping margin exists for Fushun Jinly for the period February 1, 2021, through January 31, 2022:

Exporter	Weighted-average dumping margin (percent)
Fushun Jinly Petrochemical Carbon Co., Ltd	30.14

Because no party requested a review of the China-wide entity, and Commerce no longer considers the China-wide entity as an exporter conditionally subject to administrative reviews,⁵ we did not conduct a review of the China-wide entity. Thus, the weighted-average dumping margin for the China-wide

⁴ See Appendix.
⁵ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963, 65969–70 (November 4, 2013).

entity (*i.e.*, 159.64 percent)⁶ is not subject to change as a result of this review.

Disclosure

We intend to disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these final results of review. We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results. 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).

Because Fushun Jinly did not report entered value, we calculated a per-unit rate for each importer (or customer) by dividing the total amount of dumping calculated for reviewed sales to that party by the total sales quantity associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting per-unit rate against the entered quantity of the subject merchandise. Where an importer- (or customer-) specific assessment rate is zero or *de minimis* (*i.e.*, less than 0.50 percent), Commerce will instruct CBP to assess that importer's (or customer's) entries of subject merchandise without regard to antidumping duties in accordance with 19 CFR 351.106(c)(2). For entries that were not reported in the U.S. sales database submitted by Fushun Jinly during this review, Commerce will instruct CBP to liquidate such entries at the antidumping duty assessment rate for the China-wide entity (*i.e.*, 159.64 percent).

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for

consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) for Fushun Jinly the cash deposit rate will be the margin listed above; (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding in which they were reviewed; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin for the China-wide entity (*i.e.*, 159.64 percent); and (4) for all non-Chinese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter(s) that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: September 5, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the *Preliminary Results*
- V. Discussion of the Issues
 - Comment 1: Whether To Revise the Primary Surrogate Country Selection
 - Comment 2: Whether To Revise the Surrogate Value for Labor
 - Comment 3: Whether To Allow a By-Product Offset
 - Comment 4: Whether the By-Product Offset Surrogate Value Is Appropriate
 - Comment 5: Whether the Tollers' Factors of Production Are Reliable
 - Comment 6: Whether To Revise the Freight Expense to and From the Tollers
- VI. Recommendation

[FR Doc. 2023–19526 Filed 9–8–23; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–118]

Wood Mouldings and Millwork Products From the People's Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2020–2021

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies were provided to producers and exporters of wood mouldings and millwork products (millwork products) from the People's Republic of China (China) during the period of review (POR) from June 12, 2020, through December 31, 2021. Commerce is also rescinding the review with respect to five companies that had no reviewable entries during the POR.

DATES: Applicable September 11, 2023.

FOR FURTHER INFORMATION CONTACT: Faris Montgomery or Craig Matney, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1537 or (202) 482–2429, respectively.

SUPPLEMENTARY INFORMATION:

⁶ See *Small Diameter Graphite Electrodes from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2015–2016*, 82 FR 10876, 10877 (February 16, 2017).

Background

On March 7, 2023, Commerce published the *Preliminary Results*.¹ On July 17, 2023, we released the final verification report and invited parties to comment on the *Preliminary Results*.² For a detailed description of the events that occurred subsequent to the *Preliminary Results*, see the Issues and Decision Memorandum.³ On June 14, 2023, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), Commerce extended the deadline for issuing the final results until September 1, 2023.⁴

Scope of the Order⁵

The merchandise subject to the *Order* is wood mouldings and millwork products from China, which are primarily classifiable under subheadings 4409.10.0500, 4409.10.1020, 4409.10.1040, 4409.10.1060, 4409.10.1080, 4409.10.4010, 4409.10.4090, 4409.10.4500, 4409.10.5000, 4409.10.9020, 4409.10.9040, 4409.22.0590, 4409.22.1000, 4409.22.4000, 4409.22.5000, 4409.22.5020, 4409.22.5040, 4409.22.5060, 4409.22.5090, 4409.22.9000, 4409.22.9020, 4409.22.9030, 4409.22.9045, 4409.22.9060, 4409.22.9090, 4409.29.0665, 4409.29.1100, 4409.29.4100, 4409.29.5100, 4409.29.9100, 4412.99.5115, 4412.99.9500, 4418.91.9095, and 4421.91.9780 of the Harmonized Tariff Schedule of the United States (HTSUS). WMMP may also enter under HTSUS numbers 4409.10.6000, 4409.10.6500, 4409.22.6000,

4409.22.6500, 4409.29.6100, 4409.29.6600, 4412.41.0000, 4412.42.0000, 4412.49.0000, 4412.91.5115, 4412.92.5215, 4412.99.9700, 4418.20.4000, 4418.20.8030, 4418.20.8060, 4418.91.9195, 4418.99.9095, 4418.99.9195, 4421.91.9880, 4421.99.9780, and 4421.99.9880. While the HTSUS subheading and ASTM specification are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Rescission of Administrative Review, in Part

In the *Preliminary Results*, Commerce stated that we intended to further examine the rescission of this administrative review with respect to five companies, Aventura Inc., China Cornici Co., Ltd., Omni One Co., Limited, Raoping HongRong Handicrafts Co., Ltd. (d.b.a. Chen Chui Global Corp), and Shenzhen Xinjintai Industrial Co., Ltd., that submitted comments claiming that they had entries of subject merchandise during the POR in response to Commerce's memorandum stating our intent to rescind the administrative review with respect to these companies in the absence of evidence of suspended entries during the POR.⁶ We find that these companies have no reviewable entries of subject merchandise during the POR. As a result, we are rescinding this review, pursuant to 19 CFR 351.213(d)(3), with respect to these companies.

For further information regarding this determination, see "Final Rescission of Administrative Review, In Part" section in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised by interested parties in briefs are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is provided in Appendix I of this notice. The Issues

and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties regarding our *Preliminary Results*, we made certain revisions to the countervailable subsidy rate calculations for Fujian Jinquan Trade Co., Ltd. (Jinquan) and Fujian Yinfeng Imp & Exp Trading Co., Ltd. (Yinfeng).⁷ As a result of the changes to Jinquan and Yinfeng's program rates, the final rate for the 23 non-selected companies under review also changed.⁸ These changes are explained in the Issues and Decision Memorandum.

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Act. For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.⁹ The Issues and Decision Memorandum contains a full description of the methodology underlying Commerce's conclusions, including any determination that relied upon the use of adverse facts available pursuant to sections 776(a) and (b) of the Act.

Verification

Pursuant to section 782(i) of the Act, and 19 CFR 351.307(b)(iv), we conducted verification of the questionnaire responses of Jinquan and Yinfeng.¹⁰

Companies Not Selected for Individual Review

The statute and Commerce's regulations do not address the

¹ See *Wood Mouldings and Millwork Products From the People's Republic of China: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2020–2021*, 88 FR 14122 (March 7, 2023) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum (PDM).

² See Memoranda, "Verification of the Questionnaire Responses of Fujian Yinfeng Imp & Exp Trading Co., Ltd. and Its Cross-Owned Companies" dated July 17, 2023 (Yinfeng Verification Report); "Verification of the Questionnaire Responses of Fujian Jinquan Trade Co., Ltd. and Its Cross-Owned Producer" dated July 17, 2023 (Jinquan Verification Report); and "Case Brief Schedule," dated July 17, 2023.

³ See Memorandum, "Wood Mouldings and Millwork Products from the People's Republic of China: Issues and Decision Memorandum for the Final Results of the 2020–2021 Countervailing Duty Administrative Review," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See Memorandum, "Extension of Deadline for the Final Results of Countervailing Duty Administrative Review; 2020–2021," dated June 14, 2023.

⁵ See *Wood Mouldings and Millwork Products from the People's Republic of China: Countervailing Duty Order*, 86 FR 9484 (February 16, 2021) (*Order*).

⁶ See *Preliminary Results* PDM at 5–6; see also Memorandum, "Notice of Intent to Rescind Review, In Part," dated June 29, 2022; Aventura Inc.'s Letter, "Comments on Notice of Intent to Rescind Review, In Part," dated July 13, 2022; China Cornici Co., Ltd.'s Letter, "Comments on Notice of Intent to Rescind Review, In Part," dated July 13, 2022; Omni One Co., Limited's Letter, "Comments on Notice of Intent to Rescind Review, In Part," dated July 13, 2022; Raoping HongRong Handicrafts Co., Ltd.'s Letter, "Comments on Notice of Intent to Rescind Review, In Part," dated July 13, 2022; Shenzhen Xinjintai Industrial Co., Ltd.'s Letter, "Comments on Notice of Intent to Rescind Review, In Part," dated July 13, 2022.

⁷ See Memoranda, "Final Results Calculations for Fujian Jinquan Trade Co., Ltd.," and "Final Results Calculations for Fujian Yinfeng Imp & Exp Trading Co., Ltd." dated concurrently with this notice.

⁸ The 23 non-selected companies under review are listed in Appendix III of this notice.

⁹ 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.

¹⁰ See Yinfeng Verification Report and Jinquan Verification Report.

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(c)(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 which were not selected for individual examination in an administrative review. 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.

As stated above, there are 23 companies for which a review was requested and not rescinded, and which were not selected as mandatory respondents or found to be cross-owned with a mandatory respondent. For these non-selected companies, because the rates calculated for mandatory respondents Jinquan and Yinfeng were above *de minimis* and not based entirely on facts available, we applied a final subsidy rate based on a weighted

average of the rates calculated for the two mandatory respondents using the publicly ranged sales data they submitted on the record. This methodology is consistent with our practice for establishing an all-others subsidy rate pursuant to section 705(c)(5)(A) of the Act. For a list of the non-selected companies, *see* Appendix III to this notice.

Final Results of Review

We find the countervailable subsidy rates for the mandatory and non-selected respondents under review for the period of June 12, 2020, through December 31, 2021, to be as follows:

Producer/exporter	Subsidy rate for June 12 to December 31, 2020 (percent <i>ad valorem</i>)	Subsidy rate for January 1 to December 31, 2021 (percent <i>ad valorem</i>)
Fujian Jinquan Trade Co., Ltd. ¹¹	10.60	15.96
Fujian Yinfeng Imp & Exp Trading Co., Ltd. ¹²	6.63	6.46
Non-Selected Companies Under Review ¹³	7.64	8.89

Disclosure

We intend to disclose the calculations performed in connection with the final results of review to parties in this proceeding within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review, for the above-listed companies at the applicable *ad valorem* assessment rates listed for the corresponding time periods (*i.e.*, June 12, 2020, to December 31, 2020, and January 1, 2021, to December 31, 2021). For entries made during the gap period (*i.e.*, on or after October 10, 2020, through February 16, 2021), we will continue to instruct CBP to liquidate the entries without regard to countervailing duties pursuant to section 703(d) of the Act. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S.

Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for 2021, the second year covered by the POR, for each of the respective 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.¹⁴ For all non-reviewed firms subject to the *Order*, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, effective upon publication of the final results of review, shall remain in effect until further notice.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an APO of their

responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: September 1, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Final Rescission of Review, in Part
- IV. Scope of the *Order*
- V. Diversification of China's Economy
- VI. Use of Facts Otherwise Available and Application of Adverse Inferences

¹¹ Jinquan is cross-owned with Fujian Province Youxi County Baiyuan Wood Machining Co., Ltd.

¹² The following companies are cross-owned with Yinfeng: Fujian Province Youxi City Mangrove

Wood Machining Co., Ltd.; and Fujian Province Youxi City Mangrove Wood Machining Co., Ltd. Youxi Xicheng Branch, Fujian Province.

¹³ *See* Appendix III.

¹⁴ *See* Comment 3 in the Issues and Decision Memorandum for further discussion.

VII. Subsidies Valuation Information

VIII. Analysis of Programs

IX. Discussion of the Issues

- Comment 1: Whether Commerce Should Change Its Preliminary Findings Regarding the Export Buyer's Credit Program (EBCP)
- Comment 2: Whether Commerce Should Rescind the Administrative Review for Certain Companies
- Comment 3: Whether Commerce Should Average the Respondents' 2020 and 2021 Total *Ad Valorem* Subsidy Rates for Use as a Cash Deposit Rate
- Comment 4: Whether Certain Purchases of Upstream Inputs Should Have Been Reported and/or Countervailed
- Comment 5: Whether Commerce Should Apply Adverse Facts Available (AFA) to Jinquan for Its Cross-Owned Producer's Unreported Purchases of Primer for Less Than Adequate Remuneration (LTAR) and Wood Glues and Adhesives (Adhesives) for LTAR

- Comment 6: Whether Commerce Should Rely on Certain Inland Freight Data in Calculating Benchmarks for Inputs for LTAR
- Comment 7: Whether the GOC's Provision of Electricity for LTAR Is Specific
- Comment 8: Whether Individually Owned Input Suppliers Are Government Authorities
- Comment 9: Whether Commerce Should Use the Respondents' Revised Sales Data From Verification in the Final Results
- Comment 10: Whether Commerce Should Make Changes to Its Benchmark Calculations for Ocean Freight
- A. Whether Commerce Should Use Certain Ocean Freight Data in Calculating Benchmarks
- B. Whether Commerce Should Adjust Its Averaging Methodology
- Comment 11: Whether Commerce Should Rely on Certain Land Benchmark Data
- Comment 12: Whether Commerce Should Adjust Its Calculation of Electricity for LTAR Benefits

- Comment 13: Whether Commerce Should Correct Certain Errors in Yinfeng's Preliminary Rate Calculation
- Comment 14: Whether Commerce Should Correct Errors in Jinquan's Preliminary Calculation of Benefit for Land for LTAR
- X. Recommendation

Appendix II**Companies for Which the Review Is Rescinded Due to No Reviewable/Suspended Entries**

1. Aventura Inc.
2. China Cornici Co., Ltd.
3. Omni One Co., Limited
4. Raoping HongRong Handicrafts Co., Ltd. (d.b.a. Chen Chui Global Corp.)
5. Shenzhen Xinjintai Industrial Co., Ltd.

Appendix III**Table of Rates for Non Selected Companies Under Review**

Producer/exporter	Net countervailable subsidy rate for June 12 to December 31, 2020 (percent <i>ad valorem</i>)	Net countervailable subsidy rate for January 1 to December 31, 2021 (percent <i>ad valorem</i>)
Anji Huaxin Bamboo & Wood Products Co., Ltd	7.64	8.89
Baixing Import and Export Trading Co., Ltd. Youxi Fujian	7.64	8.89
Bel Trade Wood Industrial Co	7.64	8.89
Bel Trade Wood Industrial Co., Ltd. Youxi Fujian	7.64	8.89
Cao County Hengda Wood Products Co., Ltd	7.64	8.89
Fotiu Frames Limited	7.64	8.89
Fujian Hongjia Craft Products Co., Ltd	7.64	8.89
Fujian Shunchang Shengsheng Wood Industry Limited Company	7.64	8.89
Fujian Wangbin Decorative Material Co., Ltd	7.64	8.89
Fujian Youxi Best Arts & Crafts Co., Ltd	7.64	8.89
Fujian Zhangping Kimura Forestry Products Co., Ltd	7.64	8.89
Homebuild Industries Co., Ltd	7.64	8.89
Jiangsu Chensheng Forestry Development Co., Ltd	7.64	8.89
Jiangsu Wenfeng Wood Co., Ltd	7.64	8.89
Longquan Jiefeng Trade Co., Ltd	7.64	8.89
Nanping Huatai Wood & Bamboo Co., Ltd	7.64	8.89
Putian Yihong Wood Industry Co., Ltd	7.64	8.89
Shaxian Hengtong Wood Industry Co., Ltd	7.64	8.89
Shaxian Shiyiwood, Ltd	7.64	8.89
Shuyang Kevin International Co., Ltd	7.64	8.89
Wuxi Boda Bamboo & Wood Industrial Co., Ltd	7.64	8.89
Zhangzhou Wangjamei Industry & Trade Co., Ltd	7.64	8.89
Zhangzhou Yihong Industrial Co., Ltd	7.64	8.89

[FR Doc. 2023-19490 Filed 9-8-23; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**International Trade Administration****Initiation of Antidumping and Countervailing Duty Administrative Reviews**

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) has received requests to conduct administrative reviews of

various antidumping duty (AD) and countervailing duty (CVD) orders with July anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable September 11, 2023.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4735.

SUPPLEMENTARY INFORMATION:**Background**

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders with July anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

With respect to antidumping administrative reviews, if a producer or exporter named in this notice of

initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at <https://access.trade.gov>, in accordance with 19 CFR 351.303.¹ Such submissions are subject to verification, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on Commerce's service list.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POR. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted within seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act, the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be "collapsed" (e.g., treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this AD proceeding

(e.g., investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection.

Parties are requested to: (a) identify which companies subject to review previously were collapsed; and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.² Section 773(e) of the Act states that "if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology." When an interested

party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial responses to section D of the questionnaire.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a Separate Rate Application or Certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate

¹ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

² See Trade Preferences Extension Act of 2015, Public Law 114-27, 129 Stat. 362 (2015).

Rate Certification form will be available on Commerce's website at <https://access.trade.gov/Resources/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the "Instructions for Filing the Certification" in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding³ should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition,

companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,⁴ should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce's website at <https://access.trade.gov/Resources/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-

owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

Exporters and producers must file a timely Separate Rate Application or Certification if they want to be considered for individual examination. Furthermore, exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than July 31, 2024.

	Period to be reviewed
AD Proceedings	
BELGIUM: Citric Acid and Certain Citrate Salts, A-423-813 Citribel nv.	7/1/22-6/30/23
CANADA: Large Diameter Welded Pipe, A-122-863 Shaw Pipe Protection ⁵ .	5/1/22-4/30/23
COLOMBIA: Citric Acid and Certain Citrate Salts, A-301-803 Sucroal S.A.	7/1/22-6/30/23
INDIA: Polyethylene Terephthalate (Pet) Film, A-533-824 Chiripal Poly Films Limited. Cosmo First Ltd. India. Ester Industries Ltd. Garware Polyester Ltd. Jindal Poly Films Ltd. Jindal Poly Films Ltd. (India); Jindal Poly Films. Polyplex Corporation Ltd. SRF Ltd.; SRF Limited of India. Vacmet India Ltd.	7/1/22-6/30/23
ITALY: Certain Pasta, A-475-818 Aldino S.r.l. F. Divella S.p.A. Gruppo Alimentare Mediterraneo Milo S.r.l. La Molisana S.p.A. Pastificio Chiavenna S.r.l. Pastificio Gentile S.r.l. Pastificio Mediterranea S.R.L. Pastificio Rigo S.P.A. Pastificio Tamma S.r.l. Sgambato S.p.A. Valdigrano Di Flavio Pagani S.r.l.	7/1/22-6/30/23
JAPAN: Stainless Steel Sheet and Strip in Coils, A-588-845 Daido Kogyo Co., Ltd. Hanwa Co., Ltd. Honda Trading Corporation. JFE Shoji Trading Corp. JFE Steel Corp.; Kawasaki Steel Corporation. Mitsui & Co., Ltd. Nippon Metal Industries. Nippon Steel Corporation. Nippon Steel Trading Co., Ltd.	7/1/22-6/30/22

³ Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (e.g., an ongoing administrative review, new

shipper review, etc.) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

⁴ Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
Nippon Yakin Kogyo. Nisshin Steel Co., Ltd. Okaya & Co., Ltd. Proterial Ltd. Sakamoto Industries Co., Ltd. Shinsho Corporation. Sumitomo Corporation. Tomiyasu & Co., Ltd. Toyo Kihan Co., Ltd. MALAYSIA: Certain Steel Nails, A-557-816 Alsons Manufacturing India, LLP. Asia Bolts & Nuts Sdn. Bhd. Astrotech Steels Pvt. Ltd. AV Fastener (M) Sdn. Bhd. Chia Pao Metal Co., Ltd. Chin Lai Hardware Sdn. Bhd. Chin Well Fasteners Co. Chuan Heng Hardware Paints and Building Materials Sdn. Bhd. Come Best (Thailand) Co., Ltd. Gbo Fastening Systems AB. Geekay Wires Limited. Gripwell Fastening (M) Sdn. Bhd. Impress Steel Wire Industries Sdn. Bhd. Inmax Sdn. Bhd. Inmax Industries Sdn. Bhd. Fastenal Malaysia Sdn. Bhd. Fuji Fastener Manufacturing Sdn. Bhd. Kerry-Apex (Thailand) Co., Ltd. Kimmu Trading Sdn., Bhd. Kimmu Industries Sdn. Bhd. Madura Fasteners Sdn. Bhd. Modern Factory for Steel Industries Co., Ltd. Multi Venture Resources Sdn. Bhd. Oman Fasteners LLC. Region System Sdn. Bhd. Region International Co., Ltd. RM Wire Industries Sdn. Bhd. S.H. Chooi Fasteners. SK Bolts & Fasteners Sdn. Bhd. Soon Shing Building Materials Sdn. Bhd. Storeit Services LLP. Sunmat Industries Sdn. Bhd. Tag Fasteners Sdn. Bhd. Tag Staples Sdn. Bhd. Tampin Sin Yong Wai Industry Sdn. Bhd. Top Remac Industries. Trinity Steel Private Limited. UD Industries Sdn. Bhd. Vien Group Sdn. Bhd. Watasan Industries Sdn. Bhd. Winston Mayer Sdn. Bhd. Wing Tai Fastener Manufacturer. WWL India Private Ltd. Yew Siong Industrial Supplies Sdn. Bhd. OMAN: Certain Steel Nails, A-523-808 Al Ansari Teqmark, LLC. Al Kiyumi Global LLC. Al Sarah Building Materials LLC. Astrotech Steels Private Ltd.. Buraimi Iron & Steel, LLC. CL Synergy (Pvt) Ltd. Diamond Foil Trading LLC. Geekay Wires Ltd. Gulf Nails LLC. Gulf Nails Manufacturing, LLC. Gulf Steel Manufacturers, LLC. Modern Factory for Metal Products, LLC. Muscat Industrial Company, LLC. Muscat Nails Factory Golden Asset Trade, LLC. Oman Fasteners LLC. Oman Ocean Trading L.L.C. Trinity Steel Pvt. Ltd. WWL Indian Private Ltd.	7/1/22-6/30/23 7/1/22-6/30/23

	Period to be reviewed
REPUBLIC OF KOREA: Certain Corrosion-Resistant Steel Products, A-580-878 Dongbu Incheon Steel Co., Ltd. Dongkuk Coated Metal Co., Ltd. Dongkuk International, Inc. Dongkuk Steel Mill Co., Ltd. Hyundai Steel Company. KG Steel Corporation; KG Dongbu Steel Co., Ltd. POSCO. POSCO Coated & Color Steel Co., Ltd. POSCO International Corporation. POSCO STEELEON Co., Ltd. SeAH Coated Metal Corporation. SeAH Steel Corporation.	7/1/22-6/30/23
REPUBLIC OF KOREA: Stainless Steel Sheet and Strip, A-580-834 DK Corporation. Dongbu Steel Co., Ltd. Dongkuk Steel Mill Co., Ltd. Hyundai Steel Company ⁶ . KG Dongbusteel Co., Ltd. Korinox Co., Ltd. Pohang Iron & Steel Co., Ltd. (POSCO) ⁷ . POSCO International Corp. Taihan Electric Wire Co., Ltd. Topco Global Ltd.	7/1/22-6/30/23
REPUBLIC OF KOREA: Certain Steel Nails, A-580-874 Agi Co., Ltd. Ansing Fasteners Co. Ltd. Astrotech Steels Private Limited. Beijing Catic Industry Limited. Beijing Jinheung Co., Ltd. Big Mind Group Co., Ltd. Changzhou Kya Trading Co., Ltd. China Staple Enterprise Tianjin Co. Ltd. CMT Co. Ltd. D&F Material Products Ltd. Daejin Steel Company. De Well Group Korea Co., Ltd. Dezhou Hualude Hardware Products Co. Ltd. DLF Industry Co., Limited. Dong Yang Chemical Co. Ltd. Doublemoon Hardware Company Ltd. DT China (Shanghai) Ltd. Dugwoo Co. Ltd. Ejen Brothers Limited. England Rich Group (China) Ltd. Ever Leading International Inc. Fastgrow International Co., Inc. Geekay Wires Limited. Glovis America, Inc. GWP Industries (Tianjin) Co., Ltd. Haas Automation Inc. Handuk Industrial Co., Ltd. Hanmi Staple Co., Ltd. Hanwoo Industrial Co. Ltd. Hebei Cangzhou New Century Foreign Trade Co., Ltd. Hebei Longshengyuan Trade Co Ltd. Hebei Minmetals Co., Ltd. Hebei Shinyee Trade Co. Ltd. Hengtuo Metal Products Company Limited. Home Value Co., Ltd. Hongyi (Hk) Hardware Products Co., Limited. Hongyi (Hk) Industrial Co., Limited. Huanghua RC Business Co., Ltd. Huanghua Yingjin Hardware Products Co., Ltd. HWA Shin Bolt Ind. Co. Ltd. Inmax Industries Sdn. Bhd. JCD Group Co., Limited. Je-il Wire Production Co., Ltd. Jining Jufu International Trade Co. Jushiqiangersen (Tianjin) International Trade Co., Ltd. Kabool Fasteners Co. Ltd. KB Steel. Kerry-Apex (Thailand) Co., Ltd.	7/1/22-6/30/23

	Period to be reviewed
Koram Inc. Korea Wire Co., Ltd. KPF Co., Ltd. Kuehne & Nagel Ltd. Linyi Double-Moon Hardware Products Co., Ltd. Linyi Flyingarrow Imp. & Exp. Co., Ltd. Linyi Jianchengde Metal Hardware Co. Linyi Yitong Chain Co., Ltd. Manho Rope and Wire Ltd. Max Co., Ltd. Mingguang Ruifeng Hardware Products Co., Ltd. Nailtech Co., Ltd. Nanjing Sengjiao Trading Co., Ltd. Needslink, Inc. Ocean King International Industries Limited. Paslode Fasteners (Shanghai) Co., Ltd. Peace Industries Ltd. Korea. Peace Korea Co., Ltd. Qingdao Ant Hardware Manufacturing Co., Ltd. Qingdao Best World Industry-Trading Co., Ltd. Qingdao Cheshire Trading Co., Ltd. Qingdao Hongyuan Nail Industry Co., Ltd. Qingdao JCD Machinery Co., Ltd. Qingdao Jiawei Industry Co., Limited. Qingdao Jisco Co., Ltd. Qingdao Master Metal Products Co., Ltd. Qingdao Meijialucky Industry and Co. Qingdao Mst Industry and Commerce Co., Ltd. Qingdao Ruitai Trade Co., Ltd. Qingdao Shantron Int'l Trade Co., Ltd. Qingdao Shenghengtong Metal Products Co., Ltd. Qingdao Sunrise Metal Products Co., Ltd. Qingdao Tian Heng Xiang Metal Products Co., Ltd. Qingdao Top Metal Industrial Co., Ltd. Rewon Systems, Inc. Rise Time Industrial Ltd. Salt International Co. Ltd. Shandong Dominant Source Group Co., Ltd. Shandong Guomei Industry Co., Ltd. Shanghai Curvet Hardware Products Co., Ltd. Shanghai Goldenbridge International Co., Ltd. Shanghai Pinnacle International Trading Co., Ltd. Shanghai Zoonlion Industrial Co., Ltd. Shanxi Pioneer Hardware Industrial Co., Ltd. Shanxi Sanhesheng Trade Co., Ltd. Shaoxing Bohui Import & Export Co., Ltd. Shijiazhuang Tops Hardware Manufacturing Co., Ltd. Shijiazhuang Yajiada Metal Products Co., Ltd. Shin Jung TMS Corporation Ltd. Shinheung Industry Co. SSS Hardware International Trading Co., Ltd. Storeit Services LLP. Tangshan Jason Metal Materials Co., Ltd. Test Rite International Co., Ltd. The Inno Steel Industry Company. Tianjin Bluekin Industries Limited. Tianjin Coways Metal Products Co., Ltd. Tianjin Hweschun Fasteners Manufacturing Co. Ltd. Tianjin Jinchu Metal Products Co., Ltd. Tianjin Jinghai County Hongli Industry and Business Co., Ltd. Tianjin Jinzhuang New Material Sci Co., Ltd. Tianjin Lianda Group Co., Ltd. Tianjin Zhonglian Metals Ware Co., Ltd. Tianjin Zhonglian Times Technology Co., Ltd. Un Global Company Limited. Unicorn (Tianjin) Fasteners Co., Ltd. United Company for Metal Products. W&K Corporation Limited. Weifang Wenhe Pneumatic Tools Co., Ltd. Wulian Zhanpengmetals Co., Ltd. Xian Metals And Minerals Import And Export Co., Ltd. Youngwoo Fasteners Co., Ltd. Youone Fastening Systems.	

	Period to be reviewed
Zhangjiagang Lianfeng Metals Products Co., Ltd.	
Zhaoqing Harvest Nails Co., Ltd.	
REPUBLIC OF KOREA: Large Diameter Welded Pipe, A-580-897 ^a	5/1/22-4/30/23
REPUBLIC OF KOREA: Passenger Vehicle and Light Truck Tires, A-580-908	7/1/22-6/30/23
Hankook Tire & Technology Co., Ltd.	
Kumho Tire Co., Inc.	
Nexen Tire Corporation.	
SOCIALIST REPUBLIC OF VIETNAM: Steel Nails A-552-818	7/1/22-6/30/23
Anhui Sunwell Products Co. Ltd.	
Atlantic Manufacture Inc.	
Chin Well Fasteners (Vietnam) Company Limited.	
Come Best (Thailand) Co., Ltd.	
Công Ty Cô Phân Công Nghiệp Co.	
Cuong Dinh Co. Ltd.	
Delmar International (Vietnam) Ltd.	
Detchun Vietnam Joint Stock Company.	
Dinh Nguyen Service Trading Production Co. Ltd.	
Dinh Thanh Phat Trade One Member Co. Ltd.	
Easy Link Industrial Co. Ltd.	
Geekay Wires Limited.	
Hiep Dat Dong Nai Corporation.	
Hong De New Material Co., Ltd.	
Inmax Industries Sdn., Bhd.	
Jinhai Hardware Co., Ltd.	
J.S.C Industrial and Commercial LIDOVIT.	
Kim Hoang Industrial Nails Production and Trading Service Co. Ltd.	
KPF Vietnam Co., Ltd.	
KPF Vina Co., Ltd.	
Lamvien Bolt & Screw Co., Ltd.	
Linkwell Industry Co., Ltd.	
Prince Fasteners (Vietnam) Co., Ltd.	
Pudong Prime International Co., Ltd.	
Region Industries Co., Ltd.	
Siêu Thị Bulong Inox Chi Niêm.	
Storeit Services LLP.	
T.H.I. Group (Shanghai) Limited.	
The Inno Steel Co., Ltd.	
Topy Fasteners Vietnam Co., Ltd.	
Vina Hardwares J.S.C.	
Vinavit Corp.	
SOCIALIST REPUBLIC OF VIETNAM: Welded Stainless Pressure Pipe, A-552-816	7/1/22-6/30/23
Mejonson Industrial Vietnam Co., Ltd.	
Sonha International Corporation.	
Sonha Ssp Vietnam Sole Member Co. Limited.	
Vinlong Stainless Steel (Vietnam) Co., Ltd.	
TAIWAN: Corrosion-Resistant Steel Products, A-583-856	7/1/22-6/30/23
China Steel Corporation.	
Chung Hung Steel Corporation.	
Great Fortune Steel Co., Ltd.	
Great Grandeul Steel Co., Ltd.	
Great Grandeul Steel Company Limited (Somoa).	
Great Grandeul Steel Corporation.	
Prosperity Tieh Enterprise Co., Ltd.	
Sheng Yu Steel Co., Ltd.	
Xxentria Technology Materials Company Ltd.	
Yieh Phui Enterprise Co., Ltd.	
TAIWAN: Passenger Vehicle and Light Truck Tires A-583-869	7/1/22-6/30/23
Cheng Shin Rubber Ind. Co. Ltd.	
Nankang Rubber Tire Corp., Ltd.	
TAIWAN: Polyethylene Terephthalate (Pet) Film, A-583-837	7/1/22-6/30/23
Nan Ya Plastics Corporation.	
Shinkong Materials Technology Co. Ltd; Shinkong Materials Technology Corporation; Shinkong Synthetic Fibers Corporation; Shinkong Synthetic Fibers Corp.	
TAIWAN: Stainless Steel Sheet and Strip in Coils, A-583-831	7/1/22-6/30/23
Broad International Resources Ltd.	
Chain Chon Industrial Co., Ltd.	
Cheng Feng Plastic Co., Ltd.	
Chia Far Industrial Factory Co., Ltd.	
Chien Shing Stainless Co.	
China Steel Corporation.	
Chung Hung Steel Corp.	
Chyang Dah Stainless Co., Ltd.	
Dah Shi Metal Industrial Co., Ltd.	

	Period to be reviewed
Da-Tsai Stainless Steel Co., Ltd. DB Schenker (HK) Ltd. Taiwan Branch. DHV Technical Information Co., Ltd. Froch Enterprises Co., Ltd. Gang Jou Enterprise Co., Ltd. Genn Hann Stainless Steel Enterprise Co., Ltd. Goang Jau Shing Enterprise Co., Ltd. Goldioceans International Co., Ltd. Gotosteel Ltd. Grace Alloy Corp. Hung Shuh Enterprises Co., Ltd. Hwang Dah Steel Inc. Jie Jin Stainless Steel Industry Co., Ltd. JJSE Co., Ltd. KNS Enterprise Co., Ltd. Lancer Ent. Co., Ltd. Lien Chy Laminated Metal Co., Ltd. Lien Kuo Metal Industries Co., Ltd. Lih Chan Steel Co., Ltd. Lung An Stainless Steel Ind. Co., Ltd. Master United Corp. Maytun International Corp. NKS Steel Ind. Ltd. PFP Taiwan Co., Ltd. Po Chwen Metal. Prime Rocks Co., Ltd. S More Steel Materials Co., Ltd. Shih Yuan Stainless Steel Enterprise Co., Ltd. Silineal Enterprises Co., Ltd. Stanch Stainless Steel Co., Ltd. Ta Chen Stainless Pipe Company Ltd. Tah Lee Special Steel Co., Ltd. Taiwan Nippon Steel Stainless. Tang Eng Iron Works Company, Ltd. Teng Yao Hardware Industrial Co., Ltd. Tibest International Inc. Ton Yi Industrial Corp. Tsai See Enterprise Co., Ltd. Tung Mung Development Co Ltd ⁹ . Vasteel Enterprises Co., Ltd. Vulcan Industrial Corporation. Wuu Jing Enterprise Co., Ltd. Yc Inox Co., Ltd. Yes Stainless International Co., Ltd. Yieh Mau Corporation. Yieh Phui Enterprise Co., Ltd. Yieh Corp; Yieh Trading Corporation. Yieh United Steel Corporation. Yu Ting Industries Co., Ltd. Yue Seng Industrial Co., Ltd. Yuen Chang Stainless Steel Co., Ltd. Yung Fa Steel & Iron Industry Co., Ltd.	
TAIWAN: Steel Nails, A-583-854 A-Jax Enterprises Limited. A-Jax International Company Limited. A-Stainless International Company Limited. Advanced Global Sourcing Limited. Aimreach Enterprises Company Limited. Alishan International Group Co., Ltd. Alisios International Corporation. Allwin Architectural Hardware Inc. A.N. Cooke Manufacturing Co., Pty., Limited. Asia Engineered Components. Asia Link Industrial Corporation. Asia Smarten Way Corp. (Taiwan). Astrotech Steels Private Ltd. Autolink International Company Limited. BCR Inc. Bestwell International Corporation. Boltun Corporation Ltd. Budstech CI Limited. Bulls Technology Company Limited. Canatex Industrial Company Limited.	7/1/22-6/30/23

	Period to be reviewed
Cata Company Limited. Cenluxmetals Company Limited. Chang Bin Industrial Co., Ltd.. Channg Chin Industry Corporation. Chang Yu Industrial Company. Chen Nan Iron Wire Co., Ltd. Chen Yu-Lan. Chia Da Fastener Company Limited. Chia Long Enterprise Co. Ltd. Chiang Shin Fasteners Industries Ltd. Chin Tai Sing Precision Manufactory Co., Ltd. Chun Yu Works & Company Limited. Concord International Engineering & Trading Co., Ltd. Cornwall Enterprise Co., Ltd. Create Trading Co., Ltd. Cross International Co., Ltd. Cyuan Hong Enterprise Co. Da Wing Industry Company Limited. Dar Yu Enterprise Co., Ltd. DFK Industrial Corp. Eagre International Trade Co., Ltd. Ever-Top Hardware Corporation. Excel Components Manufacturing Co., Ltd. Excellence Industrial Co. Ltd. Fastguard Fastening Systems Inc. Fastnet Corporation. Feng Yi Steel Co. Ltd. Foison Hardware Income. Fong Yien Industrial Co., Ltd. Fujian Xinhong Mech. & Elec. Co., Ltd. Funtec International Co., Ltd. Fuzhou Royal Floor Co., Ltd. FWU Kuang Enterprise Co., Ltd. GoFast Company Limited. H-H Fasteners Company. H-Locker Components Inc. Hau Kawang Enterprise Co., Ltd. Hecny Group. Hi-Sharp Industrial Corp., Ltd. Hom Wei Enterprise Corporation. Hor Liang Industrial Corp. Hsieh Shuniron Wire Manufacturing Co. Ltd. HWA Hsing Screw Industry Co., Ltd. Hwaguo Industrial Fasteners Co., Ltd. Hy-Mart Fastener Co., Ltd. Hyup Sung Indonesia. In Precision Link Co., Ltd. Intai Technology Corporation. Integral Building Products Inc. JCH Hardware Company Inc. Ji Li Deng Fasteners Co., Ltd. Jinhai Hardware Co., Ltd. Jinn Her Enterprise Limited. Jockey Ben Metal Enterprise Co., Ltd. Jointech Fasteners International Co., Ltd. JunHai Enterprise Co. Ltd. Kan Good Enterprise Co., Ltd. Katsuhana Fasteners Corporation. Key Use Industrial Works Co., Ltd. Kot Uniontek Co. Ltd. K. Ticho Industries Co., Ltd. K Win Fasteners Inc. Kuan Hsin Screw Industry Co., Ltd. Liang Chyuan Industrial Co., Ltd. Liang Ying Fasteners Industry Co., Ltd. Long Chan Enterprise Co., Ltd. Lu Chu Shin Yee Works Co., Ltd. M&W Fasteners Co. Ltd. Mechanical Hardwares Co. Midas Union Co., Ltd. Min Hwei Enterprise Co., Ltd. Ming Cheng Precision Co., Ltd. Ming Zhan Industrial Co., Ltd.	

	Period to be reviewed
ML Global Ltd. New Pole Power System Com. Ltd. Newfast Co., Ltd. Noah Enterprise Co., Ltd. Nufasco Fastening System Corp. Nytaps Taiwan Corporation. Pao Shen Enterprises Co., Ltd. Par Excellence Industrial Co., Ltd. Pengteh Industrial Co., Ltd. Pneumax Corp. Printech T Electronics Corporation. Pro-an International Co., Ltd. Pro-Team Coil Nail Enterprise, Inc. Pronto Great China Corp. Professional Fasteners Development Co., Ltd. P.S.M. Fasteners (Asia) Limited. PT Enterprise, Inc. Qi Ding Enterprise Co., Ltd. Real Fasteners Inc. Region System Sdn. Bhd. Region Industries Co., Ltd. Region International Co., Ltd. Right Source Co., Ltd. Rodex Fasteners Corp. Rong Chang Metal Co., Ltd. Romp Coil Nail Industries Inc. San Shing Fastech Corporation. SBSCQ Taiwan Limited. Shang Jeng Nail Co., Ltd. Shanxi Pioneer Hardware Industrial Co., Ltd. Shen Fong Industries Co. Shin Guang Yin Enterprise Co. Ltd. Somax Enterprise Co., Ltd. Soon Port International Co. Ltd. Spec Products Corporation. Star World Product and Trading Co., Ltd. Sumeeko Industries Co., Ltd. Sunshine Spring Co., Ltd. Suntec Industries Co., Ltd. Super Nut Industrial Co., Ltd. Supreme Fasteners Corp. Szu I Industries Co., Ltd. Tag Fasteners Sdn. Bhd. Taifas Corporation. Taiwan Geer-Tai Works Co., Ltd. Taiwan Quality Fastener Co., Ltd. Team Builder Enterprise Limited. Techno Associates Taiwan Co., Ltd. Techup Development Co., Ltd. TG Co., Ltd. Tianjin Jinchu Metal Products Co. Ltd. Tong Hwei Enterprise Co., Ltd. Topps Wang International Ltd. Ume-Pride International Inc. Unicatch Industrial Co., Ltd. Unistrong Industrial Co., Ltd. United Nail Products Co. Ltd. United Tec Fastening Inc. Vanguard International Co., Ltd. Wa Tai Industrial Co., Ltd. Way Fast International Co., Ltd. Win Fastener Corporation. Wiresmith Industrial Co., Ltd. World Kun Co., Ltd. WTA International Co., Ltd. Wu Shun Enterprise Co. Wumax Industry Co., Ltd. Wyser International Corporation. Yeong Ming Steel Iron Co. Ltd. Yeun Chang Hardware Tool Company Limited. Yiciscrew Co., Ltd. Yng Tran Enterprise Company Limited. Yoh Chang Enterprise Company Limited.	

	Period to be reviewed
Your Standing International Inc. Yow Chern Company. Yumark Enterprises Corporation. Yu Tai World Co., Ltd. Zenith Good Enterprise Corporation. Zonbix Enterprise Co. Ltd. THAILAND: Citric Acid and Certain Citrate Salts, A-549-833	7/1/22-6/30/23
COFCO Biochemical (Thailand) Co., Ltd. Sunshine Biotech International Co., Ltd. Xitrical Group Co., Ltd. THAILAND: Passenger Vehicle and Light Truck Tires, A-549-842	7/1/22-6/30/23
Bridgestone Company, Ltd. Bridgestone Tire Manufacturing (Thailand) Co., Ltd. Deestone Corporation Ltd. Deestone Corporation Public Company Limited. General Rubber (Thailand) Co., Ltd. LLIT (Thailand) Co., Ltd. Maxxis International (Thailand) Co., Ltd. Otani Radial Company Limited. Prinx Chengshan Tire (Thailand) Co., Ltd. S.R. Tyres Co., Ltd. Sentury Tire (Thailand) Co., Ltd. Sumitomo Rubber (Thailand) Co., Ltd. Thai Bridgestone Co., Ltd. Vee Tyre & Rubber Co., Ltd. Zhongce Rubber (Thailand) Co., Ltd. THE PEOPLE'S REPUBLIC OF CHINA: Collated Steel Staples, A-570-112	7/1/22-6/30/23
Shanghai Yueda Nail Co., Ltd. Tianjin Hweschun Fasteners Manufacturing, Co., Ltd. Vina Hardwares Joint Stock Company. YF Technology Corporation (Thailand) Ltd. YF Technology Corporation Limited. Zhejiang Best Nail Industrial Co., Ltd./Shaoxing Bohui Import & Export Co., Ltd. THE PEOPLE'S REPUBLIC OF CHINA: Quartz Surface Products, A-570-084	7/1/22-6/30/23
Bada Industries. Karina Stone. Universal Quartz. THE PEOPLE'S REPUBLIC OF CHINA: Xanthan Gum, A-570-985	7/1/22-6/30/23
A.H.A International Co., Ltd. CP Kelco (Shandong) Biological Company Limited. Deosen Biochemical Ltd./Deosen Biochemical (Ordos) Ltd. East Chemsources Ltd. Far East International Forwarding Company. Foodchem Biotech Co., Ltd. Foodchem Biotech Pte., Ltd. Greenhealth International Co., Ltd. (Hong Kong). Guangzhou Zio Chemical Co., Ltd. Hangzhou Yuanjia Chemical Co., Ltd. Hebei Xinhe Biochemical Co., Ltd. Henan Sinowin Chemical Industry Co., Ltd. Inner Mongolia Jianlong Biochemical Co., Ltd. Jianlong Biotechnology Co., Ltd. Meihua Group International Trading (Hong Kong) Limited/Langfang Meihua Biotechnology Co., Ltd./Xinjiang Meihua Amino Acid Co., Ltd. Nanotech Solutions SDN BHD. Neimenggu Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.), Shandong Fufeng Fermentation Co., Ltd., and Xinjiang Fufeng Biotechnologies Co., Ltd. Pingxiang Omni Trading Co., Ltd. Qingdao Yalai Chemical Co., Ltd. Shaanxi Rainwood Biotech Co., Ltd. Shanghai Cy-Everlasting Imp. & Exp. Co., Ltd. Shanghai Smart Chemicals Co. Ltd. Shanghai Tianjia Biochemical Co., Ltd. Shaanxi Rainwood Biotech Co. Ltd. Shanxi Reliance Chemicals Co., Ltd. The TNN Development Ltd. Tianjin Okay International Trading Co., Ltd. Unibest Industrial Co., Ltd. Unionchem Corp. Ltd. Wanping Bio Chem Co., Ltd. Weifang Hongyuan Chemical Co., Ltd. Xinjiang Fufeng Biotechnologies Co., Ltd. Xinjiang Meihua Amino Acid Co., Ltd.	

	Period to be reviewed
Zhejiang Joston Machinery Company. TURKEY: Steel Concrete Reinforcing Bar, A-489-829 Colakoglu Metalurji A.S./Colakoglu Dis Ticaret A.S. Diler Dış Ticaret A.S. Ekinciler Demir ve Celik Sanayi A.S. Habaş Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S. Kaptan Demir Celik Endustrisi Ve Ticaret A.S./Kaptan Metal Dis Ticaret Ve Nakliyat A.S. UKRAINE: Oil Country Tubular Goods, A-823-815 Interpipe Europe S.A.; Interpipe Ukraine LLC; PJSC Interpipe Niznedneprovskv Tube Rolling Plant (aka Interpipe NTRP); LLC Interpipe Niko Tube.	7/1/22-6/30/23 7/1/22-6/30/23
CVD Proceedings	
INDIA: Polyethylene Terephthalate (Pet) Film, C-533-825 Chiripal Poly Films Limited. Cosmo First Ltd., India. Ester Industries, Ltd. Garware Polyester Ltd. Jindal Poly Films Ltd. (India); Jindal Poly Films Limited. Polyplex Corporation, Ltd. SRF Limited; SRF Limited of India. Vacmet India Limited. ITALY: Certain Pasta, C-475-819 Gruppo Alimentare Mediterraneo Milo S.r.l.; GR.A.M.M. S.R.L. Pastificio Gentile S.r.l. Sgambaro SpA. REPUBLIC OF KOREA: Certain Corrosion-Resistant Steel Products, C-580-879 Hyundai Steel. Hyundai Steel Company. Hyundai Steel Co., Ltd. KG Dongbu Steel Co., Ltd.; KG Steel Corporation. POSCO. POSCO International. POSCO Coated & Color Steel Co., Ltd. POSCO Steeleon Co., Ltd. SeAH Coated Metal Corporation. SeAH Steel Corporation. SOCIALIST REPUBLIC OF VIETNAM: Passenger Vehicle and Light Truck Tires, C-552-829 Bridgestone Tire Manufacturing Vietnam, LLC. Kumho Tire Co., Inc. Kumho Tire (Vietnam) Co., Ltd. Sailun (Vietnam) Co., Ltd. SOCIALIST REPUBLIC OF VIETNAM: Steel Nails, C-552-819 Anhui Sunwell Products Co. Ltd. Atlantic Manufacture Inc. Chin Well Fasteners (Vietnam) Company Limited. Come Best (Thailand) Co., Ltd. Công Ty Cô Phân Công Nghiệp Co. Cuong Dinh Co. Ltd. Delmar International (Vietnam) Ltd. Detchun Vietnam Joint Stock Company. Dinh Nguyen Service Trading Production Co. Ltd. Dinh Thanh Phat Trade One Member Co. Ltd. Easy Link Industrial Co. Ltd. Geekay Wires Limited. Hiep Dat Dong Nai Corporation. Hong De New Material Co., Ltd. Inmax Industries Sdn., Bhd. Jinhai Hardware Co., Ltd. J.S.C Industrial and Commercial LIDOVIT. Kim Hoang Industrial Nails Production and Trading Service Co. Ltd. KPF Vietnam Co., Ltd. KPF Vina Co., Ltd. Lamvien Bolt & Screw Co., Ltd. Linkwell Industry Co., Ltd. Prince Fasteners (Vietnam) Co., Ltd. Pudong Prime International Co., Ltd. Region Industries Co., Ltd. Siêu Thi; Bulong Inox Chi; Niêm. Storeit Services LLP. T.H.I. Group (Shanghai) Limited. The Inno Steel Co., Ltd. Topy Fasteners Vietnam Co., Ltd.	1/1/22-12/31/22 1/1/22-12/31/22 1/1/22-12/31/22 1/1/22-12/31/22 1/1/22-12/31/23

	Period to be reviewed
Vina Hardwares J.S.C. Vinavit Corp. THE PEOPLE'S REPUBLIC OF CHINA: Collated Steel Staples, C-570-113 Anhui Z&A Import And Export Co., Ltd. Anping Haotie Metal Technology Co. Changzhou Kya Trading Co., Ltd. China Wind International Ltd. Dezhou Hualude Hardware Products Co., Ltd. Dt China (Shanghai) Ltd., Ningbo Branch. Eastrong International. Ejen Brothers Limited. eTeklon Co., Ltd. Fastnail Products Limited. Five Star International Import and Export Co., Limited. Foshan Chan Seng Import and Export Co., Ltd. Foshan Hosontool Development Hardware Co., Ltd. Fouever International Limited. Guangdong Meite Mechanical Co., Ltd. Guangdong Willing Technology. Guangzhou Nova Investment Development Co., Ltd.. H&B Promotional Limited. Hangzhou Great Import & Export Co., Ltd. Hangzhou G-Wire Technology Co., Ltd. Hangzhou Light Industrial Products, Arts & Crafts, Textiles Import & Export Co., Ltd. Hangzhou Strong Lion New Material Co., Ltd. Hangzhou Taiming Import & Export Co. Hebei Cangzhou New Century Foreign Trade Co., Ltd. Hebei Jinshi Industrial Metal Co., Ltd. Hebei Machinery Import and Export Co., Ltd. Hebei Minmetals Co., Ltd. Hengtuo Metal Products Co., Ltd. Hk A J Arts And Crafts Co., Ltd. Hk Quanyi Coil Spring Metals Product Limited. Hk Ryson Industrial Development Limited. Hongkong Greatstar International Co. HP Singapore (Private) Ltd. Huanghua Baizhou Trading Co., Ltd. Jiangmen Guanqiang Hardware Plastic Products Co., Ltd. Jiangmen Huiying Import & Export Co. Jiangmen Rui Xing Yuan Import and Export Co., Ltd. Jiaxing Brothers Hardware Co., Ltd. Jiaxing Success Import & Export Co. Jinhua Great Tools Co., Ltd. Jinhua Qual Max Trading Co., Ltd. Kinglong Manufacturing Co., Ltd. Linyi Flyingarrow Imp. & Exp. Co. Ltd. Match Industry Limited. Max Co., Ltd. Milan Pacific International Limited. Mingguang Ruifeng Hardware Products Co., Ltd. Nanjing Hongde New Material Co., Ltd. Nanjing Justar Material Co., Ltd. Ningbo (Yinzhou) Yongjia Electrical Tools Co., Ltd. Ningbo Alldo Stationery Co., Ltd. Ningbo Guangbo Import & Export Co., Ltd. Ningbo Hoz Fasteners Co. Limited. Ningbo Huayi Import & Export Co., Ltd. Ningbo Jieyou Trading Co., Ltd. Ningbo Mascube Imp. & Exp. Corp. Ningbo Mate Import & Export Co., Ltd. Ningbo S-Chande Import & Export Co., Ltd. Ningbo Sunlit International Co., Ltd. Ningbo Yuanyu Imp. & Exp. Co., Ltd. Ninghai Huihui Stationery Co., Ltd. Oli-Fast Fasteners (Tianjin) Co., Ltd. Protech Industry Limited. Qingdao Jiawei Industry Co., Limited. Qingdao Top Metal Industrial Co., Ltd. Qingdao Top Steel Industrial Co., Ltd. Rayson Electrical Mfg., Ltd. Rebon Building Material Co., Limited. Shanghai Genmes Office Products Co., Ltd. Shanghai Lanshi Trading Co., Ltd.	1/1/22-12/31/22

Continued

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), Commerce, if requested

merchandise exported to the United States by Hyundai Steel Company in any other producer/exporter combination or by third parties that sourced subject merchandise from the excluded producer/exporter combination. Accordingly, this initiation covers merchandise: (1) produced by a third party and exported by Hyundai Steel Company; (2) produced by Hyundai Steel Company and exported by a third party; or (3) exported by a third party that sourced subject merchandise from the excluded producer/exporter combination. Although Commerce received a request for review of Incheon Iron & Steel Co., Ltd., Commerce did not include this company in the initiation notice because, as noted above, Hyundai Steel Company is the successor-in-interest to INI Steel Company, formerly Incheon Iron and Steel Co., Ltd.

⁷ On December 1, 2011, Commerce revoked the order with respect to Pohang Iron & Steel Co., Ltd. (POSCO). See *Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Revocation of the Antidumping Duty Order on Stainless Steel Plate in Coils from the Republic of Korea; and Partial Revocation of the Antidumping Duty Order on Stainless Steel Sheet and Strip in Coils from the Republic of Korea*, 76 FR 74771, 74772 (December 1, 2011). Therefore, entries of merchandise produced and exported by POSCO are excluded from the antidumping duty order and this exclusion is not applicable to merchandise exported to the United States by POSCO in any other producer/exporter combination or by third parties that sourced subject merchandise from the excluded producer/exporter combination. Accordingly, this initiation covers merchandise: (1) produced by a third party and exported by POSCO; (2) produced by POSCO and exported by a third party; or (3) exported by a third party that sourced subject merchandise from the excluded producer/exporter combination.

⁸ In *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 44262, 44267 (July 12, 2023), Commerce initiated the 2022–2023 administrative review with respect to Hyundai Steel Company. Subject merchandise may have also entered under the name Hyundai Steel or Hyundai Steel Co., Ltd.

⁹ Stainless steel sheet and strip in coils produced and exported by Tung Mung Development Co Ltd (Tung Mung) were excluded from the antidumping duty order on stainless steel sheet and strip in coils from Taiwan, effective October 16, 2002. See *Notice of Amended Final Determination in Accordance with Court Decision of the Antidumping Duty Investigation of Stainless Steel Sheet and Strip in Coils from Taiwan*, 69 FR 67311, 67312 (November 17, 2004). Therefore, entries of merchandise produced and exported by Tung Mung are excluded from the antidumping duty order and this exclusion is not applicable to merchandise exported to the United States by Tung Mung in any other producer/exporter combination or by third parties that sourced subject merchandise from the excluded producer/exporter combination. Accordingly, this initiation covers merchandise: (1) produced by a third party and exported by Tung Mung; (2) produced by Tung Mung and exported by a third party; or (3) exported by a third party that sourced subject merchandise from the excluded producer/exporter combination.

by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether AD duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant “gap” period of the order (*i.e.*, the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce’s regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.*, the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce’s regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information

seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule*,¹⁰ available at <https://www.govinfo.gov/content/pkg/FR-2013-07-17/pdf/2013-17045.pdf>, prior to submitting factual information in this segment. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.¹¹

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule*.¹² Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.¹³ In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be

¹⁰ See *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also the frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

¹¹ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19, Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

¹² See section 782(b) of the Act; see also *Final Rule*; and the frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

¹³ See 19 CFR 351.302.

considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule*, available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>, prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: September 5, 2023.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2023–19528 Filed 9–8–23; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD248]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys in the Area of Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf Lease Areas OCS–A 0486, 0487, and 0500

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

ACTION: Notice; request for comments on proposed renewal incidental harassment authorization.

SUMMARY: NMFS received a request from Orsted Wind Power North America LLC (Orsted) for the renewal of their 2022 incidental harassment authorization (IHA) (hereinafter, the 2022 IHA is referred to as the “initial IHA” and the requested IHA is referred to as the “Renewal IHA”) to take marine mammals incidental to marine site characterization surveys, using high-resolution geophysical (HRG) equipment, in coastal waters from New York to Massachusetts, including the Bureau of Ocean Energy Management

(BOEM) Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) Lease Areas OCS–A 0486, 0487, 0500 and along potential export cable routes (ECR). The activities are identical to those covered under the initial IHA, which expires on October 5, 2023. Pursuant to the Marine Mammal Protection Act (MMPA), prior to issuing the initial IHA, NMFS requested comments on both the proposed IHA and the potential for renewing the initial authorization if certain requirements were satisfied. The renewal requirements have been satisfied, and NMFS is now providing an additional 15-day comment period to allow for any additional comments on the proposed renewal not previously provided during the initial 30-day comment period. If issued, the renewal IHA would be effective from the date of issuance.

DATES: Comments and information must be received no later than September 26, 2023.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to ITP.Lock@noaa.gov.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Karolyn Lock, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The Marine Mammal Protection Act (MMPA) prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are promulgated or, if the taking is limited to harassment, an incidental harassment authorization is issued.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation measures”). NMFS must also prescribe requirements pertaining to monitoring and reporting of such takings. The definitions of key terms such as “take,” “harassment,” and “negligible impact” can be found in the MMPA and NMFS implementing regulations (*see* 16 U.S.C. 1362; 50 CFR 216.3; 50 CFR 216.103).

NMFS’ regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed one year for each reauthorization. In the notice of proposed IHA for the initial IHA, NMFS described the circumstances under which we would consider issuing a renewal for this activity, and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a 1-time 1-year renewal of an IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned, or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of the

initial IHA issuance notice would not be completed by the time the initial IHA expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. A request for renewal is received no later than 60 days prior to the needed renewal of the initial IHA effective date (recognizing that the renewal's expiration date cannot extend beyond 1 year from expiration of the initial IHA);

2. The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested renewal are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (e.g., reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and

- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized; and

3. Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals. Any comments received on the potential renewal, along with relevant comments on the initial IHA, have been considered in the development of this proposed IHA renewal, and a summary of agency responses to applicable comments is included in this notice. NMFS will consider any additional public comments prior to making any final decision on the issuance of the requested renewal, and agency responses will be summarized in the final notice of our decision.

National Environmental Policy Act

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has preliminarily determined that the application of this categorical exclusion remains appropriate for this Renewal IHA.

Summary of Request

On October 6, 2022, NMFS issued an IHA to Orsted to take small numbers of marine mammals incidental to marine site characterization surveys in Federal and state waters located in Lease Areas OCS–A 0486, 0487, 0500 off the coasts from New York to Massachusetts and along potential ECRs to landfall locations between Raritan Bay (part of the New York Bight) and Falmouth, Massachusetts. On May 26, 2023, NMFS received a request for a renewal of that initial IHA because Orsted's marine site characterization surveys under the initial IHA had not yet occurred and more time is required. As described in the application for the Renewal IHA, the activities for which incidental take is requested are identical to those covered by the initial IHA. However, Orsted decreased the number of survey days from 400 to 390 based on the assumption that subsidiaries of Orsted will have separate incidental take authorizations for marine site characterization surveys in Lease Areas OCS–A 0486 (Revolution Wind; 88 FR 8996, February 10, 2023) and OCS–A 0487 (Sunrise Wind; 87 FR 79072, January 19, 2023) during the proposed effective period of the Renewal IHA. NMFS is proposing to authorize incidental take through this proposed Renewal IHA assuming 400 survey days will be necessary as NMFS has not promulgated final rules for Revolution Wind and Sunrise Wind.

As no work has commenced under the initial IHA, Orsted cannot provide a preliminary monitoring report. However, if work occurs before the effective date of the proposed Renewal IHA, a preliminary monitoring report would be required and be made

available on NMFS' website (available at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable>) and would detail any implemented mitigation and monitoring and show that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted. Orsted has complied with all the requirements (e.g., mitigation, monitoring, and reporting) of the previous IHAs in Lease Areas OCS–A 0486, 0487, and 0500 (84 FR 52464, October 2, 2019; 85 FR 63508, October 8, 2020; 87 FR 13975, March 11, 2022).

On August 1, 2022, NMFS announced proposed changes to the existing North Atlantic right whale vessel speed regulations to further reduce the likelihood of mortalities and serious injuries to endangered North Atlantic right whales from vessel collisions, which are a leading cause of the species' decline and a primary factor in an ongoing Unusual Mortality Event (87 FR 46921). Should a final vessel speed rule be issued and become effective during the effective period of this proposed Renewal IHA (or any other MMPA incidental take authorization), the authorization holder would be required to comply with any and all applicable requirements contained within the final rule. Specifically, where measures in any final vessel speed rule are more protective or restrictive than those in this or any other MMPA authorization, authorization holders would be required to comply with the requirements of the rule. Alternatively, where measures in this or any other MMPA authorization are more restrictive or protective than those in any final vessel speed rule, the measures in the MMPA authorization would remain in place. These changes would become effective immediately upon the effective date of any final vessel speed rule and would not require any further action on NMFS's part.

Description of the Specified Activities and Anticipated Impacts

Orsted plans to conduct marine site characterization surveys, specifically HRG surveys, in the Lease Areas OCS–A 0486, 0487, 0500 and ECR Area in Federal and state waters from New York to Massachusetts to support the characterization of the existing seabed and subsurface geological conditions, which is necessary for the development of an offshore electric transmission system. The project would use active acoustic sources, including some with potential to result in the incidental take of marine mammals by Level B harassment.

This proposed Renewal IHA is identical to the initial IHA and conservatively assumes no work will occur for the remainder of the initial IHA.

The Renewal IHA would authorize incidental take, by Level B harassment only (in the form of behavioral disturbance), of 16 species or stocks of marine mammals for identical marine site characterization survey activities to be completed in one year, in the same area, using survey methods identical to those described in the initial IHA application. Therefore, the anticipated effects on marine mammals and the affected stocks also remain the same. The amount of take, by Level B harassment, requested for the Renewal IHA is also identical to that authorized in the initial IHA. All mitigation, monitoring, and reporting measures would remain exactly as described in the **Federal Register** notice of the issued initial IHA (87 FR 61575, October 12, 2022).

Detailed Description of the Activity

A detailed description of the marine site characterization survey activities for which incidental take is proposed here may be found in the **Federal Register** notice of the proposed IHA (87 FR 52515, August 26, 2022) for the initial authorization. The location and nature of the activities, including the types of equipment planned for use, are identical to those described in the previous notices.

TABLE 1—NUMBER OF SURVEY DAYS FOR EACH LEASE AREA AND ECR ¹

Area	IHA Total number of survey days ²
OCS-A-0486	10
OCS-A-0487	10
OCS-A-0500	200
ECR	180
Total	400

¹ Up to three total survey vessels may be operating within both of the survey areas concurrently. Orsted estimated it would conduct surveys at a rate of 70 kilometers (km) per survey day.

² NMFS proposes to authorize work for the same number of vessel days as described in the initial IHA.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which

authorization of take is proposed here, including information on abundance, status, distribution, and hearing, may be found in the **Federal Register** notice of the proposed IHA for the initial authorization (87 FR 52515, August 26, 2022). NMFS has reviewed the recently finalized 2022 Stock Assessment Reports (SARs), which included updates to stock abundances since the initial IHA was issued, information on relevant Unusual Mortality Events, and other scientific literature. In August 2023, NMFS released its final 2022 SARs, which updated the population estimate (N_{best}) of North Atlantic right whales from 368 to 338 and annual mortality and serious injury increased from 8.1 to 31.2. This large increase in annual serious injury/mortality is a result of NMFS including undetected annual mortality and serious injury in the total annual serious injury/mortality, which had not been previously included in the SARs. The population estimate is slightly lower than the North Atlantic Right Whale Consortium's 2022 Report Card, which identifies the population estimate as 340 individuals (Pettis *et al.*, 2023). NMFS has determined that neither this nor any other new information affects which species or stocks have the potential to be affected or any other pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHA.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which take is proposed here may be found in the **Federal Register** notice of the proposed IHA for the initial authorization proposed (87 FR 52515, August 26, 2022). NMFS has reviewed information on relevant Unusual Mortality Events, the 2022 SARs, and other scientific literature and data, and preliminarily determined that there is no new information that affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the notices of the proposed (87 FR 52515,

August 26, 2022) and issued (87 FR 61575; October 12, 2022) IHAs for the initial authorization. Specifically, the acoustic sources and levels, survey days, and marine mammal density applicable to this authorization remain unchanged from the initial IHA. Similarly, the stocks taken, methods of take and type of take (*i.e.*, Level B harassment in the form of behavioral disturbance) remain unchanged from the initial IHA.

As was done in the initial IHA, Orsted requested a deviation from the calculated take for some species given to account for group size or observations during surveys in the surrounding area. Other than in the instances described below, Orsted's requested take matches their initial IHA. Orsted's Renewal IHA request references new data sources to inform group sizes for humpback whale (collected under the Northeast Projects IHA (87 FR 13975, March 11, 2022)), minke whale (Kenney and Vigness-Raposa, 2010); and Risso's dolphin (Barkaszi and Kelly, 2019). When these group size data were considered, the takes requested by Orsted for these species in their application were equal to or less than that authorized under the initial IHA. However, NMFS proposes to authorize the same number of incidental takes for all species as the initial IHA as the activities are identical and NMFS considers the data sources used in the initial IHA the best scientific information available.

During consideration of this Renewal IHA request, a typographical error in the proposed and notice of issuance **Federal Register** publications was identified that stated 17 pilot whales were authorized for take when 52 were requested and authorized within the IHA (as stated in the initial IHA application and issued IHA). The number of takes included in the Renewal IHA application and within this proposed Renewal IHA is 52, which equates to 0.13 percent of the population abundance. Lastly, the stock abundance amounts used for the initial IHA were from the 2021 SARs (Hayes *et al.*, 2022), the most recent available at the time of publication; the abundance amounts used for this proposed Renewal IHA are the final 2022 SARs (Hayes *et al.*, 2023).

TABLE 2—INITIAL IHA TAKE AUTHORIZED AND RENEWAL IHA PROPOSED TAKE BY LEVEL B HARASSMENT¹

Species	Population abundance ²	Take authorized initial IHA	Requested proposed take renewal IHA	NMFS proposed take renewal IHA ³	Percent of population for renewal IHA
North Atlantic right whale ⁴	338	17	16	17	5.03
Humpback whale	1,396	34	19	34	2.44
Fin whale	6,802	14	14	14	0.21
Sei whale	6,292	3	3	3	0.05
Minke whale	21,968	13	9	13	0.06
Sperm whale	4,349	2	2	2	0.05
Long-finned Pilot whale ⁵	39,215	52	52	52	0.13
Bottlenose dolphin ⁶	62,851	139	139	139	0.22
Common Dolphin	172,974	6,000	6,000	6,000	3.47
Atlantic white-sided dolphin	93,233	210	206	210	0.23
Atlantic spotted dolphin	39,921	29	29	29	0.07
Risso's dolphin	35,215	30	30	30	0.09
Striped dolphin	67,036	20	20	20	0.03
Harbor porpoise	95,543	287	279	287	0.30
Gray seal	27,300	118	116	118	0.43
Harbor seal	61,336	118	116	118	<0.01

¹ No take by Level A harassment is anticipated nor proposed to be authorized.

² Final 2022 SARs (Hayes *et al.*, 2023). At the time of the issuance of the initial IHA, the 2021 SARs were used as the best available science. This table utilizes the 2022 SARs abundance numbers. The only species where the abundance number changed between the initial IHA and this proposed renewal was the North Atlantic right whale.

³ While Orsted adjusted their requested take numbers for some species based on 10 less survey days or by utilizing a different data source, NMFS proposes to authorize the same amount of take as the initial IHA; as previously described.

⁴ The SARs stock abundance number at the time of issuance for the initial IHA was 368. The percent of population affected under the initial IHA was 4.62%. While the total number of proposed takes remains the same between the initial IHA and this proposed renewal, due to the decrease in the population abundance to 338 (2022 SARs), the percent of the population affected would increase slightly to 5.03%.

⁵ While the original **Federal Register** publications for the initial IHA contained a typo of 17 takes by Level B harassment instead of the 52 requested and eventually authorized, the percent abundance affected provided in those publications was correct (0.13%) as that value had been correctly calculated using 52. Therefore, as the population abundance remains unchanged from the initial IHA, the correction in this proposed renewal notice of 17 to 52 does not change the percent of the population proposed to be affected (0.13%).

⁶ Western North Atlantic, Offshore stock.

Description of Proposed Mitigation, Monitoring and Reporting Measures

The proposed mitigation, monitoring, and reporting measures included as requirements in this authorization are identical to those included in the **Federal Register** notice announcing the issuance of the initial IHA (87 FR 61575; October 12, 2022), and the discussion of the least practicable adverse impact determination included in that document remains applicable and accurate. All mitigation, monitoring, and reporting measures in the initial IHA are identical this proposed Renewal IHA and summarized below.

- **Ramp-up:** A ramp-up procedure would be used for geophysical survey equipment capable of adjusting energy levels at the start or re-start of survey activities;
- **Protected Species Observers:** A minimum of one NMFS-approved Protected Species Observer (PSO) must be on duty and conducting visual observations at all times during daylight hours (*i.e.*, from 30 minutes prior to sunrise through 30 minutes following sunset). Two PSOs will be on watch during nighttime operations;
- **Pre-Operation Clearance Protocols:** Prior to initiating HRG survey activities, Orsted would implement a 30-minute

pre-operation clearance period. If any marine mammals are detected within the Exclusion Zones prior to or during ramp-up, the HRG equipment would be shut down (as described below);

- **Shutdown Zones:** If an HRG source is active and a marine mammal is observed within or entering a relevant shutdown zone, an immediate shutdown of the HRG survey equipment would be required. Note this shutdown requirement would be waived for certain genera of small delphinids and pinnipeds;

- **Vessel strike avoidance measures:** Separation distances for large whales (500 m North Atlantic right whales and other ESA-listed marine mammals; 100 m for all other non-ESA listed baleen whales; 50 m all other marine mammals); restricted vessel speeds and operational maneuvers; and

- **Reporting:** Orsted will submit a marine mammal report within 90 days following completion of the surveys.

Comments and Responses

As noted previously, NMFS published a notice of a proposed IHA (87 FR 52515, August 26, 2022), and solicited public comments on both our proposal to issue the initial IHA for marine site characterization surveys and on the

potential for a renewal IHA, should certain requirements be met. All public comments were addressed in the notice announcing the issuance of the initial IHA (87 FR 61575; October 12, 2022) and none of the comments specifically pertained to the renewal of the initial IHA.

Preliminary Determinations

The survey activities proposed by Orsted are identical to those analyzed in the initial IHA, as are the method of taking and the effects of the action. The mitigation measures and monitoring and reporting requirements as described above are also identical to the initial IHA. The number of takes proposed is equal to that authorized in the initial IHA. The potential effect of the proposed activities remains limited to Level B harassment in the form of behavioral disturbance. In analyzing the effects of the activities in the initial IHA, NMFS determined that the activities would have a negligible impact on the affected species or stocks and that the authorized take numbers of each species or stock were small relative to the relevant stocks (*e.g.*, less than one-third of the abundance of all stocks).

NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. This includes consideration of the 2022 SAR estimated abundance of the North Atlantic right whale stock. Specifically, NMFS is proposing to authorize 17 takes of North Atlantic right whales by Level B harassment only, and the impacts resulting from the project's activities are neither reasonably expected nor reasonably likely to adversely affect the stock through effects on annual rates of recruitment or survival. Additionally, approximately 5 percent of the stock abundance is proposed for take by Level B harassment.

Based on the information and analysis contained here and in the referenced documents, including the consideration of the final 2022 SARs, NMFS has determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) Orsted's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action; and (5) appropriate monitoring and reporting requirements are included.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the NMFS Greater Atlantic Regional Fisheries Office (GARFO), whenever we propose to authorize take for endangered or threatened species.

NMFS Office of Protected Resources has authorized the incidental take of four species of marine mammals which are listed under the ESA (the North Atlantic right, fin, sei, and sperm whale) and has determined that these activities fall within the scope of activities analyzed in GARFO's programmatic consultation regarding geophysical surveys along the U.S. Atlantic coast in the three Atlantic Renewable Energy

Regions (completed June 29, 2021; revised September 2021). The proposed Renewal IHA provides no new information about the effects of the action, nor does it change the extent of effects of the action, or any other basis to require reinitiation of consultation with NMFS GARFO; therefore, the ESA consultation has been satisfied for the initial IHA and remains valid for the Renewal IHA.

Proposed Renewal IHA and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue a renewal IHA to Orsted for conducting marine site characterization surveys off New York to Massachusetts (Lease Areas OCS-A 0486, 0487, and 0500), effective from October 6, 2023 through October 5, 2024, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed and initial IHA can be found at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. We request comment on our analyses, the proposed Renewal IHA, and any other aspect of this notice. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

Dated: September 1, 2023.

Kimberly Damon-Randall,
Director, Office of Protected Resources,
National Marine Fisheries Service.

[FR Doc. 2023-19508 Filed 9-8-23; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD327]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice; receipt of one incidental take permit application; availability of a draft environmental assessment; request for comments.

SUMMARY: Notice is hereby given that NMFS has received one Incidental Take Permit (ITP) application for the City of Santa Cruz's Anadromous Salmonid Habitat Conservation Plan (ASHCP). The ASHCP has been submitted pursuant to section 10(a)(1)(B) of the

Endangered Species Act (ESA) of 1973, as amended. NMFS has also prepared a draft environmental assessment (EA) under the National Environmental Policy Act (NEPA) describing the potential effects of NMFS' proposed issuance of the Permit associated with the submitted ASHCP. NMFS is furnishing this notice in order to allow other agencies, tribes, and the public an opportunity to review and comment on these documents.

DATES: Written comments on the EA must be received at the appropriate address (see **ADDRESSES**) on or before 5 p.m. Pacific standard time on October 11, 2023.

ADDRESSES: You may submit comments on this document, identified by Santa Cruz Habitat Conservation Plan (HCP), by any of the following methods:

- **Email:** SantaCruzHCPNEPA.WCR@noaa.gov. Include "Santa Cruz HCP" in the subject line of the message.
- **Mail:** Submit written comments to National Marine Fisheries Service, West Coast Region, Coastal California Office, 777 Sonoma Avenue, Room 325, Santa Rosa, California 95404; Attn: William Stevens.
- **Fax:** (707) 578-3435; Attn: William Stevens.

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, *etc.*), 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). When commenting, please refer to the specific page number and the subject of your comment.

The documents subject to public comment are available on the internet at: <https://www.fisheries.noaa.gov/west-coast/laws-and-policies/west-coast-region-national-environmental-policy-act-documents>.

FOR FURTHER INFORMATION CONTACT: William Stevens, Santa Rosa, CA, (707) 575-6066, William.Stevens@noaa.gov.

SUPPLEMENTARY INFORMATION:

ESA-Listed Species Covered in This Notice

Central California Coast (CCC) Evolutionary Significant Unit (ESU) of coho salmon (*Oncorhynchus kisutch*)

and threatened CCC Distinct Population Segment (DPS) of steelhead (*O. mykiss*).

Background

The City of Santa Cruz's operation, maintenance, rehabilitation, and management of their water supply and water system facilities, municipal facilities, and City lands are essential to the welfare of the City's citizens and visitors. Normal, otherwise lawful operation of the City of Santa Cruz facilities could result in take of ESA-listed species. Section 10(a)(1)(B) of the ESA authorizes NMFS to issue an ITP to non-Federal parties for the potential incidental taking of endangered and threatened species. In support of their ITP application, the City of Santa Cruz has prepared an ASHCP to address effects of water diversions and for operation, rehabilitation, replacement, repair and maintenance of conveyance facilities and other existing infrastructure (covered activities) on salmonids listed under the ESA. The ASHCP plan area includes watershed and water service/urban areas that total approximately 176 square miles (~455.8 km²) in Santa Cruz County, California across three geographically distinct areas: (1) North Coast watersheds (Liddell, Laguna, and Majors); (2) San Lorenzo River watershed; and (3) City Urban Center. The ASHCP provides an assessment of impacts; measures to monitor, minimize, and mitigate for those impacts; and procedures to account for unforeseen or extraordinary circumstances.

Preliminary Proposed Action and Alternatives

NMFS has prepared a draft EA, in accordance with the requirements of NEPA, to analyze the potential impacts on the human (biological, physical, social, and economic) environment caused by the City of Santa Cruz ASHCP (proposed action). Under the proposed action, NMFS would approve the ASHCP and issue an ITP with a 30-year permit term to the City of Santa Cruz for incidental take of covered species from covered activities in the plan area. Under the no action alternative, NMFS would not issue an ITP to the City, and the ASHCP would not be implemented. Under the no action alternative, the City would need to evaluate individual operations and maintenance activities to determine whether incidental take of listed salmonid species could be avoided through seasonal restrictions and other modifications to the activity, or whether an activity-specific incidental take authorization would instead be required.

Summary of Expected Impacts

Incidental take is expected to result from covered activities described in the ASHCP. Expected impacts are less than what occurs under the City of Santa Cruz's current practices. The City of Santa Cruz is proposing a conservation strategy as part of their ASHCP that is intended to fully offset the impacts of the take.

Under the no action alternative, the City would conduct project-by-project reviews. It is anticipated that activities, if permitted, would occur at a slower pace and avoidance, minimization, and mitigation measures may be less comprehensive and more site-specific, compared to the proposed action. This type of mitigation can also be more expensive and time-consuming and provide less conservation benefit than a regional or watershed-level approach, as provided by the proposed action.

Authority

Section 9 of the ESA and Federal regulations prohibit the taking of a species listed as endangered or threatened. The ESA defines "take" to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances to take listed species incidental to, and not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) of the ESA and implementing regulations (50 CFR 222.307) provide for authorizing incidental take of listed species. The final permit decision will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

NEPA requires Federal agencies to conduct an environmental analysis of their proposed actions to determine if the actions may affect the human environment (42 U.S.C. 4321 *et seq.*; 40 CFR parts 1500 through 1508; and Companion Manual for NOAA Administrative Order 216-6A, 82 FR 4306, January 13, 2017). Therefore, NMFS is seeking public input on the scope of the required NEPA analysis in the EA, including the range of reasonable alternatives and associated impacts of any alternatives.

Dated: September 5, 2023.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2023-19425 Filed 9-8-23; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD299]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a two-day in-person meeting of its Standing, Reef Fish, Socioeconomic, and Ecosystem Scientific and Statistical Committees (SSC).

DATES: The meeting will be held Wednesday, September 27 and Thursday, September 28, 2023; 8:30 a.m.–5 p.m., EDT both days.

ADDRESSES: The meeting will take place at the Gulf Council office. Registration information will be available on the Council's website by visiting www.gulfcouncil.org and clicking on the "meeting tab".

Council address: Gulf of Mexico Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348-1630.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Rindone, Lead Fishery Biologist, Gulf of Mexico Fishery Management Council; ryan.rindone@gulfcouncil.org, telephone: (813) 348-1630.

SUPPLEMENTARY INFORMATION:

Wednesday, September 27, 2023; 8:30 a.m.–5 p.m., EDT

The meeting will begin with Introductions and Adoption of Agenda, Approval of Verbatim Minutes and Meeting Summary from the July 19–20, 2023, meeting, and a review of the Scope of Work. The Committees will select an SSC Representative for the October 23–26, 2023, Gulf Council meeting in Panama City Beach, FL.

Following, the Committees will review *Gag Grouper* Abundance, Movement, Spawning Behavior, Discard Mortality, and Environment Influences; presentations, background documentation and references will be provided to support SSC discussion. The Committees will review Possible Management Modifications for *Gag* and *Black Grouper*, with presentations, background documentation and references for SSC recommendations and discussion. The Committees will also discuss the SEDAR 94 Florida *Hogfish* Scope of Work. Public comment will be heard at the end of the day.

Thursday, September 28, 2023; 8:30 a.m.–5 p.m., EDT

The Committees will review and discuss the Gulf of Mexico *Gag* Health Check, *Vermilion Snapper* Interim Analysis, Southeast Region Best Scientific Information Available Framework, Incorporating Social Science Theory and Methods into Ecosystem Assessments, and the *Lane Snapper* Updated Catch Analysis, including presentations and background materials for SSC discussions.

The Committees will receive public comment, if any, before addressing any items under Other Business.

—Meeting Adjourns

The meeting will also be broadcast via webinar. You may register for the webinar by visiting www.gulfcouncil.org and clicking on the SSC meeting on the calendar.

The agenda is subject to change, and the latest version along with other meeting materials will be posted on www.gulfcouncil.org as they become available.

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Scientific and Statistical Committee will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take-action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Kathy Pereira, (813) 348–1630, at least 5 days prior to the meeting date.

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

Dated: September 6, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–19512 Filed 9–8–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Review of Nomination for Mariana Trench National Marine Sanctuary

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice.

SUMMARY: On January 21, 2022, NOAA requested written comments to facilitate the Office of National Marine Sanctuaries' (ONMS) five-year review of the nomination for a proposed Mariana Trench National Marine Sanctuary (NMS). On March 10, 2022, NOAA reopened the public comment period for an additional 45 days, ending on April 25, 2022. In those notices, NOAA requested relevant information as it pertains to its 11 evaluation criteria for inclusion in the inventory of sites eligible to be considered for designation as national marine sanctuaries. NOAA has synthesized the information gathered through the public process, completed an internal analysis, and the ONMS Director has made the determination that the Mariana Trench NMS nomination will be removed from the inventory.

DATES: This determination took effect on September 7, 2023.

ADDRESSES: Kristina Kekuewa, Pacific Islands Regional Director, NOAA Office of National Marine Sanctuaries, 1845 Wasp Blvd., Honolulu, Hawaii 96818, or at kristina.kekuewa@noaa.gov, or at 808–725–5252.

FOR FURTHER INFORMATION CONTACT: Kristina Kekuewa, Pacific Islands Regional Director, NOAA Office of National Marine Sanctuaries, 1845 Wasp Blvd., Honolulu, Hawaii 96818, or at kristina.kekuewa@noaa.gov, or at 808–725–5252.

SUPPLEMENTARY INFORMATION:

Background Information

In 2014, NOAA issued a final rule re-establishing the sanctuary nomination process (SNP), which details how communities may submit nominations of areas of the marine and Great Lakes environment for NOAA to consider for designation as national marine sanctuaries (79 FR 33851). NOAA moves successful nominations to an inventory of areas that could be considered for national marine sanctuary designation. The final rule re-establishing the SNP included a five-year limit on any nomination added to

the inventory that NOAA does not advance for designation. The nomination for Mariana Trench NMS was accepted to the national inventory on March 13, 2017, and was therefore scheduled to expire in March 2022.

In November 2019, NOAA issued a notice (84 FR 61546) to clarify procedures for evaluating and updating a nomination as it approaches the five-year mark on the inventory of areas that could be considered for national marine sanctuary designation. This notice explained that if a nomination remains responsive to the 11 evaluation criteria for inclusion on the inventory, it may be appropriate to allow the nomination to remain on the inventory for another five years. The notice also established a process for NOAA to consider the continuing viability of nominations nearing the five-year expiration mark. The 11 evaluation criteria can be found at <https://nominate.noaa.gov>.

On January 21, 2022, NOAA published a notice in the **Federal Register** to request written comments to facilitate ONMS' five-year review of the nomination of the Mariana Trench NMS (87 FR 3284). On March 10, 2022, following requests from the public for additional time to comment on the five-year review, NOAA reopened the public comment period for an additional 45 days, ending on April 25, 2022 (87 FR 13709). NOAA requested relevant information pertaining to the 11 evaluation criteria that NOAA applied to evaluate the Mariana Trench NMS nomination for inclusion in the national inventory of areas that NOAA may consider for future designation as a national marine sanctuary. During the two comment periods, 62 online comments were received, and the nominator provided additional information, which NOAA has considered in evaluating the nomination against the criteria. Submitted comments can be found at www.regulations.gov (search for Docket Number NOAA–NOS–2022–0005). Additionally, the nominating organization subsequently submitted a letter to NOAA requesting that the nomination be withdrawn and removed from the inventory.

In analyzing this material, particular attention was given to new scientific information about the national significance of natural and cultural resources, increases or decreases in the threats to resources proposed for protection, and changes to the management framework of the area. NOAA also assessed the level of community-based support for the nomination from a broad range of interests.

Following NOAA's review of the relevant information, it was determined that there are still significant threats to the area, and it is still an area of national significance. However, there is not currently demonstrated broad community support for the nomination remaining on the inventory of possible designations. ONMS has also determined that it is not clear, at this time, how a sanctuary designation would supplement or complement existing management and regulatory authorities for the Marianas Trench. Therefore, and in consideration of the nominating organization's request to withdraw the nomination, the ONMS Director has determined the nomination for the Mariana Trench NMS should not remain on the inventory of successful nominations.

Authority: 16 U.S.C. 1431 *et seq.*

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2023–19380 Filed 9–8–23; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD335]

Marine Mammals; File No. 27426

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Oregon State University, Marine Mammal Institute, 2030 Marine Science Drive, Newport, OR 97365 (Responsible Party: Lisa Ballance, Ph.D.), has applied in due form for a permit to conduct research on marine mammals.

DATES: Written comments must be received on or before October 11, 2023.

ADDRESSES: The application and related documents are available for review by selecting “Records Open for Public Comment” from the “Features” box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 27426 from the list of available applications. These documents are also available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to

NMFS.Pr1Comments@noaa.gov. Please include File No. 27426 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT:

Shasta McClenahan, Ph.D., or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant requests a 5-year research permit to study abundance, density, distribution, movements, behavior, ecology, health, and stock structure of marine mammals in the Atlantic, Pacific, and Southern Oceans. Research may occur in U.S. and international waters on 72 species of marine mammals, including the following ESA-listed cetaceans: blue (*Balaenoptera musculus*), bowhead (*Balaena mysticetes*), fin (*Balaenoptera physalus*), gray (*Eschrichtius robustus*), Western North Pacific distinct population segment [DPS]), humpback (*Megaptera novaeangliae*; Central America, Mexico, Western North Pacific, and Cape Verde DPSs), killer (*Orcinus orca*; Southern Resident DPS), North Pacific right (*Eubalaena japonica*), Rice's (*Balaenoptera ricei*), sei (*Balaenoptera borealis*), Southern right (*E. australis*), and sperm (*Physeter macrocephalus*) whales. Research for cetaceans would include vessel and aerial surveys (manned and unmanned) for observations, photography, video recordings, thermal imaging, photogrammetry, passive acoustics, echosounders for prey mapping, biological sampling (exhaled air, sloughed skin, feces, and skin and blubber biopsy), and tagging (suction-cup, dart, and deep-implant). Eleven species of pinnipeds may be harassed and opportunistically studied during research including the following ESA-listed species: Steller sea lions (*Eumetopias jubatus*; Western DPS), and bearded (*Erignathus barbatus*), Guadalupe fur (*Arctocephalus*

townsendi), Hawaiian monk (*Neomonachus schauinslandi*), ringed (*Phoca hispida*), and spotted (*P. largha*) seals. Parts from all species of cetaceans and pinnipeds (excluding walrus) collected under separate authorizations may be imported, exported, and received annually for scientific research, and secondarily used for curation and education. See the application for complete numbers of animals requested by species and procedure.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: September 5, 2023.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2023–19455 Filed 9–8–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD328]

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of a public virtual meeting.

SUMMARY: The Caribbean Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) will hold a public virtual meeting to address the items contained in the tentative agenda included in the **SUPPLEMENTARY INFORMATION**.

DATES: The SSC public virtual meeting will be held on September 27, 2023, from 9 a.m. to 5 p.m., Eastern Standard Time.

ADDRESSES: You may join the SSC public virtual meeting (via Zoom) from a computer, tablet or smartphone by entering the following address: <https://us02web.zoom.us/j/81086075177?pwd=TlBtL0NjWmZaR2h0b2NEbnpOTWtiQT09>.

Meeting ID: 810 8607 5177

Passcode: 546850

One tap mobile

+17193594580,,81086075177#

,,, *546850# U.S.

+12532050468,,81086075177#

,,, *546850# U.S.

Dial by your location

+1 301 715 8592 U.S. (Washington DC)

+1 305 224 1968 U.S.

+1 309 205 3325 U.S.

+1 646 558 8656 (New York)

+1 669 900 9128 U.S. (San Jose)

Meeting ID: 810 8607 5177

Passcode: 546850

Find your local number: <https://us02web.zoom.us/j/81086075177>

In case of problems with ZOOM, please join the meeting via GoToMeeting by entering the following address: <https://meet.goto.com/134023461>.

You can also dial in using your phone.

Access Code: 134–023–461

United States: +1 (312) 757–3121

Join from a video-conferencing room or system.

Meeting ID: 134–023–461

Dial in or type: 67.217.95.2 or

inroomlink.goto.com

Or dial directly: 134023461@67.217.95.2 or 67.217.95.2##134023461

Get the app now and be ready when your first meeting starts: <https://meet.goto.com/install>.

FOR FURTHER INFORMATION CONTACT:

Graciela Garcia-Moliner, Caribbean Fishery Management Council, 270 Munoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The following items included in the tentative agenda will be discussed:

September 27, 2023

9 a.m.–9:30 a.m.

—Roll Call

—Approval of Agenda

—Approval of Minutes

9:30 a.m.–12:30 p.m.

—SEDAR 80 USVI Queen Triggerfish—
Adyan Rios, SEFSC Caribbean Fisheries Branch and Kyle Shertzer, SEFSC Atlantic Fisheries Branch

12:30 p.m.–1:30 p.m.

—Lunch Break

1:30 p.m.–5 p.m.

—Recommendations to CFMC on SEDAR 80

—Research Priority Updates

—Other Business

—Next Meeting

—Adjourn

The order of business may be adjusted as necessary to accommodate the completion of agenda items. The meeting will begin on September 27, 2023, at 9 a.m. EST, and will end on September 27, 2023, at 5 p.m., EST. Other than the start time, interested parties should be aware that discussions may start earlier or later than indicated, at the discretion of the Chair. In addition, the meeting may be completed prior to the date established in this notice.

Special Accommodations

For any additional information on this public virtual meeting, please contact Dr. Graciela Garcia-Moliner, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918–1903, telephone: (787) 403–8337.

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

Dated: September 6, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–19511 Filed 9–8–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD291]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Elkhorn Slough Tidal Marsh Restoration Project, Phase III in Monterey County, California

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

ACTION: Notice; issuance of renewal incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that NMFS has issued a Renewal incidental harassment authorization (IHA) to the California Department of Fish and Wildlife (CDFW) to incidentally harass marine mammals incidental to the Elkhorn Slough Tidal Marsh Restoration Project, Phase III, in Monterey County, California.

DATES: This Renewal IHA is valid from September 16, 2023, through September 15, 2024.

ADDRESSES: Electronic copies of the original application, Renewal request,

and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT:

Alyssa Clevens, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, an incidental harassment authorization is issued.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation measures”). Monitoring and reporting of such takings are also required. The meaning of key terms such as “take,” “harassment,” and “negligible impact” can be found in section 3 of the MMPA (16 U.S.C. 1362) and the agency’s regulations at 50 CFR 216.103.

NMFS’ regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed 1 year for each reauthorization. In the notice of proposed IHA for the initial authorization, NMFS described the circumstances under which we would consider issuing a renewal for this

activity, and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time 1-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (recognizing that the Renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).

2. The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

3. Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/>

incidental-harassment-authorization-renewals.

History of Request

On September 16, 2021, NMFS issued an IHA to CDFW to take marine mammals incidental to Phase III of the Elkhorn Slough Tidal Marsh Restoration Project in Monterey County, CA (86 FR 52644, September 22, 2021), effective from September 16, 2021 through September 15, 2022. On July 12, 2022, CDFW informed NMFS that the project was delayed and none of the work identified in the initial IHA (*i.e.*, restoration work at the Seal Bend Restoration Area) had occurred, and submitted a request for re-issuance of the initial IHA with new effective dates of September 16, 2022, through September 15, 2023 (87 FR 56631, September 15, 2022). On July 6, 2023, NMFS received an application for the renewal of the IHA. As described in the application for renewal, the activities for which incidental take is requested consist of activities that are covered by the initial authorization but will not be completed prior to its expiration. As required, the applicant also provided preliminary monitoring results which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted. The notice of the proposed Renewal IHA was published on August 1, 2023 (88 FR 50113).

Description of the Specified Activities and Anticipated Impacts

Phase III of CDFW's construction Elkhorn Slough Tidal Marsh Restoration Project consists of relocating soil from an upland area through the use of heavy earth-moving equipment to the Seal Bend Restoration Area, and will restore 28.6 acres (11.57 hectares) within a 12 month period. The planned activities (including mitigation, monitoring, and reporting) and anticipated impacts on the affected stocks are the same as those analyzed and authorized through the initial IHA.

A detailed description of the planned restoration activities is found in the **Federal Register** notice for the proposed initial IHA (86 FR 43204, August 6, 2021). The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the initial IHA. The mitigation and monitoring are also as prescribed in the initial IHA.

Construction activities are expected to produce airborne noise and visual disturbance that have the potential to

result in behavioral harassment of Pacific harbor seals (*Phoca vitulina richardii*). A description of the methods and inputs used to estimate take anticipated to occur and, ultimately, the take that was authorized is included in the previous documents referenced above. The data inputs and methods of estimating take are identical to those used in the initial IHA. NMFS has reviewed recent stock assessment reports, information on relevant unusual mortality events, and recent scientific literature, and determined that no new information affects our original analysis of impacts under the initial IHA. No work was completed under the initial IHA and only 15 days of work have been completed since reissuance of the initial IHA.

This renewal is to cover a subset of the activities described for the initial IHA that will not be completed during the effective IHA period. CDFW plans to continue construction activities between September 2023 and September 2024. CDFW estimates it will take 225 days to complete construction necessary to support restoration of the Seal Bend Restoration Area, as only 15 days of work out of the 240 days of planned construction are expected to be completed within the effective dates of the currently active IHA.

The likely or possible impacts of CDFW's activity on marine mammals could involve both non-acoustic and acoustic stressors and is unchanged from the impacts described in the initial IHA. Potential non-acoustic stressors could result from the physical presence of construction equipment and personnel. Acoustic stressors include effects of heavy equipment operation during soil excavation, transport, and placement. The effects of airborne noise and visual disturbance from CDFW's activities have the potential to result in Level B harassment of marine mammals in the action area.

Detailed Description of the Activity

A detailed description of the construction activities for which take is authorized here may be found in the notices of the proposed and final IHAs for the initial authorization (86 FR 43204, August 6, 2021; 86 FR 52644, September 22, 2021). The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the previous notices.

This Renewal IHA is effective for a period of 1 year from September 16, 2023 through September 15, 2024.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which take is authorized, including information on abundance, status, distribution, and hearing, may be found in the notice of the proposed IHA for the initial authorization (86 FR 43204, August 6, 2021). NMFS has reviewed the preliminary monitoring data from the reissued IHA, recent draft stock assessment reports, information on relevant unusual mortality events, and other scientific literature, and determined that neither this nor any other new information affects which species or stocks have the potential to be affected or the pertinent information in the description of the marine mammals in the area of specified activities contained in the supporting

documents for the initial IHA (86 FR 43204, August 6, 2021).

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which take is authorized here may be found in the **Federal Register** notices of the proposed IHA for the initial authorization (86 FR 43204, August 6, 2023). NMFS has reviewed the preliminary monitoring data from the reissued IHA, recent draft stock assessment reports, information on relevant unusual mortality events, other scientific literature, and the public comments, and determined that neither this nor any other new information affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the notice of the proposed IHA for the initial authorization (86 FR 43204, August 6, 2021). Specifically, days of operation, area or space within which harassment is likely to occur, and marine mammal occurrence data applicable to this authorization remain unchanged from the initial IHA. Similarly, the stock taken, methods of take, daily take estimates, and types of take remain unchanged from the initial IHA. The number of takes authorized through the renewal IHA are a subset of the initially authorized takes that represent the amount of activity left to complete. These takes, which reflect the lower number of remaining days of work (225 days), are indicated below in Table 1.

TABLE 1—PROPOSED AMOUNT OF TAKING, BY LEVEL B HARASSMENT, BY SPECIES AND STOCK AND PERCENT OF TAKE BY STOCK

Species	Scientific name	Stock	Proposed take	Percent of stock
Harbor seal	<i>Phoca vitulina richardii</i>	California	1,800	5.8

Description of Mitigation, Monitoring and Reporting Measures

The mitigation, monitoring, and reporting measures included as requirements in this authorization are identical to those included in the **Federal Register** notice announcing the issuance of the initial IHA, and the discussion of the least practicable adverse impact included in that document and the notice of the proposed IHA remains accurate. The following measures are included in the renewal IHA:

- Construction work must occur only during daylight hours and should environmental conditions deteriorate such that marine mammals within the entire shutdown zone would not be visible (e.g., fog, heavy rain, smoke), construction must be delayed until the Protected Species Observer (PSO) is confident marine mammals within the shutdown zone could be detected;
- CDFW must fulfill visual monitoring requirements, which includes the use of NMFS-approved PSOs and the establishment of a Level B harassment zone within 300 meters (m) of all construction activities;
- A 30 minute pre-construction clearance period must occur prior to the start of ramp-up (e.g., ramp up by moving around the project area and starting equipment sequentially) and construction activities;

- CDFW must shutdown heavy machinery work if a marine mammal comes within 10 m;
- During harbor seal pupping season (March through July), CDFW must not initiate construction activities within 300 m of a mom/pup pair that is hauled out, or within 100 m of a mom/pup pair in the water. If there is a gap in construction activities of more than an hour or if construction moves to a different area, this initiation protocol must again be implemented. During site containment activities that are underway, heavy machinery must not approach closer than 100 m of where mothers and pups are actively hauled out. If a pup less than 1 week old (neonate) comes within 20 m of where heavy machinery is working, construction activities in that area must be shut down or delayed until the pup has left the area. In the event that a pup less than 1 week old remains within those 20 m, NMFS will be consulted to determine the appropriate course of action;
- Construction activities must be halted upon observation of either a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met, entering or within the harassment zone;

- CDFW must conduct a census of marine mammals in the project area and the area surrounding the project at least 30 minutes prior to the beginning of construction on monitoring days, and again 30 minutes after the completion of construction activities. CDFW must also conduct hourly counts of animals hauled out and in the water within at least the Level B harassment zone, as well as reactions observed in relation to construction activities;
- CDFW must submit a draft report detailing all monitoring within 90 calendar days of the completion of marine mammal monitoring or 60 days prior to the issuance of any subsequent IHA for this project, whichever comes first;
- CDFW must prepare and submit final report within 30 days following resolution of comments on the draft report from NMFS;
- CDFW must submit all PSO datasheets and/or raw sighting data (in a separate file (e.g., Microsoft Excel or similar) from the Final Report referenced immediately above); and,
- CDFW must report injured or dead marine mammals.

Comments and Responses

A notice of NMFS' proposal to issue a Renewal IHA to CDFW was published in the **Federal Register** on August 1, 2023 (88 FR 50113). That notice either

described, or referenced descriptions of, CDFW's activity, the marine mammal species that may be affected by the activity, the anticipated effects on marine mammals and their habitat, estimated amount and manner of take, and proposed mitigation, monitoring and reporting measures. NMFS received no public comments.

Determinations

The renewal request consists of a subset of activities analyzed through the initial authorization described above. In analyzing the effects of the activities for the initial IHA, NMFS determined that the CDFW's activities would have a negligible impact on the affected species or stock and that authorized take numbers of each species or stock were small relative to the relevant stocks (*e.g.*, less than one-third the abundance of all stocks). The mitigation measures and monitoring and reporting requirements as described above are identical to the initial IHA.

NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) CDFW's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and; (5) appropriate monitoring and reporting requirements are included.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA renewal) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NAO 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we

have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has determined that the application of this categorical exclusion remains appropriate for this Renewal IHA.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Renewal

NMFS has issued a Renewal IHA to CDFW for the take of marine mammals incidental to conducting construction activities associated with Phase III of the Elkhorn Slough Tidal Marsh Restoration Project in Monterey County, CA, from September 16, 2023, through September 15, 2024.

Dated: September 6, 2023.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2023-19523 Filed 9-8-23; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD301]

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 82 South Atlantic Gray Triggerfish Assessment Webinar 6.

SUMMARY: The SEDAR 82 assessment of the South Atlantic stock of gray triggerfish will consist of a data workshop, a series of assessment webinars, and a review workshop. The SEDAR 82 Assessment Webinar 6 is scheduled for September 26, 2023. See **SUPPLEMENTARY INFORMATION.**

DATES: The SEDAR 82 South Atlantic Gray Triggerfish Assessment Webinar 6 is scheduled for September 26, 2023, from 12 p.m. to 4 p.m., Eastern. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Registration for the webinar is available by contacting the SEDAR coordinator via email at Kathleen.Howington@safmc.net.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; www.sedarweb.org.

FOR FURTHER INFORMATION CONTACT:

Kathleen Howington, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571-4371; email: Kathleen.Howington@safmc.net.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data.

Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and State and Federal agencies.

The items of discussion at the SEDAR 82 South Atlantic Gray Triggerfish Assessment Webinar 6 are as follows: discuss any leftover data issues that were not cleared up during the data process, answer any questions that the analysts have, and discuss model development and model setup.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the South Atlantic Fishery Management Council office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: September 6, 2023.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 2023-19514 Filed 9-8-23; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO-C-2023-0034]

Joint ITA-NIST-USPTO Collaboration Initiative Regarding Standards; Notice of Public Listening Session and Request for Comments

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

ACTION: Notice of public listening session; request for comments.

SUMMARY: The International Trade Administration (ITA) creates prosperity by strengthening the international competitiveness of U.S. industry, promoting trade and investment, and ensuring fair trade and compliance with trade laws and agreements. The National Institute of Standards and Technology (NIST) promotes U.S. innovation and industrial competitiveness by advancing standards, and technology in ways that enhance economic security and improve our quality of life. The United States Patent and Trademark Office (USPTO) plays an important role in incentivizing and protecting innovation, including innovations contributed to international standards bodies. In May 2023, the White House announced the United States Government National Standards Strategy for Critical and Emerging Technology ("the Strategy"), which, among other things, seeks to strengthen U.S. engagement in standards for critical and emerging technologies. As a means to further the implementation of the Strategy, and pursuant to a Request for Information on Implementation of the United States Government National Standards Strategy for Critical and Emerging Technology published by NIST (Docket No. NIST-2023-0005), ITA, NIST, and the USPTO ("the Agencies") are initiating a listening session with stakeholders focused on issues at the intersection of standards and intellectual property. The Agencies are seeking stakeholder input on the current state of U.S. firm participation in standard setting, and the ability of U.S. industry to readily adopt standards to grow and compete, especially as that relates to the standardization of critical and emerging technologies.

DATES: The public listening session will be held on Wednesday, September 20, 2023, from 1 to 5 p.m. ET. Persons seeking to speak at the listening session must attend in person and register by 5 p.m. on September 13, 2023. Persons seeking to attend, either in person or virtually but not speak at the event,

must register by September 18, 2023. Seating is limited for in-person attendance. Written comments will be accepted until September 29, 2023.

ADDRESSES: *Public Listening Session:* A public listening session focused on issues at the intersection of standards and intellectual property will take place, in person, in the Clara Barton Auditorium at the USPTO headquarters, 600 Dulany Street, Alexandria, VA 22314. The session will also be available via live feed for those wishing to attend remotely. Registration is required for both in-person and virtual attendance. Information on registration is available at <https://www.uspto.gov/about-us/events/public-listening-session-innovating-ideas-standards-and-intellectual-property>. Registrants must indicate whether they are registering as a listen-only attendee or as a speaker participant. Requests to participate as a speaker must include:

1. The name of the person desiring to participate;
2. The organization(s) that person represents, if any;
3. Contact information (address, telephone number, and email); and
4. Information on the specific question(s) of interest to the speaker (or their organization) and identification of the primary question of interest.

Speaking slots are limited; preference will be given to speakers wishing to address one of the questions raised in this request for comments. We will attempt to group speakers by topics relating to the questions. Topics and speakers will be announced before the public listening session. The agencies have a strong preference for speakers to attend in person. Speakers are required to submit their written remarks for the listening session in advance through the Federal eRulemaking Portal at www.regulations.gov. We will inform each speaker in advance of their assigned time slot. If we receive more requests to speak than time allows and are unable to assign a time slot as requested, we will invite the requestor to submit written comments. Time slots will be at least five minutes but may be longer, depending on the number of speakers registered. A panel of ITA, NIST, and USPTO personnel may reserve time to ask questions of particular speakers after the delivery of a speaker's remarks. Outcomes of the listening session may include a follow-on request for comments or a further focused workshop.

The roundtable will be physically accessible to people with disabilities. Individuals requiring accommodation, such as sign language interpretation or

other ancillary aids, should communicate their needs at least seven business days prior to the roundtable to Ms. Lakeshia Harley in the USPTO's Office of Policy and International Affairs at 571-272-9300, at Lakeshia.Harley@uspto.gov, or by postal mail addressed to: Mail Stop OPIA, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22314-1450, ATTN: Lakeshia Harley. Attendees joining in person should arrive at least a half hour prior to the start of the roundtable and must present a valid government-issued photo identification upon arrival.

Request for Comments

You may submit written comments as follows. For reasons of government efficiency, comments must be submitted through the Federal eRulemaking Portal at www.regulations.gov. To submit comments via the portal, enter docket number PTO-C-2023-0034 on the homepage and select "search." The site will provide a search results page listing all documents associated with this docket. Find a reference to this request for comments and select on the "comment" icon, complete the required fields, and enter or attach your comments. Attachments to electronic comments will be accepted in Adobe® portable document format (PDF) or Microsoft Word® format. Information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments because comments will be made available for public inspection. Visit the Federal eRulemaking Portal for additional instructions on providing comments via the portal. If electronic submission of comments is not feasible due to a lack of access to a computer and/or the internet, please contact the USPTO using the contact information below for special instructions regarding how to submit comments by mail or by hand delivery.

Comments containing references, studies, research, and other empirical data that are not widely published should include copies of the referenced materials. All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. The Agencies will not accept comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature. Therefore, do not submit confidential business information or otherwise sensitive, protected information.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Hannon, at 571-272-7385 or Mr. Anthony Quinn, at 202-893-6488. Inquiries can also be sent to SEP_Policy@uspto.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On May 4, 2023, the White House released the *United States Government National Standards Strategy for Critical and Emerging Technology* ("the Strategy"). The Strategy calls for a whole of government approach to reinvigorate our rules-based and private sector-led approach to standards development. The Strategy seeks to prioritize efforts for standards development that are essential for U.S. competitiveness and national security including communication and networking technologies, semiconductors and microelectronics, artificial intelligence and machine learning, biotechnologies, clean energy, and quantum information technologies, to name a few. The Strategy highlights the importance of widely adopted standards as they facilitate access and growth in new markets and support new market entrants.

As a means to achieve increased U.S. private and public engagement with standard development organizations, the Strategy identifies the following four objectives: (1) investment, (2) participation, (3) workforce, and (4) integrity and inclusivity. Each objective is accompanied by particular lines of effort, such as helping to remove and prevent barriers to private sector participation in standard development, improving communications between public and private sectors on standards, and educating and empowering the new standards workforce.

Pursuant to a Request for Information on Implementation of the United States Government National Standards Strategy for Critical and Emerging Technology, Docket No. NIST-2023-0005 (<https://www.federalregister.gov/d/2023-19245>), the Agencies are seeking feedback on issues that stakeholders face at the intersection of standards and intellectual property, especially small and medium enterprises (SMEs). SMEs are encouraged to self-identify in their comment submissions. The listening session and stakeholder feedback received will be used to narrow the scope of future collaborative efforts between the Agencies and with stakeholders.

II. Focused Listening Session

The purpose of this listening session and request for comments is to obtain public input on areas for ITA-NIST-

USPTO collaboration and engagement related to the Strategy. We are seeking feedback from a broad group of stakeholders, including, but not limited to, private sector companies, standards bodies and entities that participate in them, licensors and licensees of standardized technologies, academia and the general public. To facilitate stakeholder feedback, questions are provided below. These questions are not meant to be exhaustive, and stakeholders are encouraged to address these and/or other related issues and to submit research and data that inform their comments on these topics. Responses to these questions may result in the need for additional workshops, hack-a-thons, or events to solve the identified challenges.

III. Questions for Public Comment

Respondents may address any, all, or none of the following questions and may address additional related topics that implicate the intersection of standards and intellectual property rights. Please identify, where possible, the questions your comments are intended to address. ITA, NIST, and the USPTO invite written responses from the public to the following questions:

1. Do the intellectual property rights policies of foreign jurisdictions threaten any of U.S. leadership in international standard setting, U.S. participation in international standard setting, and/or the growth of U.S. SMEs that rely on the ability to readily license standard essential patents?

2. If responding affirmatively to question 1, what can the Department of Commerce do to mitigate the effects of any adverse foreign policies relating to intellectual property rights and standards? Please clearly identify any such adverse foreign policies with specificity.

3. What more can other entities do, such as standards development organizations, industry or consumer associations, academia, or U.S. businesses to help improve American leadership, participation in international standard setting, and/or increased participation of small to medium-sized enterprises that rely on the ability to readily license standard essential patents?

4. Are current fair, reasonable, and non-discriminatory (FRAND) licensing practices adequate to sustain U.S. innovation and global competitiveness? Are there other international models which would better serve U.S. innovation in the future?

5. Are there specific U.S. intellectual property laws or policies that inhibit participation in standards development?

6. Are there specific U.S. intellectual property laws or policies that inhibit growth of SMEs that rely on licensing and implementing standards?

7. Which, if any, actions would be advisable for the Department of Commerce to further explore regarding the interplay of intellectual property and standards, including but not limited to:

- a. educational guidance to SMEs to become more involved in standards;
- b. recommendations for standards development organizations regarding intellectual property policies and enforcement thereof;
- c. a database of judicially determined or otherwise voluntarily-made-public licensing rates for technologies covered by a FRAND commitment; and
- d. other voluntary and/or public disclosures?

8. How can the Department of Commerce reinforce the importance of IP-based incentives for participation in international technology standards development, especially around critical and emerging technologies?

9. What can the Department of Commerce do to mitigate emergence or facilitate the resolution of FRAND licensing disputes? Can requiring further transparency concerning patent ownership make standard essential patent (SEP) licensing more efficient? What are other impediments to reaching a FRAND license that the Department of Commerce could address through policy or regulation?

10. Are there steps that the Department of Commerce can take regarding intellectual property rights policy that will help advance U.S. leadership in standards development and implementation for critical and emerging technologies?

11. Do policy solutions that would require SEP holders to agree collectively on rates or have parties rely on joint negotiation to reach FRAND license agreements with SEP holders create legal risks? Are there other concerns with these solutions?

12. What can the Department of Commerce do to help facilitate the efficient resolution of FRAND disputes? What can the Department of Commerce do with the World Intellectual Property Organization and/or standard setting bodies to promote alternative dispute resolution to more efficiently resolve FRAND disputes?

Katherine K. Vidal,

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

[FR Doc. 2023–19667 Filed 9–8–23; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2023–OS–0037]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by October 11, 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.

You may also submit comments and recommendations, identified by Docket ID number DoD–2023–OS–0037 and title at <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Angela Duncan, 571–372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION: The Active Duty Spouse Survey (ADSS) is the primary source for reliable and generalizable survey data on the effects of military life on military spouses and their families and the effectiveness of current programs and policies. The Office of People Analytics (OPA) will administer the Active Duty Spouse Survey (ADSS) to active duty spouses of Army, Navy, Marine Corps, Air Force, and Space Force members who are below flag rank. This scientific survey is

designed to enhance understanding of how spouse and family resilience impact force readiness and retention and inform the effectiveness of programs and policies under the purview of DoD’s Military Community and Family Policy (MC&FP) Department. The ADSS provides unique, ongoing, reliable data to equip policymakers with the information they need to make strategic, data-driven decisions on a vital component of the total force—military spouses and families. All active duty spouses who want to share their experiences but were not selected as part of the larger scientific survey will be able to complete a shorter survey hosted online during the same field period.

Title; Associated Form; and OMB Number: Active Duty Spouse Survey; OMB Control Number 0704–0604.

Type of Request: Revision.

Number of Respondents: 11,500.

Responses per Respondent: 1.

Annual Responses: 11,500.

Average Burden per Response: 15 minutes.

Annual Burden Hours: 2,875.

Affected Public: Individuals or households.

Frequency: Biennially.

Respondent’s Obligation: Voluntary.

Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of DOD, including whether the information collected has practical utility; (2) the accuracy of DOD’s estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

OMB Desk Officer: Ms. Jasmeet Seehra.

DOD Clearance Officer: Ms. Angela Duncan.

Requests for copies of the information collection proposal should be sent to Ms. Duncan at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Dated: September 6, 2023.

Natalie M. Ragland,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023–19533 Filed 9–8–23; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE**Department of the Navy****Department of the Navy Science and Technology Board; Notice of Federal Advisory Committee Meeting**

AGENCY: Department of the Navy (DoN), Department of Defense (DoD).

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Department of the Navy Science and Technology Board (DON STB) will take place.

DATES: A partially closed meeting will be held on Friday, September 22, 2023 from 9:30 a.m. to 1:00 p.m. Eastern Time Zone (ET).

ADDRESSES: The partially closed meeting will be held at the Pentagon.

FOR FURTHER INFORMATION CONTACT: Ms. Maria Proestou, Designated Federal Officer (DFO), Office of the Assistant Secretary of the Navy (Research, Development & Acquisition), Pentagon, Washington, DC 20350-1000, 703-614-3560, donstb.fct@navy.mil.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of chapter 10 of title 5 U.S.C. (commonly known as the Federal Advisory Committee Act (FACA), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), title 41 Code of Federal Regulations (CFR) 102-3.140 and 102-3.150 and covered by 5 U.S.C. 552b(c)(1). Due to circumstances beyond the control of the Designated Federal Officer, the Department of the Navy Science and Technology Board was unable to provide public notification required by 41 CFR 102-3.150(a) concerning its September 22, 2023 meeting. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102-3.150(b), waives the 15-calendar day notification requirement.

Purpose of the Meeting: The purpose of the meeting will be a swear-in ceremony hosted by Secretary of the Navy (SECNAV) for all new Board members. There will also be discussion on matters relating to the DoN's scientific and technical processes that have been tasked by the Secretary of the Navy.

Agenda: On September 22, 2023, SECNAV will be administering the oath of office to the new Board members. SECNAV will also be tasking the Board with topics to study so the Board can make their recommendations to the

Department and provide guidance on the Department's priorities and key operational problems in regards to science and technology. There will then be classified discussions on the topics that are tasked by SECNAV and strategy briefings to follow.

Availability of Materials for the Meeting: A copy of the agenda or any updates to the agenda for the September 22, 2023 meeting, as well as supporting documents, can be found on the website: <https://www.facadatabase.gov>.

Meeting Accessibility: Pursuant to section 552b(c)(1) of 5 U.S.C., this meeting will be partially closed to the public. If there are any questions or concerns, please send them to donstb.fct@navy.mil no later than Tuesday, September 11, 2023.

Written Statements: Pursuant to 41 CFR 102-3.105 and 102-3.140, and section 1009(a)(3) of title 5 U.S.C., written statements to the committee may be submitted at any time or in response to a stated planned meeting agenda by email to donstb.fct@navy.mil with the subject line, "Comments for DON STB Meeting."

Dated: September 6, 2023.

J.E. Koningisor,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2023-19492 Filed 9-8-23; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION**Applications for New Awards; Education Research Grant Programs**

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2024 for the Research Training Programs in the Education Sciences, Research Networks Focused on Critical Problems of Education Policy and Practice, and Statistical and Research Methodology in Education Grant Programs, Assistance Listing Numbers (ALNs) 84.305B, 84.305D, and 84.305N. This notice relates to the approved information collection under OMB control number 4040-0001.

DATES: The dates when applications are available and the deadlines for transmittal of applications invited under this notice are indicated in the chart at the end of this notice and in the Requests for Applications (RFAs) that are posted at the following website: <https://ies.ed.gov/funding>.

ADDRESSES: For the addresses for obtaining and submitting an

application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs. Please note that these Common Instructions supersede the version published on December 27, 2021.

FOR FURTHER INFORMATION CONTACT: The contact person associated with a particular research competition is listed in the chart at the end of this notice, as well as in the relevant RFA and application package.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

SUPPLEMENTARY INFORMATION:**Full Text of Announcement****I. Funding Opportunity Description**

Purpose of Program: In awarding the research grants, the Institute of Education Sciences (IES) intends to provide national leadership in expanding knowledge and understanding of (1) education outcomes for all learners from early childhood education through postsecondary and adult education, and (2) employment and wage outcomes when relevant (such as for those engaged in career and technical, postsecondary, or adult education). IES research grant programs are designed to provide interested individuals and the general public with reliable and valid information about education practices that support learning and improve academic achievement and access to education opportunities for all learners. These interested individuals include parents, educators, learners, researchers, and policymakers. In carrying out its grant programs, IES provides support for programs of research in areas of demonstrated national need. In awarding research training grant programs, IES aims to prepare individuals to conduct rigorous and relevant education and special education research that advances knowledge within the field and addresses issues important to education policymakers and practitioners.

Competitions in This Notice: The IES National Center for Education Research (NCER) is announcing three competitions—one competition in each of the following areas: education research training; statistical and

research methodology in education; and research networks focused on critical problems of education policy and practice.

The Research Training Programs in the Education Sciences (ALN 84.305B). Under this competition, NCER will consider only applications that address one of the following topics:

- Early Career Development and Mentoring Program for Education Research
- Early Career Development and Mentoring Program for Faculty at Minority-Serving Institutions¹
- Methods Training for Education Researchers

Statistical and Research Methodology in Education (ALN 84.305D). Under this competition, NCER will consider only applications that address one of the following topics:

- Core Grants (which supports the development of new and improved statistical and research methods and their dissemination to education researchers)
- Toolkits, Guidelines, Compendia, and Review Papers

Research Networks Focused on Critical Problems of Education Policy and Practice (ALN 84.305N). Under this competition, NCER will consider only applications that address one of the following topics:

- Career and Technical Education (CTE) Network, which includes:
 - Research Teams.
 - Digital Learning Platforms Network, which includes:
 - Research Teams.

Exemption from Proposed

Rulemaking: Under section 191 of the Education Sciences Reform Act, 20 U.S.C. 9581, IES is not subject to section 437(d) of the General Education Provisions Act, 20 U.S.C. 1232(d), and is therefore not required to offer interested parties the opportunity to comment on matters relating to grants.

¹ To qualify as an MSI for the purpose of the Early Career Mentoring Program, the institution must be eligible to receive assistance under sections 316 through 320 of part A of title III, under part B of title III, or under title V of the Higher Education Act of 1965. Information on eligibility under these authorities is available on the FY 2023 Eligibility Matrix at this link. MSIs include Alaska Native and Native Hawaiian-Serving Institutions (ANNH), American Indian Tribally Controlled Colleges and Universities (TCCU), Asian American and Native American Pacific Islander-Serving Institutions (AANAPISI), Hispanic-Serving Institutions (HSI), Historically Black Colleges and Universities (HBCU), Predominantly Black Institutions (PBI), and Native American-Serving, Nontribal Institutions (NASNTI). Please note that institutions eligible only for the Department's Title III Part A Strengthening Institutions program (SIP) are not considered MSIs for the purpose of this competition unless they also meet the eligibility requirements for a specific MSI category.

Program Authority: 20 U.S.C. 9501 *et seq.*

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 77, 81, 82, 84, 86, 97, 98, and 99. In addition, the regulations in 34 CFR part 75 are applicable, except for the provisions in 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.109(a), 75.200, 75.201, 75.209, 75.210, 75.211, 75.217(a)–(c), 75.219, 75.220, 75.221, 75.222, 75.230, and 75.250(a). (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Note: The open licensing requirement in 2 CFR 3474.20 does not apply to these competitions.

II. Award Information

Types of Awards: Discretionary grants and cooperative agreements.

Fiscal Information: Although Congress has not yet enacted an appropriation for FY 2024, IES is inviting applications for these competitions now so that applicants can have adequate time to prepare their applications. The actual level of funding, if any, depends on final congressional action. IES intends to announce additional competitions later in 2023.

Estimated Range of Awards: See chart at the end of this notice. The size of the awards will depend on the scope of the projects proposed.

Estimated Number of Awards: The number of awards made under each competition will depend on the quality of the applications received for that competition and the availability of funds.

IES may waive any of the following limits on awards for the Research Networks Focused on Critical Problems of Education Policy and Practice competition in the special case that the peer review process results in a tie between two or more grant applications,

making it impossible to adhere to the limits without funding only some of the equally ranked applications. In that case, IES may make a larger number of awards to include all applications of the same rank.

For the Research Networks Focused on Critical Problems of Education Policy and Practice (ALN 84.305N), we intend to fund up to 5 Research Teams for the CTE Network and up to 8 Research Teams for the Digital Learning Platforms Network.

Note: The Department is not bound by any estimates in this notice.

Project Period: See chart at the end of this notice.

III. Eligibility Information

1. *Eligible Applicants:* For the Early Career Development and Mentoring Program for Faculty at Minority-Serving Institutions under the Research Training Programs in the Education Sciences competition (ALN 84.305B), applicants must be a minority-serving institution (MSI) located in the territorial United States that confers bachelor's, master's, or doctoral degrees in academic fields relevant to education. For the Methods Training for Education Researchers topic under the Research Training Programs in the Education Sciences competition (ALN 84.305B), applicants must be located in the territorial United States and have the ability and capacity to conduct training in scientific research methods for education research.

For all other competitions in this notice, applicants that have the ability and capacity to conduct rigorous research are eligible to apply. Eligible applicants include, but are not limited to, nonprofit and for-profit organizations and public and private agencies and institutions of higher education, such as colleges and universities.

2. a. *Cost Sharing or Matching:* These programs do not require cost sharing or matching.

b. *Indirect Cost Rate Information:* The Research Training Programs in the Education Sciences (ALN 84.305B) use a training indirect cost rate as provided for under 34 CFR 75.562. This limits indirect cost reimbursement to an entity's actual indirect costs, as determined in its negotiated indirect cost rate agreement, or eight percent of a modified total direct cost base, whichever amount is less. For more information regarding training indirect cost rates, see 34 CFR 75.562. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see www2.ed.gov/about/offices/list/ocfo/intro.html. The other grant programs announced here use an

unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see www2.ed.gov/about/offices/list/ocfo/intro.html.

3. *Subgrantees*: Under 34 CFR 75.708(b) and (c) a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: nonprofit and for-profit organizations and public and private agencies and institutions of higher education. The grantee may award subgrants to entities it has identified in an approved application.

IV. Application and Submission Information

1. Application Submission

Instructions: Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at <https://www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs>, which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on December 27, 2021.

2. *Other Information*: Information regarding program and application requirements for the competitions is in the currently available IES Application Submission Guide and in the NCER RFAs, which are available on the IES website at: <https://ies.ed.gov/funding/>. The dates on which the application packages for these competitions will be available are indicated in the chart at the end of this notice.

3. *Content and Form of Application Submission*: Requirements concerning the content of an application are contained in the RFA for the specific competition. The forms that must be submitted are in the application package for the specific competition.

4. *Submission Dates and Times*: The deadline date for transmittal of applications for each competition is indicated in the chart at the end of this notice and in the RFAs for the competitions.

We do not consider an application that does not comply with the deadline requirements.

5. *Intergovernmental Review*: These competitions are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

6. *Funding Restrictions*: We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

V. Application Review Information

1. *Selection Criteria*: For all its grant competitions, IES uses selection criteria based on a peer review process that has been approved by the National Board for Education Sciences. The Peer Review Procedures for Grant Applications can be found on the IES website at https://ies.ed.gov/director/sro/peer_review/application_review.asp.

For the 84.305B competition, peer reviewers of the Early Career Development and Mentoring Program for Faculty at Minority-Serving Institutions and the Early Career Development and Mentoring Program for Education Research will be asked to evaluate the significance of the application, the quality of the research plan, the quality of the career development plan, the qualifications and experience of the personnel, the resources of the applicant to support the proposed activities, and the quality of the dissemination plan. For the 84.305B competition, peer reviewers for Methods Training for Education Researchers will be asked to evaluate the significance of the application, the quality of the research training plan, the qualifications and experience of the personnel, the resources of the applicant to support the proposed activities, and the quality of the dissemination plan. These criteria are described in greater detail in the RFA.

For the 84.305D competition, peer reviewers will be asked to evaluate the significance of the application, the quality of the research plan, the qualifications and experience of the personnel, the resources of the applicant to support the proposed activities, and the quality of the dissemination history and dissemination plan. These criteria will be described in greater detail in the RFAs.

For the 84.305N competition, peer reviewers will be asked to evaluate the significance of the application, the quality of the research plan, the qualifications and experience of the personnel, the resources of the applicant to support the proposed activities, and the quality of the dissemination history and dissemination plan. These criteria will be described in greater detail in the RFA.

For all IES competitions, applications must include budgets no higher than the relevant maximum award as set out in the relevant RFA. IES will not make an award exceeding the maximum award amount as set out in the relevant RFA.

2. *Review and Selection Process*: We remind potential applicants that in reviewing applications in any discretionary grant competition, IES may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, compliance with the IES policy regarding public access to research, and compliance with grant conditions. IES may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, IES also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions*: Consistent with 2 CFR 200.206, before awarding grants under these competitions, the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, IES may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System*: If you are selected under these competitions to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds

\$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved

application as part of your binding commitments under the grant.

3. *Grant Administration:* Applicants should budget for an annual meeting of up to three days for project directors to be held in Washington, DC.

4. *Reporting:* (a) If you apply for a grant under one of the competitions announced in this notice, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by IES. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by IES under 34 CFR 75.118. IES may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

5. *Performance Measures:* To evaluate the overall success of its education research and special education research grant programs, IES annually assesses the percentage of projects that result in peer-reviewed publications and the number of IES-supported interventions with evidence of efficacy in improving learner education outcomes. Student academic outcomes include learning and achievement in academic content areas, such as reading, writing, math, and science, as well as outcomes that reflect students' successful progression through the education system, such as course and grade completion; high school graduation; and postsecondary enrollment, progress, and completion. Social and behavioral competencies include social and emotional skills, attitudes, and behaviors that are important to academic and post-academic success. Employment and earnings outcomes include hours of employment, job stability, and wages and benefits, and may be measured in addition to student academic outcomes.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, IES considers, among other things: whether a grantee has made substantial progress in achieving the

goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; whether a grantee is in compliance with the IES policy regarding public access to research; and if IES has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, IES also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the relevant program contact person listed in the chart at the end of this notice, as well as in the relevant RFA and application package, individuals with disabilities can obtain this document and a copy of the RFA in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Mark Schneider,

Director, Institute of Education Sciences.

ALN and name	Application package available	Deadline for transmittal of applications	Estimated range of awards *	Project period	For further information contact
National Center for Education Research (NCER)					
84.305B Research Training Programs in the Education Sciences - Early Career Development and Mentoring Program for Faculty at Minority-Serving Institutions - Early Career Development and Mentoring Program for Education Research - Methods Training for Education Researchers	September 28, 2023.	January 11, 2024.	\$80,000 to \$267,000	Up to 4 years.	Katina Stapleton, <i>Katina.Stapleton@ed.gov</i> , (202) 245-6181.
84.305D Statistical and Research Methodology in Education - Core grants - Toolkits, Guidelines, Compendia, and Review Papers Grants	September 28, 2023.	January 11, 2024.	\$100,000 to \$300,000	Up to 3 years.	Charles Laurin, <i>Charles.Laurin@ed.gov</i> , (202) 987-0919.
84.305N Research Networks Focused on Critical Problems of Education Policy and Practice - Digital Learning Platform Network Research Teams - Career and Technical Education Network Research Teams	October 26, 2023.	January 11, 2024.	\$200,000-\$500,000 \$200,000-\$800,000	Up to 2 years. Up to 4 years.	Erin Higgins, <i>Erin.Higgins@ed.gov</i> , (202) 987-1532. Corinne Alfeld, <i>Corinne.Alfeld@ed.gov</i> , (202) 321-1299.

* These estimates are annual amounts.

Note: The Department is not bound by any estimates in this notice.

Note: If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

[FR Doc. 2023-19497 Filed 9-8-23; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2023-SCC-0116]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Student Support Services Annual Performance Report

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before October 11, 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 Lavelle Wright, 202-453-7739.

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: Student Support Services Annual Performance Report.

OMB Control Number: 1840-0525.

Type of Review: A revision of a currently approved ICR.

Respondents/Affected Public: Private sector.

Total Estimated Number of Annual Responses: 1,161.

Total Estimated Number of Annual Burden Hours: 17,821.

Abstract: Student Support Services (SSS) program grantees must submit the Annual Performance Report (APR) annually. The reports are used to evaluate grantees' performance for substantial progress, respond to Government Performance and Results Act requirements, and award prior experience points at the end of each project (budget) period. The Department also aggregates the data to provide descriptive information on the projects and to analyze the impact of the SSS program on the academic progress of participating students.

The form has been revised to include an additional field addressing the Higher Education Act provision that requires the Secretary to report comparable data on the performance of not only first-generation and low-income students but also on students with disabilities. This field adds a small amount of additional burden per grantee.

Dated: September 6, 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. 2023-19509 Filed 9-8-23; 8:45 am]

BILLING CODE 4000-01-P

ENVIRONMENTAL PROTECTION AGENCY**[EPA-HQ-OPP-2023-0067; FRL-10578-07-OCSPP]****Pesticide Product Registration; Receipt of Applications for New Uses (July 2023)****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before October 11, 2023.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2023-0067, through the *Federal eRulemaking Portal* at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Charles Smith, Registration Division (RD) (7505T), main telephone number: (202) 566-2427, email address: RDfRNNotices@epa.gov. The mailing address for each contact person is Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:**I. General Information***A. Does this action apply to me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through [regulations.gov](https://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets>.

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

Notice of Receipt—New Uses

EPA Registration Number: 1015-79. *Docket ID number:* EPA-HQ-OPP-2023-0337. *Applicant:* Douglas Products and Packaging Company; 1550 East Old 210 Highway, Liberty, MO 65068. *Active ingredient:* Sulfuryl fluoride. *Product type:* Fumigant. *Proposed use:* New use, non-food; indoor use on tobacco. *Contact:* RD.

EPA Registration Numbers: 4787-55, 4787-61, 279-3588. *Docket ID number:* EPA-HQ-OPP-2023-0258. *Applicant:* Interregional Research Project Number 4 (IR-4) Project Headquarters, NC State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606. *Active ingredient:* Flutriafol. *Product type:* Fungicide. *Proposed uses:* Tropical and subtropical, small fruit, edible peel, subgroup 23A; cottonseed subgroup 20C; crop group 4-16, leafy vegetables;

leaf petiole vegetable subgroup 22B; fruit, pome, group 11-10; fruit, stone, group 12-12; and vegetable, brassica, head and stem, group 5-16; celtuce; fennel, Florence, fresh leaves and stalk; and kohlrabi. *Contact:* RD.

EPA Registration Numbers: 4787-55, 4787-61, 279-3596, 279-3603, 279-3557, 279-3588, 279-9658, 279-9638. *Docket ID number:* EPA-HQ-OPP-2023-0258. *Applicant:* Cheminova, A/S, wholly owned by FMC Corporation 2929 Walnut Street, Philadelphia, PA 19104. *Active ingredient:* Flutriafol. *Product type:* Fungicide. *Proposed uses:* Crop subgroup 1B: root vegetables (except sugar beet), crop subgroup 1C; tuberous and corm vegetables, sugarcane. *Contact:* RD.

EPA Registration Number: 53883-415. *Docket ID number:* EPA-HQ-OPP-2023-0388. *Applicant:* Control Solutions, Inc. 5903 Genoa-Red Bluff Pasadena, TX 77507-1041. *Active ingredient:* Novaluron, deltamethrin, pyriproxyfen. *Product type:* Insecticide. *Proposed use:* Aircraft cabin use. *Contact:* RD.

EPA Registration Numbers: 70506-514, 70506-602, 70506-603, 91813-79. *Docket ID number:* EPA-HQ-OPP-2022-0455. *Applicant:* UPL Delaware, Inc. and UPL NA, Inc. 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406. *Active ingredient:* Carboxin. *Product type:* Fungicide. *Proposed use(s):* Additional new food uses of carboxin on subgroup 6-22E dried shelled bean, except soybean and 6-22F; pulses, dried shelled pea. *Contact:* RD.

EPA Registration Number: 71512-2 and 71512-3. *Docket ID number:* EPA-HQ-OPP-2023-0257. *Applicant:* Interregional Research Project Number 4 (IR-4), North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606. *Active ingredient:* Cyazofamid. *Product type:* Fungicide. *Proposed uses:* Pulses, dried shelled beans, except soybean, subgroup 6-22E, parsnip, root, and crop group subgroup conversions and expansions. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: September 5, 2023.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2023-19464 Filed 9-8-23; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0057; FR ID 170279]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget**AGENCY:** Federal Communications Commission.**ACTION:** Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.” The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before October 11, 2023.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into www.reginfo.gov per the above instructions for it to be considered. In addition to submitting in www.reginfo.gov also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to PRA@fcc.gov and to Nicole.Ongele@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page <http://www.reginfo.gov/>

[public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain), (2) look for the section of the web page called “Currently Under Review,” (3) click on the downward-pointing arrow in the “Select Agency” box below the “Currently Under Review” heading, (4) select “Federal Communications Commission” from the list of agencies presented in the “Select Agency” box, (5) click the “Submit” button to the right of the “Select Agency” box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

OMB Control Number: 3060–0057.

Title: Application for Equipment Authorization, FCC Form 731.

Form Number: FCC Form 731.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 11,305 respondents; 24,873 responses.

Estimated Time per Response: 0.1–40 hours.

Frequency of Response: On occasion and other ongoing reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154(i), 301, 302a, 303, 309(j), 312, 316, and the

Secure Equipment Act of 2021, Public Law 117–55, 135 Stat. 423.

Total Annual Burden: 206,863 hours.

Total Annual Cost: \$50,155,140.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) after this 60-day comment period to obtain the three-year clearance. The information will be used by the Commission to fulfill its statutory mandate under the Secure Equipment Act of 2021, Public Law 117–55, 135 Stat. 423 (2021) to implement prohibitions in its equipment authorization program that will protect the nation’s telecommunications systems from equipment that has been determined to pose an unacceptable risk to national security or the safety of U.S. persons.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2023–19515 Filed 9–8–23; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION**Sunshine Act Meetings**

TIME AND DATE: Thursday, September 14, 2023 at 10:30 a.m.

PLACE: Hybrid meeting: 1050 First Street NE, Washington, DC (12th Floor) and Virtual.

Note: For those attending the meeting in person, current COVID–19 safety protocols for visitors, which are based on the CDC COVID–19 hospital admission level in Washington, DC, will be updated on the Commission’s contact page by the Monday before the meeting. See the contact page at <https://www.fec.gov/contact/>. If you would like to virtually access the meeting, see the instructions below.

STATUS: This meeting will be open to the public, subject to the above-referenced guidance regarding the COVID–19 hospital admission level and corresponding health and safety procedures. To access the meeting virtually, go to the Commission’s website www.fec.gov and click on the banner to be taken to the meeting page.

MATTERS TO BE CONSIDERED:

Proposed Directive Regarding Investigations Conducted by the Office of General Counsel

Audit Division Recommendation Memorandum on Citizens for Waters (A21–01)

Management and Administrative Matters

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694-1220.

Individuals who plan to attend in person and who require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Laura E. Sinram, Secretary and Clerk, at (202) 694-1040 or secretary@fec.gov, at least 72 hours prior to the meeting date.

(Authority: Government in the Sunshine Act, 5 U.S.C. 552b)

Vicktoria J. Allen,

Deputy Secretary of the Commission.

[FR Doc. 2023-19692 Filed 9-7-23; 4:15 pm]

BILLING CODE 6715-01-P

FEDERAL RESERVE SYSTEM

Privacy Act of 1974; System of Records

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, notice is given that the Board of Governors of the Federal Reserve System (Board) proposes to modify an existing system of records, entitled BGFRS-26, “FRB—Employee Relations Records.” BGFRS-26 includes written communications and related documents involved in adjusting work-related problems, including records such as interpersonal and organizational conflicts and related documentation.

DATES: Comments must be received on or before October 11, 2023. This new system of records will become effective October 11, 2023, without further notice, unless comments dictate otherwise.

The Office of Management and Budget (OMB), which has oversight responsibility under the Privacy Act, requires a 30-day period prior to publication in the **Federal Register** in which to review the system and to provide any comments to the agency. The public is then given a 30-day period in which to comment, in accordance with 5 U.S.C. 552a(e)(4) and (11).

ADDRESSES: You may submit comments, identified by BGFRS-26 “FRB—Employee Relations Records,” by any of the following methods:

- **Agency Website:** <https://www.federalreserve.gov>. Follow the instructions for submitting comments at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx>.

- **Email:** regs.comments@federalreserve.gov. Include SORN name and number in the subject line of the message.

- **Fax:** (202) 452-3819 or (202) 452-3102.

- **Mail:** Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

In general, all public comments will be made available on the Board’s website at <https://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm> as submitted, and will not be modified to remove confidential, contact or any identifiable information. Public comments may also be viewed electronically or in paper in Room M-4365A, 2001 C St. NW, Washington, DC 20551, between 9:00 a.m. and 5:00 p.m. during federal business weekdays.

FOR FURTHER INFORMATION CONTACT:

David B. Husband, Senior Counsel, (202) 530-6270, or david.b.husband@frb.gov; Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551. For users of telephone systems via text telephone (TTY) or any TTY-based Telecommunications Relay Services, please call 711 from any telephone anywhere in the United States.

SUPPLEMENTARY INFORMATION: The Board is modifying this system of records to reflect internal changes in Board employment programs and processes, changes to the Board’s job classifications, and to include “common law employees” as a type of employee covered by the system. To reflect these changes, the Board has updated the system manager, the categories of individuals covered by the system, the categories of records in the system, and the record source categories. The Board is incorporating a link to the Board’s general routine uses and is not amending or establishing any new routine uses.

The Board is also making technical changes to BGFRS-26 consistent with the template laid out in OMB Circular No. A-108. Accordingly, the Board has made technical corrections and non-substantive language revisions to the following categories: “Policies and Practices for Storage of Records,” “Policies and Practices for Retrieval of Records,” “Policies and Practices for Retention and Disposal of Records,” “Administrative, Technical and Physical Safeguards,” “Record Access Procedures,” “Contesting Record Procedures,” and “Notification

Procedures.” The Board has also created the following new fields: “Security Classification” and “History.”

SYSTEM NAME AND NUMBER:

BGFRS-26 “FRB—Employee Relations Records”.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

SYSTEM MANAGER(S):

Kevin May, Manager—Employee Relations, People, Strategy, and Operations, Division of Management, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551, (202) 973-7339, or kevin.j.may@frb.gov.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. 244 and 248).

PURPOSE(S) OF THE SYSTEM:

These records are collected and maintained to assist the Board in administering its personnel functions, and to assist employees in resolving work-related issues.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present Board employees with work-related issues that involve the Employee Relations function. Employee means all full-time and part-time employees, student aides, office assistants, student interns, co-op employees, common-law employees, and those serving in term-limited positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains written communications and related documents involved in addressing issues and complaints brought to the Employee Relations function. Such documents include, but are not limited to, employee complaints about management practices, requests for conflict resolution services or trainings and related documentation, informal performance counseling, summaries of findings in EEO, OIG, and related matters, and related resolution/outcome documentation of general employee relations cases.

RECORD SOURCE CATEGORIES:

Information is provided by the individual to whom the record pertains; individuals pertinent to the

investigation/resolution/outcome of the matter (including witnesses); the individual's managers and officers; the Office of Diversity & Inclusion and the Office of Inspector General (report of findings); and employees and officers in the People, Strategy, and Operations function of the Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

General routine uses A, B, C, D, E, F, G, H, I, and J apply to this system. These general routine uses are located at <https://www.federalreserve.gov/files/SORN-page-general-routine-uses-of-board-systems-of-records.pdf> and are published in the **Federal Register** at 83 FR 43872 at 43873–74 (August 28, 2018). Records may also be used to disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested), when necessary to obtain information relevant to a Board decision to hire or retain an employee, issue a security clearance, conduct a security or suitability investigation of an individual, classify jobs, let a contract, or issue a license, grant, or other benefits.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records in this system are stored in a secure room accessible only with a Board ID badge and access is limited to staff with a need to know. Electronic records are stored on a secure server with access limited to staff with a need to know.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records can be retrieved by the names of the individuals on whom they are maintained or by employee identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Employee relations case files are retained for seven years after the case is closed or final settlement on appeal, as appropriate.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records are stored in a secure room accessible only with a Board ID badge and access is limited to staff with a need to know. Electronic files are stored on secure servers that have the ability to track individual user actions within the systems. The audit and accountability controls are based on

NIST and Board standards which, in turn, are based on applicable laws and regulations. The controls assist in detecting security violations and performance or other issues in the system. Access to the system is restricted to authorized users within the Board who require access for official business purposes. Users are classified into different roles and common access and usage rights are established for each role. User roles are used to delineate between the different types of access requirements such that users are restricted to data that is required in the performance of their duties. Periodic assessments and reviews are conducted to determine whether users still require access, have the appropriate role, and whether there have been any unauthorized changes.

RECORD ACCESS PROCEDURES:

The Privacy Act allows individuals the right to access records maintained about them in a Board system of records. Your request for access must: (1) contain a statement that the request is made pursuant to the Privacy Act of 1974; (2) provide either the name of the Board system of records expected to contain the record requested or a concise description of the system of records; (3) provide the information necessary to verify your identity; and (4) provide any other information that may assist in the rapid identification of the record you seek.

Current or former Board employees may make a request for access by contacting the Board office that maintains the record. The Board handles all Privacy Act requests as both a Privacy Act request and as a Freedom of Information Act request. The Board does not charge fees to a requestor seeking to access or amend his/her Privacy Act records.

You may submit your Privacy Act request to the—Secretary of the Board, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

You may also submit your Privacy Act request electronically by filling out the required information at: <https://foia.federalreserve.gov/>.

CONTESTING RECORD PROCEDURES:

The Privacy Act allows individuals to seek amendment of information that is erroneous, irrelevant, untimely, or incomplete and is maintained in a system of records that pertains to them. To request an amendment to your record, you should clearly mark the request as a “Privacy Act Amendment Request.” You have the burden of proof

for demonstrating the appropriateness of the requested amendment and you must provide relevant and convincing evidence in support of your request.

Your request for amendment must: (1) provide the name of the specific Board system of records containing the record you seek to amend; (2) identify the specific portion of the record you seek to amend; (3) describe the nature of and reasons for each requested amendment; (4) explain why you believe the record is not accurate, relevant, timely, or complete; and (5) unless you have already done so in a related Privacy Act request for access or amendment, provide the necessary information to verify your identity.

NOTIFICATION PROCEDURES:

Same as “Access procedures” above. You may also follow this procedure in order to request an accounting of previous disclosures of records pertaining to you as provided for by 5 U.S.C. 552a(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This SORN was previously published in the **Federal Register** at 73 FR 24984 at (May 6, 2008). The SORN was also amended to incorporate two new routine uses required by OMB at 83 FR 43872 (August 28, 2018).

Board of Governors of the Federal Reserve System.

Ann Misback,

Secretary of the Board.

[FR Doc. 2023–19483 Filed 9–8–23; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Privacy Act of 1974; System of Records

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, notice is given that the Board of Governors of the Federal Reserve System (Board) proposes to modify an existing system of records, entitled BGFRS–29, “FRB—Benefits Records.” This system of records contains records necessary to administer and maintain the Board's benefits programs and to assist in personnel management.

DATES: Comments must be received on or before October 11, 2023. This new system of records will become effective

October 11, 2023, without further notice, unless comments dictate otherwise.

The Office of Management and Budget (OMB), which has oversight responsibility under the Privacy Act, requires a 30-day period prior to publication in the **Federal Register** in which to review the system and to provide any comments to the agency. The public is then given a 30-day period in which to comment, in accordance with 5 U.S.C. 552a(e)(4) and (11).

ADDRESSES: You may submit comments, identified by *BGFRS-29, "FRB—Benefits Records,"* by any of the following methods:

- **Agency Website:** <https://www.federalreserve.gov>. Follow the instructions for submitting comments at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx>.

- **Email:** regs.comments@federalreserve.gov. Include SORN name and number in the subject line of the message.

- **Fax:** (202) 452-3819 or (202) 452-3102.

- **Mail:** Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

In general, all public comments will be made available on the Board's website at <https://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm> as submitted, and will not be modified to remove confidential, contact or any identifiable information. Public comments may also be viewed electronically or in paper in Room M-4365A, 2001 C St. NW, Washington, DC 20551, between 9:00 a.m. and 5:00 p.m. during federal business weekdays.

FOR FURTHER INFORMATION CONTACT:

David B. Husband, Senior Counsel, (202) 530-6270, or david.b.husband@frb.gov; Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551. For users of telephone systems via text telephone (TTY) or any TTY-based Telecommunications Relay Services, please call 711 from any telephone anywhere in the United States.

SUPPLEMENTARY INFORMATION: The Board is in the process of replacing its current enterprise resource planning (ERP) system and accordingly is modifying this system of records to reflect this transition. The Board is also taking the opportunity to generally revise and modernize the system of records notice throughout to match existing personnel practices. The Board is modifying the

system to reflect that in accordance with provisions of the Dodd-Frank Act, codified at 12 U.S.C. 5493(a)(3)(A), Consumer Financial Protection Bureau (CFPB) employees may elect to participate in the Federal Reserve System's retirement and thrift plans. Accordingly, the Board is amending the authority section and the category of individuals section to reflect the inclusion of CFPB employees. The Board is also expressly adding dependents of Board and CFPB employees in the category of individuals.

The Board is amending system-specific routine use 1 to refer to the Board's benefit administrators and record keepers generally rather than specifically listing the various Board benefit plans given that the plans are subject to change. The Board is also amending the same routine use 1 to permit disclosures when necessary to adjudicate a claim under a thrift or health and welfare benefits program of the Board, a Federal Reserve Bank, or a listed federal agency. Finally, the Board is amending language in the routine use that permits disclosure to "an agency to conduct an analytical study or audit of benefits being paid under such programs" to instead qualify that such a disclosure would be made only to "an agency with governing authority over such programs." This change matches the Board's practice. In addition, the Board is updating the routine use section to incorporate a link to the Board's general routine uses.

The Board is also making minor changes to the category of records section to add "vision plan benefits" and to replace the voluntary plan insurance example from "Auto Insurance" to "Personal Accident Insurance." The Board is amending the record source categories to reflect name changes to the programs e.g., Human Resources was renamed People, Strategy, and Operations and also to indicate that employees or former employees may provide information regarding their beneficiaries or dependents. Finally, the Board is also updating the system location, system manager, the policies and practices for retrieval of records and the policies and practices for retention of records.

The Board is also making technical changes to BGFRS-29 consistent with the template laid out in OMB Circular No. A-108. Accordingly, the Board has made technical corrections and non-substantive language revisions to the following sections: "Policies and Practices for Storage of Records," "Policies and Practices for Retrieval of Records," "Policies and Practices for

Retention and Disposal of Records," "Administrative, Technical and Physical Safeguards," "Record Access Procedures," "Contesting Record Procedures," and "Notification Procedures." The Board has also created and populated the following new sections: "Security Classification" and "History."

SYSTEM NAME AND NUMBER:

BGFRS-29, "FRB—Benefits Records."

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Board of Governors of the Federal Reserve System 20th Street and Constitution Avenue NW, Washington, DC 20551 and the Board's vendor, Workday, Inc., 6110 Stoneridge Mall Road, Pleasanton, CA 94588. Some information is collected and maintained, on behalf of the Board, by its benefits providers.

SYSTEM MANAGER(S):

Lewis Andrews, Assistant Director, Division of Management, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551, (202) 452-3082, or lewis.e.andrews@frb.gov.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. 244 and 248) and 12 U.S.C. 5493(a)(3).

PURPOSE(S) OF THE SYSTEM:

These records are collected and maintained to administer the Board's benefits programs for its employees and assist in personnel management.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present Board and Consumer Financial Protection Bureau (Bureau) employees, their beneficiaries and dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

All forms relating to employee benefits including enrollment, records relating to claims filed for benefits, and memoranda relating to individuals' benefits. These benefits include health insurance, dental plan, vision plan, life insurance, disability coverage, accident insurance, flexible spending accounts, premium conversion accounts, voluntary plans (e.g., Personal Accident Insurance), retirement and thrift plans, and any other benefits offered by the Board.

RECORD SOURCE CATEGORIES:

Information is provided by the individual to whom the record pertains, the benefit provider, and staff of People, Strategy & Operations in the Division of Management. In addition, an employee or former employee may provide information about their beneficiary or dependent.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

General routine uses A, B, C, D, F, G, H, I, and J apply to this system. These general routine uses are located at <https://www.federalreserve.gov/files/SORN-page-general-routine-uses-of-board-systems-of-records.pdf> and are published in the **Federal Register** at 83 FR 43872 at 43873–74 (August 28, 2018). Records may also be used:

1. to disclose information to the benefit administrators and record keepers of the Board's benefit plans, a Federal Reserve Bank, or the Department of Labor, Department of Veterans Affairs, Social Security Administration, Department of Defense, or any federal agencies that have special civilian employee retirement programs; or to a national, state, county, municipal, or other publicly recognized charitable or income security administration agency (e.g., state unemployment-compensation agencies), when necessary to adjudicate a claim under the retirement, thrift, insurance, unemployment, or health and welfare benefits programs of the Board, a Federal Reserve Bank, or any agency cited above, or to an agency with governing authority over such programs to conduct an analytical study or audit of benefits being paid under such programs;

2. to disclose to the Office of Personnel Management's Federal Employees Group Life Insurance Program information necessary to verify election, declination, or waiver of regular and/or optional life insurance coverage, eligibility for payment of a claim for life insurance, or a Thrift Savings Program (TSP) election change and designation of beneficiary;

3. to disclose to health insurance carriers that provide a health benefits plan under the Federal Employees Health Benefits Program information that is necessary to verify eligibility for payment of a claim for health benefits; and

4. to disclose information to the executor of an individual's estate, the government entity probating a will, a designated beneficiary, or to any person who is responsible for the care of an individual to the extent necessary when

the individual to whom a record pertains is deceased, or mentally incompetent, or under other legal disability, and to disclose information to an individual's emergency contact when necessary to assist that individual in obtaining any employment benefit or any working condition, such as accommodations under the Rehabilitation Act of 1973.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records in this system are stored in locked file cabinets with access limited to staff with a need to know. Electronic records are stored on a secure server with access limited to staff with a need to know.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records can be retrieved by name or employee identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The retention period for these records is currently under review. Until the review is completed, the records will not be destroyed.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records are secured by lock and key and electronic files are stored within multiple secure systems. The systems have the ability to track individual user actions within them. The audit and accountability controls are based on NIST and Board standards which, in turn, are based on applicable laws and regulations. The controls assist in detecting security violations and performance or other issues in the system. Access to the systems is restricted to authorized users who require access for official business purposes. Users are classified into different roles and common access and usage rights are established for each role. User roles are used to delineate between the different types of access requirements such that users are restricted to data that is required in the performance of their duties. Periodic assessments and reviews are conducted to determine whether users still require access, have the appropriate role, and whether there have been any unauthorized changes. Additionally, periodic security assessments consistent with NIST guidance are performed to ensure ongoing security and integrity of the systems.

RECORD ACCESS PROCEDURES:

The Privacy Act allows individuals the right to access records maintained about them in a Board system of

records. Your request for access must: (1) contain a statement that the request is made pursuant to the Privacy Act of 1974; (2) provide either the name of the Board system of records expected to contain the record requested or a concise description of the system of records; (3) provide the information necessary to verify your identity; and (4) provide any other information that may assist in the rapid identification of the record you seek.

Current or former Board employees may make a request for access by contacting the Board office that maintains the record. The Board handles all Privacy Act requests as both a Privacy Act request and as a Freedom of Information Act request. The Board does not charge fees to a requestor seeking to access or amend his/her Privacy Act records.

You may submit your Privacy Act request to the—Secretary of the Board, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

You may also submit your Privacy Act request electronically by filling out the required information at: <https://foia.federalreserve.gov/>.

CONTESTING RECORD PROCEDURES:

The Privacy Act allows individuals to seek amendment of information that is erroneous, irrelevant, untimely, or incomplete and is maintained in a system of records that pertains to them. To request an amendment to your record, you should clearly mark the request as a "Privacy Act Amendment Request." You have the burden of proof for demonstrating the appropriateness of the requested amendment and you must provide relevant and convincing evidence in support of your request.

Your request for amendment must: (1) provide the name of the specific Board system of records containing the record you seek to amend; (2) identify the specific portion of the record you seek to amend; (3) describe the nature of and reasons for each requested amendment; (4) explain why you believe the record is not accurate, relevant, timely, or complete; and (5) unless you have already done so in a related Privacy Act request for access or amendment, provide the necessary information to verify your identity.

NOTIFICATION PROCEDURES:

Same as "Access procedures" above. You may also follow this procedure in order to request an accounting of previous disclosures of records pertaining to you as provided for by 5 U.S.C. 552a(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This SORN was previously published in the **Federal Register** at 73 FR 24984 (May 6, 2008). The SORN was also amended to incorporate two new routine uses required by OMB at 83 FR 43872 (August 28, 2018).

Board of Governors of the Federal Reserve System.

Ann Misback,

Secretary of the Board.

[FR Doc. 2023–19482 Filed 9–8–23; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM**Proposed Agency Information Collection Activities; Comment Request**

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, with revision, the Recordkeeping and Disclosure Requirements Associated with Regulation R (FR R; OMB No. 7100–0316).

DATES: Comments must be submitted on or before November 13, 2023.

ADDRESSES: You may submit comments, identified by FR R, by any of the following methods:

- **Agency Website:** <https://www.federalreserve.gov/>. Follow the instructions for submitting comments at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx>.

- **Email:** regs.comments@federalreserve.gov. Include the OMB number or FR number in the subject line of the message.

- **Fax:** (202) 452–3819 or (202) 452–3102.

- **Mail:** Federal Reserve Board of Governors, Attn: Ann E. Misback, Secretary of the Board, Mailstop M–4775, 2001 C St. NW, Washington, DC 20551.

All public comments are available from the Board's website at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx> as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any confidential business information, identifying information, or contact information.

Public comments may also be viewed electronically or in paper in Room M–4365A, 2001 C St. NW, Washington, DC 20551, between 9:00 a.m. and 5:00 p.m. on weekdays, except for Federal holidays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghribi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, nuha.elmaghribi@frb.gov, (202) 452–3884.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

During the comment period for this proposal, a copy of the proposed PRA OMB submission, including the draft reporting form and instructions, supporting statement (which contains more detail about the information collection and burden estimates than this notice), and other documentation, will be made available on the Board's public website at <https://www.federalreserve.gov/apps/reportingforms/home/review> or may be requested from the agency clearance officer, whose name appears above. Final versions of these documents will be made available at <https://www.reginfo.gov/public/do/PRAMain>, if approved.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection,

which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, With Revision, the Following Information Collection

Collection title: Recordkeeping and Disclosure Requirements Associated with Regulation R.

Collection identifier: FR R.

OMB control number: 7100–0316.

General description of collection: The Board's Regulation R—Exceptions for Banks from the Definition of Broker in the Securities Exchange Act of 1934 (12 CFR part 218) implements certain exceptions for banks from the definition of broker under section 3(a)(4) of the Securities Exchange Act of 1934 (Exchange Act). Sections 701, 723, and 741 of Regulation R contain certain recordkeeping provisions for banks that utilize the exceptions in the Exchange Act and certain customer and counterparty disclosure requirements.

Proposed revisions: The Board proposes to revise the FR R to account for a recordkeeping provision in section 218.723(c)(2)(ii) of Regulation R, which has not been previously cleared by the Board under the PRA.

For purposes of determining compliance with the chiefly compensated test, a bank may exclude the trust or fiduciary accounts held at a non-shell foreign branch of the bank if the bank has reasonable cause to believe that trust or fiduciary accounts of the foreign branch held by or for the benefit

of a U.S. person constitute less than 10 percent of the total number of trust or fiduciary accounts of the foreign branch. Under section 218.723(c)(2)(ii) of Regulation R, a bank will be deemed to have reasonable cause to believe that a trust or fiduciary account of a foreign branch of the bank is not held by or for the benefit of a U.S. person if, among other things, the records of the foreign branch indicate that the accountholder(s) and beneficiary(ies) of the account is not a U.S. person. In order to receive the benefits of this provision the foreign branch must keep such records while the account(s) at issue are open, so that supervisors can monitor compliance. The Board has not estimated additional burden for this provision because it expects that records about whether accountholders and beneficiaries are U.S. persons would be compiled and maintained by banks in the normal course of their activities.

Frequency: Event-generated.

Respondents: Banks, as defined in the Exchange Act, that qualify for the exemptions from the Exchange Act definition of broker.

Total estimated number of respondents: 3,185.

Total estimated change in burden: 0.

Total estimated annual burden hours: 62,709.¹

Board of Governors of the Federal Reserve System, September 5, 2023.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2023-19477 Filed 9-8-23; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, with revision, the Single-Counterparty Credit Limits (FR 2590; OMB No. 7100-0377).

DATES: Comments must be submitted on or before November 13, 2023.

¹ More detailed information regarding this collection, including more detailed burden estimates, can be found in the OMB Supporting Statement posted at <https://www.federalreserve.gov/apps/reportingforms/home/review>. On the page displayed at the link, you can find the OMB Supporting Statement by referencing the collection identifier, FR R.

ADDRESSES: You may submit comments, identified by FR 2590, by any of the following methods:

- *Agency Website:* <https://www.federalreserve.gov/>. Follow the instructions for submitting comments at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx>.

- *Email:* regs.comments@federalreserve.gov. Include the OMB number or FR number in the subject line of the message.

- *Fax:* (202) 452-3819 or (202) 452-3102.

- *Mail:* Federal Reserve Board of Governors, Attn: Ann E. Misback, Secretary of the Board, Mailstop M-4775, 2001 C St. NW, Washington, DC 20551.

All public comments are available from the Board's website at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx> as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any confidential business information, identifying information, or contact information. Public comments may also be viewed electronically or in paper in Room M-4365A, 2001 C St. NW, Washington, DC 20551, between 9:00 a.m. and 5:00 p.m. on weekdays, except for Federal holidays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452-3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghribi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, nuha.elmaghribi@frb.gov, (202) 452-3884.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising

this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

During the comment period for this proposal, a copy of the proposed PRA OMB submission, including the draft reporting form and instructions, supporting statement (which contains more detail about the information collection and burden estimates than this notice), and other documentation, will be made available on the Board's public website at <https://www.federalreserve.gov/apps/reportingforms/home/review> or may be requested from the agency clearance officer, whose name appears above. Final versions of these documents will be made available at <https://www.reginfo.gov/public/do/PRAMain>, if approved.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

- Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;
- The accuracy of the Board's estimate of the burden of the proposed information collection, 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 information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and
- Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, With Revision, the Following Information Collection

Collection title: Single-Counterparty Credit Limits.

Collection identifier: FR 2590.

OMB control number: 7100–0377.

General description of collection: The FR 2590 was implemented in connection with the Board's single-counterparty credit limits rule (SCCL rule),¹ codified in the Board's Regulation YY—Enhanced Prudential Standards (12 CFR part 252)² and the Board's Regulation LL—Savings and Loan Holding Companies (12 CFR part 238).³

The information collected by the FR 2590 reporting form allows the Board to monitor a covered company's or a covered foreign entity's compliance with the SCCL rule. A covered company is any U.S. bank holding company (BHC) that is subject to Category I, II, or III standards or any savings and loan holding company (SLHC) that is subject to Category II or III standards. A covered foreign entity is a foreign banking organization (FBO) that is subject to Category II or III standards or that has total global consolidated assets of \$250 billion or more, and any U.S. intermediate holding company (IHC) that is subject to Category II or III standards. In addition to the reporting form, the FR 2590 information collection incorporates notice requirements pertaining to requests that may be made by a covered company or covered foreign entity to request temporary relief from specific requirements of the SCCL rule, as well as a requirement that filers of the FR 2590 reporting form retain an exact copy of each completed FR 2590.

Proposed revisions: The Board proposes to make four clarifications and one revision to the FR 2590 form and instructions. The Board proposes to clarify that a respondent that is an FBO subject to a large exposure standard on a consolidated basis established by its home-country supervisor that is consistent with the framework established by the Basel Committee on Banking Supervision (BCBS) may simply report that on line 1 of the FR 2590 and is not required to submit additional documentation of compliance. This clarification is intended to confirm the intention expressed in the **Federal Register** notice for the final FR 2590 form, which states that "submission of the FR 2590 report with this [certification] box checked generally will be sufficient to meet the reporting requirement of the SCCL rule."⁴ The proposed revised

instructions specify that a respondent may be required to provide additional information or reporting concerning its counterparty credit exposures upon written request by the Board, consistent with the SCCL rule.

The Board further proposes to clarify that a respondent organization should use the tier 1 capital amount reported on the Consolidated Financial Statements for Holding Companies (FR Y–9C; OMB No. 7100–0128) or on the Capital and Asset Report for Foreign Banking Organization (FR Y–7Q; OMB No. 7100–0125) for the same reporting period as the FR 2590 form being submitted when calculating and reporting compliance with the SCCL rule (meaning that the FR 2590 form reporting compliance for Q1 of a given year should use the tier 1 capital amount reported by the firm on the FR Y–9C or FR Y–7Q for Q1 of that same year). Similarly, the amount included for the most recent quarter for calculating total consolidated assets on the FR Y–9C or FR Y–7Q should be that which is reported for the same reporting period as the FR 2590 form being submitted. To the extent that a firm's tier 1 capital or total consolidated assets change significantly within a given quarter due to unplanned events (e.g., asset deterioration), the Board believes that it would be appropriate for a respondent organization to manage and to limit its net credit exposure to counterparties based on its actual tier 1 capital or assets, including, if necessary, by reducing net credit exposure to a specific counterparty. This would be consistent with the purpose of the SCCL rule, which is to limit the risks posed to covered companies by the failure of any individual firm.⁵

The Board also proposes to clarify that a respondent organization must maintain in their files a physical or electronic scanned copy of the manually signed and attested printout of the data being submitted for a period of three years after submission, with the signed cover page of the FR 2590 being sufficient to fulfill the signature and attestation requirement. This requirement is aligned with other regulatory reporting forms and is intended to ensure appropriate oversight and accountability regarding submitted data. Currently, FR 2590 respondents are required to maintain these records, but the instructions do not specify the duration of the recordkeeping requirement.

The Board also proposes to clarify in the FR 2590 form that the order of

counterparties should be the same across Schedules G–1 through G–4, M–1 through M–2, and the Summary of Net Credit Exposures.

The Board also proposes to revise Schedule M–1 of the FR 2590 to allow respondents calculating derivative transaction exposures using standardized approach for counterparty credit risk (SA–CCR) to report collateral received in connection with those derivative transactions in a new Table B. Table B would not be included in the respondent's summary of net credit exposures. For valuing credit exposure resulting from derivative transactions, firms are authorized to use any method they would be authorized to use for purposes of calculating compliance with the Board's risk-based capital requirements, including the internal models method (IMM), the current exposure method (CEM), or SA–CCR.⁶ Firms using either CEM or IMM are currently able to report accurate derivative exposures.⁷ Firms calculating derivative exposures under SA–CCR, however, have experienced difficulties under the FR 2590 and current instructions in reporting accurately their gross credit exposure, collateral, and net credit exposure because collateral is factored directly into the SA–CCR calculation and cannot truly be separated out into the elements specified on FR 2590.⁸ For example, a respondent reporting both its gross credit exposure as calculated using SA–CCR and collateral received as separate items would cause collateral to be double-counted when calculating its net credit exposures, resulting in artificially lower net credit exposures with respect to the SCCL rule. To avoid this double-counting, some respondents chose to not report collateral in such cases.

Because of the importance of collateral as a risk mitigant, especially in exiting defaulted positions, the Board proposes creating a new table (Table B) in Schedule M–1 to allow respondents calculating derivative transaction exposures using SA–CCR to accurately report their exposure and collateral in connection with those derivative

⁶ Note that only advanced approaches firms may request to use internal models. See 12 CFR 217, subpart E.

⁷ Firms using IMM use two dedicated columns on Schedule G–4. A firm using CEM would report the gross credit exposure of derivative netting sets (pre-collateral exposure at default) on Schedule G–4, report collateral on Schedule M–1, report net credit exposures by deducting the collateral reported on Schedules M–1 from the gross credit exposures in Schedule G–4, and report risk-shifted exposures on Schedule G–5 for the adjusted market value of non-cash collateral.

⁸ Under SA–CCR, collateral is included in both the recovery cost and the potential future exposure. See 12 CFR 217, subpart D.

¹ 83 FR 38460 (August 6, 2018). See also 84 FR 59032 (November 1, 2019) (finalizing the SCCL rule for SLHCs).

² See 12 CFR part 252, subparts H and Q.

³ See 12 CFR part 238, subpart Q.

⁴ 84 FR 64070, 64071 (November 20, 2019).

⁵ 83 FR 38460, 38461 (August 6, 2018); see also 12 U.S.C. 5365(e)(1).

transactions. This information is consistent with other information requested by FR 2590 and is not readily available through other regulatory reporting forms.

Frequency: Quarterly, event-generated.

Respondents: U.S. BHCs that are subject to Category I, II, or III standards, FBOs that are subject to Category II or III standards or that have total global consolidated assets of \$250 billion or more, and SLHCs and U.S. IHCs that are subject to Category II or III standards.

Total estimated number of respondents: 83.

Estimated average hours per response:

Reporting FR 2590 Form: 170.56.

Reporting Requests for temporary relief: 10.

Recordkeeping: 0.25.

Total estimated change in burden: 0.

Total estimated annual burden hours: 56,719.⁹

Board of Governors of the Federal Reserve System, September 5, 2023.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2023-19475 Filed 9-8-23; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Recordkeeping and Disclosure Requirements Associated with Regulation H (Securities Transactions by State Member Banks) (FR H-3; OMB No. 7100-0196).

DATES: Comments must be submitted on or before November 13, 2023.

ADDRESSES: You may submit comments, identified by FR H-3, by any of the following methods:

- *Agency Website:* <https://www.federalreserve.gov/>. Follow the instructions for submitting comments at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx>.

⁹ More detailed information regarding this collection, including more detailed burden estimates, can be found in the OMB Supporting Statement posted at <https://www.federalreserve.gov/apps/reportingforms/home/review>. On the page displayed at the link, you can find the OMB Supporting Statement by referencing the collection identifier, FR 2590.

- *Email:* regs.comments@federalreserve.gov. Include the OMB number or FR number in the subject line of the message.

- *Fax:* (202) 452-3819 or (202) 452-3102.

- *Mail:* Federal Reserve Board of Governors, Attn: Ann E. Misback, Secretary of the Board, Mailstop M-4775, 2001 C St. NW, Washington, DC 20551.

All public comments are available from the Board's website at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx> as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any confidential business information, identifying information, or contact information. Public comments may also be viewed electronically or in paper in Room M-4365A, 2001 C St. NW, Washington, DC 20551, between 9:00 a.m. and 5:00 p.m. on weekdays, except for Federal holidays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452-3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghribi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, nuha.elmaghribi@frb.gov, (202) 452-3884.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

During the comment period for this proposal, a copy of the proposed PRA OMB submission, including the draft reporting form and instructions, supporting statement (which contains more detail about the information collection and burden estimates than this notice), and other documentation, will be made available on the Board's public website at <https://www.federalreserve.gov/apps/reportingforms/home/review> or may be requested from the agency clearance officer, whose name appears above. Final versions of these documents will be made available at <https://www.reginfo.gov/public/do/PRAMain>, if approved.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Collection title: Recordkeeping and Disclosure Requirements Associated with Regulation H (Securities Transactions by State Member Banks).

Collection identifier: FR H-3.

OMB control number: 7100-0196.

General description of collection: Section 15C of the Securities Exchange Act of 1934 (the Act), establishes federal regulation of brokers and dealers of

government securities, including banks and other financial institutions, and directs those brokers and dealers to keep certain records.¹ These requirements are implemented for state member banks (SMBs) by sections 208.34(c), (d), and (g) of the Board's Regulation H, which require that non-exempt SMBs² effecting securities transactions for customers establish and maintain a system of records of these transactions, furnish confirmations of transactions to customers that disclose certain information, and establish written policies and procedures relating to securities trading.

Frequency: Event-generated, quarterly.

Respondents: SMBs, SMB officers/employees.

Total estimated number of respondents: 3,368.

Total estimated annual burden hours: 100,774.³

Board of Governors of the Federal Reserve System, September 5, 2023.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2023-19476 Filed 9-8-23; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Privacy Act of 1974; System of Records

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, notice is given

¹ 15 U.S.C. 78o-5.

² The requirements of section 208.34 of Regulation H apply to all state member banks that effect more than 500 government securities brokerage transactions per year, unless the institution has filed a written notice, or is required to file notice, with the Board that it acts as a government securities broker or a government securities dealer. These requirements also do not apply to activities of foreign branches of SMBs; activities of nonmember, non-insured trust company subsidiaries of bank holding companies; or activities that are subject to regulations promulgated by the Municipal Securities Rulemaking Board. In addition, SMBs with an annual average of less than 200 securities transactions for customers over the prior three calendar years (exclusive of transactions in U.S. government and agency obligations) are exempt from these Regulation H recordkeeping and disclosure requirements. See 12 CFR 208.34(a)(1)(i)-(iv).

³ More detailed information regarding this collection, including more detailed burden estimates, can be found in the OMB Supporting Statement posted at <https://www.federalreserve.gov/apps/reportingforms/home/review>. On the page displayed at the link, you can find the OMB Supporting Statement by referencing the collection identifier, FR H-3.

that the Board of Governors of the Federal Reserve System (Board) proposes to modify an existing system of records, entitled BGFRS-7, "FRB—Payroll and Leave Records." This system of records includes records of pay statements, tax forms, leave entries for worker's compensation data, and leave data, including codes indicating reasons for taking leave (e.g., family illness, military leave).

DATES: Comments must be received on or before October 11, 2023. This new system of records will become effective October 11, 2023, without further notice, unless comments dictate otherwise.

The Office of Management and Budget (OMB), which has oversight responsibility under the Privacy Act, requires a 30-day period prior to publication in the **Federal Register** in which to review the system and to provide any comments to the agency. The public is then given a 30-day period in which to comment, in accordance with 5 U.S.C. 552a(e)(4) and (11).

ADDRESSES: You may submit comments, identified by BGFRS-7 "FRB—Payroll and Leave Records," by any of the following methods:

- *Agency Website:* <https://www.federalreserve.gov>. Follow the instructions for submitting comments at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx>.

- *Email:* regs.comments@federalreserve.gov. Include SORN name and number in the subject line of the message.

- *Fax:* (202) 452-3819 or (202) 452-3102.

- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

In general, all public comments will be made available on the Board's website at <https://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm> as submitted, and will not be modified to remove confidential, contact or any identifiable information. Public comments may also be viewed electronically or in paper in Room M-4365A, 2001 C St. NW, Washington, DC 20551, between 9:00 a.m. and 5:00 p.m. during federal business weekdays.

FOR FURTHER INFORMATION CONTACT:

David B. Husband, Senior Counsel, (202) 530-6270, or david.b.husband@frb.gov; Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551. For users of telephone systems via text

telephone (TTY) or any TTY-based Telecommunications Relay Services, please call 711 from any telephone anywhere in the United States.

SUPPLEMENTARY INFORMATION: The Board is modifying this system of records to reflect general changes and modifications since the Board's last review of this system. The Board is updating the record source categories to indicate that in addition to collecting payroll and leave information via various forms, it can also be collected via other human resources or information systems. The Board is also modifying the purpose of the system to state that the system is intended to assist with "financial reporting" as opposed to "cost-accounting programs" and taking the opportunity to update the system manager and the system location.

The Board is proposing to modify system specific routine use #9 to clarify that federal agencies have a broader ability to collect debts than through administrative or salary offset or tax refunds. The Board is therefore adding the phrase "or other federal payments, or by other legally authorized means" at the end of the existing system specific routine use, to reflect the possibility of collecting debts by garnishing the wages of non-federal employees, referring the debt to a private collection agency, through direct contact with the debtor, or via other legally permissible means of collecting the debt. The Board is also updating the routine uses to include a link to the Board's general routine use but is not otherwise establishing new routine uses or modifying existing uses.

The Board is also making technical changes to BGFRS-7 consistent with the template laid out in OMB Circular No. A-108. Accordingly, the Board has made technical corrections and non-substantive language revisions to the following categories: "Policies and Practices for Storage of Records," "Policies and Practices for Retrieval of Records," "Policies and Practices for Retention and Disposal of Records," "Administrative, Technical and Physical Safeguards," "Record Access Procedures," "Contesting Record Procedures," and "Notification Procedures." The Board has also created the following new fields: "Security Classification" and "History."

SYSTEM NAME AND NUMBER:

BGFRS-7 "FRB—Payroll and Leave Records".

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551. Records are also stored by the Board's contractor, Workday, Inc. located at 6110 Stoneridge Mall Road, Pleasanton, CA 94588 and outside vendors for certain tax forms.

SYSTEM MANAGER(S):

Thomas Murphy, Associate Director, Division of Financial Management, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551, (202) 452-3092, or thomas.j.murphy@frb.gov.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. 244 and 248), and Executive Order 9397.

PURPOSE(S) OF THE SYSTEM:

These records are collected and maintained by the Board for payroll, attendance, leave, insurance, tax, retirement, budget, and financial reporting, and to facilitate compliance with statutory requirements.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present employees and members of the Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll records, including pay statements; requests for deductions; tax and Social Security withholdings; Board retirement deductions; any voluntary withholdings; tax forms; W-2 forms; overtime requests; leave data; leave entries for worker's compensation data; leave records, including compensatory time, and codes indicating reasons for taking leave, such as family illness, or military leave.

RECORD SOURCE CATEGORIES:

Information is provided by the individual or his or her supervisor via various forms or systems reports such as federal, state, and local tax forms, employee authorizations and directives, insurance forms, leave and overtime reports, and federal and state garnishment forms.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

General routine uses A, B, C, D, E, F, G, H, I, and J apply to this system. These general routine uses are located at <https://www.federalreserve.gov/files/SORN-page-general-routine-uses-of-board-systems-of-records.pdf> and are published in the **Federal Register** at 83

FR 43872 at 43873-74 (August 28, 2018). Records may also be used:

1. To disclose information to the Office of Child Support Enforcement of the United States Department of Health and Human Services, for use in locating individuals, verifying Social Security Numbers, and identifying their income sources to establish paternity, establishing and modifying orders of child support, identifying sources of income, and for other child support enforcement actions;
2. To disclose information appropriate federal and state agencies to provide required reports including data on unemployment insurance;
3. To disclose information to the Social Security Administration to report FICA deductions;
4. To disclose information to charitable institutions to report contributions;
5. To disclose information to the Internal Revenue Service and to state, local, tribal, and territorial governments for tax purposes;
6. To disclose information to the Office of Personnel Management in connection with programs administered by that office;
7. To disclose information to an employee, agent, contractor, or administrator of any Board, Federal Reserve System, or federal government employee benefit or savings plan, any information necessary to carry out any function authorized under such plan, or to carry out the coordination or audit of such plan;
8. To disclose information to officials of labor organizations recognized under applicable law, regulation, or policy when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;
9. To disclose information to a federal agency for the purpose of collecting a debt owed the federal government through administrative or salary offset or the offset of tax refunds or other federal payments, or by other legally authorized means;
10. To disclose relevant information to other federal agencies conducting computer matching programs to eliminate fraud and abuse and to detect unauthorized overpayments made to individuals; and
11. To disclose information to verify for an entity preparing to make a mortgage or other loan to an employee the individual's employment status and salary, at the request of the individual.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records in this system are stored in locked file cabinets with access limited to staff with a need to know. Electronic records are stored on a secure server with access limited to staff with a need to know.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records can be retrieved by name, social security number, or employee identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

All records are retained for the appropriate period which ranges from one year from the date of annual audit or when six years old (whichever is sooner) to sixty-five years after separation or transfer of the employee.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records are secured by lock and key and electronic files are stored on secure servers. The system has the ability to track individual user actions within the system. The audit and accountability controls are based on NIST and Board standards which, in turn, are based on applicable laws and regulations. The controls assist in detecting security violations and performance or other issues in the system. Access to the system is restricted to authorized users within the Board who require access for official business purposes. Users are classified into different roles and common access and usage rights are established for each role. User roles are used to delineate between the different types of access requirements such that users are restricted to data that is required in the performance of their duties. Periodic assessments and reviews are conducted to determine whether users still require access, have the appropriate role, and whether there have been any unauthorized changes.

RECORD ACCESS PROCEDURES:

The Privacy Act allows individuals the right to access records maintained about them in a Board system of records. Your request for access must: (1) contain a statement that the request is made pursuant to the Privacy Act of 1974; (2) provide either the name of the Board system of records expected to contain the record requested or a concise description of the system of records; (3) provide the information necessary to verify your identity; and (4) provide any other information that may assist in the rapid identification of the record you seek.

Current or former Board employees may make a request for access by contacting the Board office that maintains the record. The Board handles all Privacy Act requests as both a Privacy Act request and as a Freedom of Information Act request. The Board does not charge fees to a requestor seeking to access or amend his/her Privacy Act records.

You may submit your Privacy Act request to the—Secretary of the Board, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

You may also submit your Privacy Act request electronically by filling out the required information at: <https://foia.federalreserve.gov/>.

CONTESTING RECORD PROCEDURES:

The Privacy Act allows individuals to seek amendment of information that is erroneous, irrelevant, untimely, or incomplete and is maintained in a system of records that pertains to them. To request an amendment to your record, you should clearly mark the request as a “Privacy Act Amendment Request.” You have the burden of proof for demonstrating the appropriateness of the requested amendment and you must provide relevant and convincing evidence in support of your request.

Your request for amendment must: (1) provide the name of the specific Board system of records containing the record you seek to amend; (2) identify the specific portion of the record you seek to amend; (3) describe the nature of and reasons for each requested amendment; (4) explain why you believe the record is not accurate, relevant, timely, or complete; and (5) unless you have already done so in a related Privacy Act request for access or amendment, provide the necessary information to verify your identity.

NOTIFICATION PROCEDURES:

Same as “Access procedures” above. You may also follow this procedure in order to request an accounting of previous disclosures of records pertaining to you as provided for by 5 U.S.C. 552a(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This SORN was previously published in the **Federal Register** at 73 FR 24984 (May 6, 2008). The SORN was also amended to incorporate two new routine uses required by OMB at 83 FR 43872 (August 28, 2018).

Board of Governors of the Federal Reserve System.

Ann Misback,

Secretary of the Board.

[FR Doc. 2023–19484 Filed 9–8–23; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the Procurement Solicitation Package (FR 1400; OMB No. 7100–0180).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrahi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, nuha.elmaghrabi@frb.gov, (202) 452–3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at <https://www.reginfo.gov/public/do/PRAMain>. These documents are also available on the Federal Reserve Board’s public website at <https://www.federalreserve.gov/apps/reportingforms/home/review> or may be requested from the agency clearance officer, whose name appears above.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Information Collection

Collection title: Procurement Solicitation Package.

Collection identifier: FR 1400.

OMB control number: 7100–0180.

Effective Date: October 11, 2023.

General description of collection: The Board uses the Procurement Solicitation Package, which includes a supplier database and solicitation documents as appropriate, to assist in the competitive process of soliciting proposals from suppliers of goods and services. The Procurement Solicitation Package includes the: Supplier Registration System (FR 1400A), Solicitation Package (Solicitation, Offer, and Award Form; Supplier Information Form; Past Performance Data Sheet; and Past Performance Questionnaire) (FR 1400B), Supplier Risk Management Offeror Questionnaire (FR 1400C), and Subcontracting Report (FR 1400D).

The solicitation documents are typically for the procurement of goods, services and construction that are not off-the-shelf items. The Board’s supplier database serves as a venue for Board staff to research potential suppliers and their qualifications. When a solicitation is constructed for a specific acquisition, the solicitation package is typically called a Solicitation, Offer, and Award (SOA) document, which consists of the Solicitation Form (Section A of the SOA) and Supplier Information Form (Section N of the SOA), which are both part of FR 1400B. Depending on the requirements of the specific acquisition, the SOA may also consist of a Past Performance Data Sheet (part of FR 1400B), Past Performance Questionnaire (part of FR 1400B), Supplier Risk Management Offeror Questionnaire (FR 1400C), or Subcontracting Report (FR 1400D). This information collection is required to collect data on prices, specifications of goods and services, and qualifications of prospective suppliers.

Frequency: Event-generated.

Respondents: Businesses and individuals.

Total estimated number of respondents: 630.

Total estimated change in burden: 33.

Total estimated annual burden hours: 24,863.¹

¹ More detailed information regarding this collection, including more detailed burden estimates, can be found in the OMB Supporting Statement posted at <https://www.federalreserve.gov/apps/reportingforms/home/review>. On the page displayed at the link, you can find the OMB Supporting Statement by referencing the collection identifier, FR 1400.

Current actions: On May 15, 2023, the Board published a notice in the **Federal Register** (88 FR 30970) requesting public comment for 60 days on the extension, with revision, of the Procurement Solicitation Package. The Board proposed to revise the FR 1400 by transitioning the FR 1400B into the new online source to settle system provided by Coupa, making minor revisions to the content to help improve reporting and reduce commonly asked follow-up questions, and adding a new section to the SOA, which respondents will be required to complete and then update or re-certify each year. This information would be required for every supplier when they complete a solicitation. Additionally, on an annual basis, suppliers would be required to login to Coupa to update or re-certify that representation information they originally entered in the "Board of Governors Policy Information" section is still correct. The FR 1400C and FR 1400D would also be transitioned to the Coupa system; however, the contents and format of the FR 1400C and FR 1400D would not change. There were no revisions proposed to the FR 1400A. The comment period for this notice expired on July 14, 2023. The Board did not receive any comments. The revisions will be implemented as proposed.

Board of Governors of the Federal Reserve System, September 5, 2023.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2023-19474 Filed 9-8-23; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the Compensation and Salary Surveys (FR 29; OMB No. 7100-0290).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, nuha.elmaghrabi@frb.gov, (202) 452-3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of

Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395-6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at <https://www.reginfo.gov/public/do/PRAMain>. These documents are also available on the Federal Reserve Board's public website at <https://www.federalreserve.gov/apps/reportingforms/home/review> or may be requested from the agency clearance officer, whose name appears above.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Information Collection

Collection title: Compensation and Salary Surveys.

Collection identifier: FR 29.

OMB control number: 7100-0290.

Effective Date: October 11, 2023.

General description of collection: This family of surveys is currently comprised of the (1) Compensation and Salary Survey (FR 29a) and (2) Ad Hoc Surveys (FR 29b). The FR 29a is collected annually and the FR 29b is collected on an as needed basis, not more frequently than five times per year. These surveys collect information on salaries, employee compensation policies, and other employee programs from employers that are considered competitors of the Board. The data from the surveys primarily are used to determine the appropriate salary structure and salary adjustments for Board employees.

Frequency: Event generated.

Respondents: Employers considered competitors for Board employees.

Total estimated number of respondents: 10.

Total estimated change in burden: (210).

Total estimated annual burden hours: 50.¹

¹ More detailed information regarding this collection, including more detailed burden

Current actions: On May 15, 2023, the Board published a notice in the **Federal Register** (88 FR 30973) requesting public comment for 60 days on the extension, with revision, of the FR 29. The Board proposed to revise the FR 29 to no longer include the FR 29a, as it was determined not to be subject to the PRA. The comment period for this notice expired on July 14, 2023. The Board did not receive any comments. The revisions will be implemented as proposed.

Board of Governors of the Federal Reserve System, September 5, 2023.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2023-19473 Filed 9-8-23; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision the Reporting and Recordkeeping Requirements Associated with Regulation Y (Capital Plans) (FR Y-13; OMB No. 7100-0342).

DATES: Comments must be submitted on or before November 13, 2023.

ADDRESSES: You may submit comments, identified by FR Y-13, by any of the following methods:

- **Agency Website:** <https://www.federalreserve.gov/>. Follow the instructions for submitting comments at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx>.

- **Email:** regs.comments@federalreserve.gov. Include the OMB number or FR number in the subject line of the message.

- **Fax:** (202) 452-3819 or (202) 452-3102.

- **Mail:** Federal Reserve Board of Governors, Attn: Ann E. Misback, Secretary of the Board, Mailstop M-4775, 2001 C St. NW, Washington, DC 20551.

All public comments are available from the Board's website at <https://www.federalreserve.gov/apps/foia/>

estimates, can be found in the OMB Supporting Statement posted at <https://www.federalreserve.gov/apps/reportingforms/home/review>. On the page displayed at the link, you can find the OMB Supporting Statement by referencing the collection identifier, FR 29.

proposedregs.aspx as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any confidential business information, identifying information, or contact information. Public comments may also be viewed electronically or in paper in Room M-4365A, 2001 C St. NW, Washington, DC 20551, between 9:00 a.m. and 5:00 p.m. on weekdays, except for Federal holidays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452-3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, *nuha.elmaghrabi@frb.gov*, (202) 452-3884.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

During the comment period for this proposal, a copy of the proposed PRA OMB submission, including the draft reporting form and instructions, supporting statement (which contains more detail about the information collection and burden estimates than this notice), and other documentation, will be made available on the Board's public website at <https://www.federalreserve.gov/apps/reportingforms/home/review> or may be requested from the agency clearance officer, whose name appears above. Final versions of these documents will

be made available at <https://www.reginfo.gov/public/do/PRAMain>, if approved.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Collection title: Reporting and Recordkeeping Requirements Associated with Regulation Y (Capital Plans).

Collection identifier: FR Y-13.

OMB control number: 7100-0342.

General description of collection: Section 225.8 of Regulation Y—Bank Holding Companies and Change in Bank Control (12 CFR 225.8) requires each large bank holding company, bank holding company designated by the Board, large U.S. intermediate holding company, and nonbank financial company designated by the Board (jointly referred to as large BHCs) to submit a capital plan to the Board on an annual basis, requires such BHCs to request prior approval from the Board under certain circumstances before making a capital distribution, and includes certain other reporting and recordkeeping requirements.¹

¹ Large savings and loan holding companies are also subject to capital planning requirements,

Frequency: Annually and on occasion.

Respondents: Top-tier BHCs

domiciled in the United States with \$100 billion or more in total consolidated assets; U.S. intermediate holding companies with total consolidated assets of \$100 billion or more; any other bank holding company domiciled in the United States that is made subject to section 225.8, in whole or in part, by order of the Board; and any nonbank financial company supervised by the Board that is made subject to section 225.8 pursuant to a rule or order of the Board.

Total estimated number of respondents: 34.

Total estimated annual burden hours: 177,562.

Board of Governors of the Federal Reserve System, September 5, 2023.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2023-19478 Filed 9-8-23; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL TRADE COMMISSION

[File No. 221 0142]

Intercontinental Exchange, Inc. and Black Knight, Inc.; Analysis of Agreement Containing Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis of Proposed Consent Orders to Aid Public Comment describes both the allegations in the complaint and the terms of the consent orders—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before October 11, 2023.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write: “ICE and Black Knight; File No. 221 0142” on your comment and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your

pursuant to Subpart S of the Board's Regulation LL (12 CFR 238, Subpart S). The collections of information included in that Subpart are accounted for in the Board's FR LL Paperwork Reduction Act (PRA) clearance (OMB No. 7100-0380).

comment on paper, please mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex R), Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT:

Ashley Masters (202-326-2291), Bureau of Competition, Federal Trade Commission, 400 7th Street SW, Washington, DC 20024.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule § 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of 30 days. The following Analysis of Agreement Containing Consent Orders to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC website at this web address: <https://www.ftc.gov/news-events/commission-actions>.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before October 11, 2023. Write "ICE and Black Knight; File No. 221 0142" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the <https://www.regulations.gov> website.

Because of the agency's heightened security screening, postal mail addressed to the Commission will be delayed. We strongly encourage you to submit your comments online through the <https://www.regulations.gov> website. If you prefer to file your comment on paper, write "ICE and Black Knight; File No. 221 0142" on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex R), Washington, DC 20580.

Because your comment will be placed on the publicly accessible website at <https://www.regulations.gov>, you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state

identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any "trade secret or any commercial or financial information which . . . is privileged or confidential"—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule § 4.10(a)(2), 16 CFR 4.10(a)(2)—including competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule § 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule § 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on <https://www.regulations.gov>—as legally required by FTC Rule § 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule § 4.9(c), and the General Counsel grants that request.

Visit the FTC website at <https://www.ftc.gov> to read this document and the news release describing this matter. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments it receives on or before October 11, 2023. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

Analysis of Agreement Containing Consent Orders To Aid Public Comment

The Federal Trade Commission ("Commission") has accepted for public comment, subject to final approval, an Agreement Containing Consent Orders ("Consent Agreement") with

Intercontinental Exchange, Inc. ("ICE") and Black Knight, Inc. ("Black Knight") (collectively, "Respondents").

On May 4, 2022, ICE and Black Knight entered into an agreement whereby ICE would acquire Black Knight for approximately \$13.1 billion (the "Proposed Transaction"). The Proposed Transaction raises significant competitive concerns relating to the price and quality of residential mortgage origination software throughout the United States. ICE and Black Knight are the nation's two dominant residential mortgage loan origination system ("LOS") and product, pricing, and eligibility engine ("PPE") providers. Their combination would further consolidate already-concentrated LOS and PPE markets and would increase ICE's incentive to disadvantage independent PPE providers who rely on software integration with ICE's Encompass LOS to serve their own customers.

On March 7, 2023, ICE and Black Knight announced a deal to divest Black Knight's Empower LOS and certain associated products and services to Constellation Web Solutions Inc. and its affiliates (collectively, "Constellation"). Because Respondents' proposed divestiture did not address the full range of possible harms arising from the Proposed Transaction, the Commission chose to challenge the deal. On March 9, 2023, the Commission issued an administrative complaint alleging that the Proposed Transaction, if consummated, may substantially lessen competition in the markets for LOSs, commercial LOSs, PPEs, and PPEs for users of ICE's Encompass LOS in violation of Section 7 of the Clayton Act, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45. On April 10, 2023, Commission staff also filed suit in the United States District Court for the Northern District of California under Section 13(b) of the Federal Trade Commission Act, 15 U.S.C. 53(b), seeking to enjoin Respondents from merging until the legality of the Proposed Transaction had been adjudicated.

After months of litigation, ICE and Black Knight announced on July 17, 2023, a deal to divest Black Knight's Optimal Blue business unit, also to Constellation, which contains the Optimal Blue PPE product. In light of the deals to divest Black Knight's LOS and PPE businesses and progress made in negotiations, the Commission and Respondents agreed to a dismissal without prejudice of the United States District Court action on August 7, 2023.

Since the announcement of the Optimal Blue divestiture, the Commission and Respondents have negotiated additional terms, now memorialized in the Consent Agreement and incorporated in the Decision and Order (“D&O”), that better ensure these divestitures will position Constellation as an effective competitor. The Consent Agreement requires Respondents to complete the divestitures to Constellation within 20 days after ICE consummates its acquisition of Black Knight. The Consent Agreement contains additional safeguards to ensure that Respondents maintain the viability of the divestiture assets until the divestitures are complete and provide necessary transition services to Constellation.

The Commission has placed the Consent Agreement on the public record for 30 days to solicit comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will review the comments received and decide whether it should withdraw, modify, or finalize the Consent Agreement.

I. The Respondents

Respondent ICE is a publicly traded corporation incorporated in Delaware, with its headquarters in Atlanta, Georgia. ICE provides market infrastructure, data services, and technology solutions in three segments: exchanges (including the New York Stock Exchange), fixed income and data services, and mortgage technology. In 2020, ICE acquired Ellie Mae, along with its widely used Encompass LOS. ICE also offers a PPE—the Encompass Product and Pricing Service (“EPPS”)—to Encompass users.

Respondent Black Knight is a publicly traded corporation incorporated in Delaware, with its headquarters in Jacksonville, Florida. Black Knight is a provider of software, data, and analytics for the mortgage, real estate, and consumer loan markets. Black Knight’s mortgage technology products include the Empower LOS, the Mortgage Servicing Platform, and the Optimal Blue PPE. Black Knight acquired Optimal Blue from the private equity firm GTCR in 2020.

II. The Relevant Markets

The Proposed Transaction presents substantial antitrust concerns relating to two services central to the residential mortgage loan origination workflow: LOSs and PPEs. Mortgage lenders of all sizes rely on LOS software as the primary tool to manage the residential mortgage loan origination process. An

LOS serves as the lender’s system of record for each loan and is used to manage the workflow for the origination process and to perform commercial, legal, and compliance tasks required during the lending process. As a mortgage moves from application to close, it touches on numerous ancillary services necessary to process, underwrite, fund, and close a loan. The LOS coordinates and automates much of a lender’s interaction with these ancillary services. Because of the administrative complexity, regulatory framework, and risk involved in the mortgage origination process, originating mortgage loans without an LOS would be prohibitively burdensome and costly for most lenders.

Most mortgage lenders rely on commercial LOSs provided by specialized vendors, such as ICE’s Encompass LOS and Black Knight’s Empower LOS. Though some lenders choose to originate mortgages with in-house LOSs, the complex programming and compliance tasks involved with operating an LOS require significant investment and specialized expertise that is beyond the capabilities of all but a few large lenders. Even among the few lenders with proprietary systems, the trend has been to move toward commercial LOSs. Commercial LOSs therefore constitute a relevant product market in which to analyze the effects of the Proposed Transaction. A market including commercial and proprietary LOSs is an appropriate alternate relevant product market in which to evaluate the effects of the Proposed Transaction.

A PPE is an ancillary service that a mortgage lender uses to identify potential loan rates for residential loan products for a borrower, determine the borrower’s eligibility for a given loan, and lock in the loan’s terms for the borrower. Software integration between a PPE and a lender’s chosen LOS enables a lender to take advantage of a PPE’s full functionality, allowing loan and application data to flow automatically between the LOS, PPE, and other ancillary services. Lenders thus express a strong preference for PPEs integrated with their LOS of choice. Because users of ICE’s Encompass LOS are functionally limited to choosing among PPEs integrated with Encompass, PPEs for Encompass users constitute a relevant product market in which to evaluate the effects of the Proposed Transaction. Similarly, a product market including all PPEs is an appropriate alternate market through which to evaluate the effects of the Proposed Transaction.

Because LOS and PPE competition takes place on a national scale, the relevant geographic market in which to evaluate the Proposed Transaction is the United States.

III. Effects of the Proposed Transaction on Competition

The Proposed Transaction would eliminate direct and substantial competition between ICE and Black Knight in each of the relevant markets. ICE and Black Knight operate the two largest commercial LOSs in the United States. ICE’s EPPS also competes directly with Black Knight’s Optimal Blue PPE for the business of lenders using ICE’s Encompass LOS. Respondents compete on price to market their LOSs and PPEs, and their customers have benefitted. Respondents also compete on functionality, which has driven innovation and investment in LOS and PPE features. By eliminating this head-to-head competition, the Proposed Transaction would enable the combined firm to increase LOS and PPE prices and reduce its investment in these products. By giving ICE control of the popular Optimal Blue PPE, the Proposed Transaction also would increase ICE’s incentive to disadvantage rival PPEs who rely on software integrations with ICE’s Encompass LOS to serve their customers by foreclosing or restricting the rivals’ access to Encompass or degrading the quality of the rivals’ integrations with Encompass. Finally, the Proposed Transaction would further an existing trend toward concentration in LOS and PPE markets.

Entry into each relevant market would not be timely, likely, or sufficient to deter or counteract anticompetitive effects arising from the Proposed Transaction. Significant barriers to LOS and PPE entry include substantial investment and software development timelines, as well as lenders’ high switching costs, lengthy switching timelines, and reluctance to switch to unproven products.

IV. The Proposed Order

The D&O would address the Proposed Transaction’s anticipated anticompetitive effects by requiring Respondents to divest Black Knight’s Optimal Blue business (including the Optimal Blue PPE), Empower LOS, and certain associated ancillary products and assets to Constellation. Under the terms of the proposed divestiture, Constellation would also receive a license to resell with Empower certain other Black Knight mortgage-related products and services which would be acquired by ICE. The D&O requires that the divestitures be completed no later

than 20 days after Respondents consummate ICE's acquisition of Black Knight. The Order to Maintain Assets requires Respondents to maintain the viability of the divestiture assets until the divestitures are complete.

The D&O contains additional provisions designed to ensure the effectiveness of this relief. For example, the D&O requires Respondents to provide Constellation with transition assistance as it integrates the acquired assets to enable Constellation to operate the divested businesses similarly to how they were operated by Black Knight. The D&O also requires Respondents to obtain all third-party and governmental consents necessary to effectuate the divestitures.

To help Constellation succeed in operating the divested assets, the D&O further requires Respondents for one year to facilitate Constellation's hiring of certain employees of the Black Knight divisions responsible for the Empower LOS and Optimal Blue, to the extent they were not already included in the divestitures. The D&O similarly prohibits Respondents from soliciting Constellation employees who came from Black Knight to work in the divested businesses for two years. It also prohibits Respondents from enforcing any noncompete or non-solicit provision or agreement against any employee who seeks or obtains a position in the divested businesses during the term of the D&O.

The D&O protects the confidential information of the divested Black Knight divisions as well as confidential information that Respondents may learn from Constellation in the course of providing transition services. These safeguards include limiting the purposes for which Respondents may use such confidential information and the employees to whom the information may be disclosed. The D&O facilitates the execution of NDAs by Black Knight employees who possess confidential information and who will remain with Respondents post-divestiture, and it prevents Respondents from allowing any such employees who decline to sign an NDA from working on an ICE LOS or PPE.

Black Knight and Constellation have agreed that Black Knight will finance a portion of Constellation's purchase price of Optimal Blue via a promissory note. In order to ensure that Respondents do not have a continuing entanglement with Constellation based on the promissory note, the D&O provides that the Commission will appoint a seller note trustee no later than one day after the divestiture closes. Not later than ten days after the

Commission appoints the trustee, Respondents must transfer their rights, title, and interest in the promissory note to the trustee. The trustee will sell the note to a third party within six months of the divestiture.

The D&O requires Respondents to obtain prior approval from the Commission before reacquiring any divested assets or acquiring an interest in any business that owns or sells an LOS for ten years. The D&O also requires Respondents to provide the Commission with prior notice before acquiring an interest in any business that owns or sells a PPE for ten years. The D&O requires Constellation to obtain prior approval from the Commission before selling any of the divested assets for three years after the divestitures and for another seven years if the acquiring firm operates an LOS or PPE. Finally, the D&O provides for the appointment of an independent monitor to oversee compliance with the D&O's requirements.

The purpose of this analysis is to facilitate public comment on the Consent Agreement, and the Commission does not intend this analysis to constitute an official interpretation of the Consent Agreement or the D&O or modify their terms in any way.

By direction of the Commission.

April J. Tabor,
Secretary.

[FR Doc. 2023-19534 Filed 9-8-23; 8:45 am]

BILLING CODE 6750-01-P

GENERAL SERVICES ADMINISTRATION

**[Notice-ID-2023-04; Docket No.2023-0002;
Sequence No. 24]**

Privacy Act of 1974; Notice of a New System of Records

AGENCY: Office of the Chief Privacy Officer, General Services Administration (GSA).

ACTION: Notice.

SUMMARY: GSA seeks to establish a new system of records for the Federal Service Desk (FSD) Program. The purpose of the system of records is to collect contact information, including usernames, email addresses and phone numbers, to support users of Integrated Award Environment (IAE) applications.

DATES: This system of records will go into effect without further notice on October 11, 2023 unless otherwise revised pursuant to comments received.

ADDRESSES: You may submit comments via email to the GSA Privacy Act

Officer: gsa.privacyact@gsa.gov, or mail to the Privacy Office (IDE), GSA, 1800 F Street NW, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Richard Speidel, Chief Privacy Officer, GSA, by email at gsa.privacyact@gsa.gov or by phone at 202-969-5830.

SUPPLEMENTARY INFORMATION:

SYSTEM NAME AND NUMBER:

GSA/FSD-1.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

GSA Federal Acquisition Service (FAS) is the owner and is responsible for the system. The system is hosted, operated, and maintained by contractors. Records are maintained in an electronic form on a Software as a Service (SaaS) platform, within the United States. Contact the system manager for additional information.

SYSTEM MANAGER(S):

Salomeh Ghorbani, Acting Director Outreach and Stakeholder Engagement for the IAE Program Management Office, GSA, FAS, 1800 F Street Washington, DC 20405.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Acquisition Regulation (FAR) Subparts 4.11 and 52.204, 2 CFR, Subtitle A, Chapter I, and Part 25, and 40 U.S.C. 121(c).

PURPOSE(S) OF THE SYSTEM:

The primary purpose of the FSD is to provide services to support users of current and future IAE applications. This support assists users in all Department of Defense and Civilian Departments and Agencies in the Federal Government, as well as all other users of the IAE.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any entity to bid on and get paid for federal contracts or to receive federal funds. These include for-profit businesses, nonprofits, government contractors, government subcontractors, state governments, and local municipalities.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system collects necessary information from individuals and entities seeking to do business with the U.S. Government. The data elements collected include full name, email address, and phone number.

RECORD SOURCE CATEGORIES:

Information is obtained from individuals and entities seeking to do business with the U.S. Government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside GSA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

a. By contracting officers and other Federal, state, local or tribal government employees involved in procuring goods and services with federal funds or administering Federal financial assistance programs or benefits to determine a party's eligibility status to participate in Federal procurement and non-procurement programs.

b. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations.

c. To the Department of Justice (DOJ) or other federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (a) GSA or any component thereof, or (b) any employee of GSA in his/her official capacity, or (c) any employee of GSA in his/her individual capacity where DOJ or GSA has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and GSA determines that the records are both relevant and necessary to the litigation.

d. To a court in connection with any litigation or settlement discussions regarding claims by or against GSA, to the extent that GSA determines the disclosure of the information is relevant and necessary to the litigation or discussions.

e. To an appeal, grievance, hearing, or complaints examiner; an equal employment opportunity investigator, arbitrator, or mediator; and an exclusive representative or other person authorized to investigate or settle a grievance, complaint, or appeal filed by an individual who is the subject of the record.

f. To the National Archives and Records Administration (NARA) for records management purposes.

g. To the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), and the Government Accountability Office (GAO) in accordance with their responsibilities for evaluating federal programs.

h. To a Member of Congress or his or her staff on behalf of and at the request of the individual who is the subject of the record.

i. To another federal agency or federal entity, when GSA 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.

j. To appropriate agencies, entities, and persons when (1) GSA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) GSA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by GSA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with GSA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

k. To agencies, to compare such records to other agencies' systems of records or to non-Federal records, in coordination with an Office of Inspector General (OIG) in conducting an audit, investigation, inspection, evaluation, or some other review as authorized by the Inspector General Act.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

All records are stored in a secure data center. PII is encrypted in transit, encrypted at rest, and not viewable by other users.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

FSD manages system and data access through role-based access controls. GSA requires all FSD personnel supporting the system to undergo background investigations and signing of Rules of

Behavior. Non-FSD personnel (*i.e.*, customer users) are required to authenticate through *Login.gov* when accessing FSD for ticket status or creation and are limited by system restrictions to only viewing and adding comments to their own tickets.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

System records are retained and disposed in accordance with GSA records maintenance and disposition schedules and 1820.2 CIO GSA Records Management Program, the requirements of the Recovery Board, and the National Archives and Records Administration (NARA).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

System records are safeguarded in accordance with the requirements of the Privacy Act, the Computer Security Act, and the FSD Security Plan. System roles are assigned with specific permissions to allow or prevent accessing certain information. Technical, administrative, and personnel security measures are implemented to ensure confidentiality and integrity of the system data that is stored, processed, and transmitted, including password protection and other appropriate security measures.

RECORD ACCESS PROCEDURES:

Requests for access to records should be directed to the system manager. Individuals seeking access to their records in this system of records may submit a request by following the instructions provided in 41 CFR part 105–64.2.

CONTESTING RECORD PROCEDURES:

Individuals wishing to contest the content of records about themselves contained in this system of records should contact the system manager at the address above. See 41 CFR part 105–64.4 for full details on what to include in a Privacy Act amendment request.

NOTIFICATION PROCEDURES:

Individuals seeking notification of any records about themselves contained in this system of records should contact the system manager at the address above. Follow the procedures on accessing records in 41 CFR part 105–64.2 to request such notification.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

N/A.

Richard Speidel,

Chief Privacy Officer, Office of the Deputy Chief Information Officer, General Services Administration.

[FR Doc. 2023-19454 Filed 9-8-23; 8:45 am]

BILLING CODE P**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare and Medicaid Services****Privacy Act of 1974; Matching Program**

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) is providing notice of the re-establishment of a matching program between CMS and the Department of Veterans Affairs (VA), Veterans Health Administration (VHA), “Verification of Eligibility for Minimum Essential Coverage Under the Patient Protection and Affordable Care Act Through a Veterans Health Administration Plan.”

DATES: The deadline for comments on this notice is October 11, 2023. The re-established matching program will commence not sooner than 30 days after publication of this notice, provided no comments are received that warrant a change to this notice. The matching program will be conducted for an initial term of 18 months (from approximately November 2, 2023 to May 1, 2025) and within 3 months of expiration may be renewed for one additional year if the parties make no change to the matching program and certify that the program has been conducted in compliance with the matching agreement.

ADDRESSES: Interested parties may submit written comments on the new matching program to the CMS Privacy Act Officer by mail at: Division of Security, Privacy Policy & Governance, Information Security & Privacy Group, Office of Information Technology, Centers for Medicare & Medicaid Services, Location: N1-14-56, 7500 Security Blvd., Baltimore, MD 21244-1850, or by email at Barbara.Demopoulos@cms.hhs.gov.

FOR FURTHER INFORMATION CONTACT: If you have questions about the matching

program, you may contact Anne Pesto, Senior Advisor, Marketplace Eligibility and Enrollment Group, Center for Consumer Information and Insurance Oversight, Centers for Medicare & Medicaid Services, at 443-844-9966, by email at anne.pesto@cms.hhs.gov, or by mail at 7500 Security Blvd., Baltimore, MD 21244.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, as amended (5 U.S.C. 552a) provides certain protections for individuals applying for and receiving federal benefits. The law governs the use of computer matching by federal agencies when records in a system of records (meaning, federal agency records about individuals retrieved by name or other personal identifier) are matched with records of other federal or non-federal agencies. The Privacy Act requires agencies involved in a matching program to:

1. Enter into a written agreement, which must be prepared in accordance with the Privacy Act, approved by the Data Integrity Board of each source and recipient federal agency, provided to Congress and the Office of Management and Budget (OMB), and made available to the public, as required by 5 U.S.C. 552a(o), (u)(3)(A), and (u)(4).

2. Notify the individuals whose information will be used in the matching program that the information they provide is subject to verification through matching, as required by 5 U.S.C. 552a(o)(1)(D).

3. Verify match findings before suspending, terminating, reducing, or making a final denial of an individual's benefits or payments or taking other adverse action against the individual, as required by 5 U.S.C. 552a(p).

4. Report the matching program to Congress and the OMB, in advance and annually, as required by 5 U.S.C. 552a(o)(2)(A)(i), (r), and (u)(3)(D).

5. Publish advance notice of the matching program in the **Federal Register** as required by 5 U.S.C. 552a(e)(12).

This matching program meets these requirements.

Barbara Demopoulos,

Privacy Act Officer, Division of Security, Privacy Policy and Governance, Office of Information Technology, Centers for Medicare & Medicaid Services.

Participating Agencies

The Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) is the recipient agency, and the Department of Veterans Affairs (VA), Veterans Health Administration (VHA) is the source agency.

Authority for Conducting the Matching Program

The statutory authority for the matching program is 42 U.S.C. 18001 *et seq.*

Purpose(s)

The purpose of the matching program is to assist CMS in determining individuals' eligibility for financial assistance in paying for private health insurance coverage. In this matching program, VHA provides CMS with data when a state administering entity (AE) requests it and VHA is authorized to release it, verifying whether an individual who is applying for or is enrolled in private health insurance coverage under a qualified health plan through a federally-facilitated health insurance exchange or state-based exchange is eligible for coverage under a VHA health plan. CMS makes the data provided by VHA available to the requesting AE through a data services hub to use in determining the applicant's or enrollee's eligibility for financial assistance (including an advance tax credit and cost-sharing reduction, which are types of insurance affordability programs) in paying for private health insurance coverage. VHA health plans provide minimum essential coverage, and eligibility for such plans precludes eligibility for financial assistance in paying for private coverage. The data provided by VHA under this matching program will be used by CMS and AEs to authenticate each enrollee's identity, determine the enrollee's eligibility for financial assistance, and determine the amount of the financial assistance.

Categories of Individuals

The categories of individuals whose information will be used in the matching program are Veterans whose records at VHA match identifying data provided to VHA by CMS (submitted by AEs) about individuals who are applying for or are enrolled in private insurance coverage under a qualified health plan through a federally-facilitated health insurance exchange or state-based exchange.

Categories of Records

The categories of records used in the matching program are identity records and minimum essential coverage period records, consisting of the following data elements:

Data provided by CMS to VHA:

- first name (required)
- middle name/initial (if provided by applicant)
- surname (applicant's last name) (required)

- d. date of birth (required)
- e. gender (required)
- f. social security number (SSN) (required)
- g. requested qualified health plan (QHP) coverage effective date (required)
- h. requested QHP coverage end date (required)
- i. State identification (required)
- j. transaction ID (required)

Data provided by VHA to CMS:

- a. SSN (required)
- b. start/end date(s) of enrollment period(s) (when match occurs)
- c. a blank date response when a non-match occurs
- d. a blank date when a match is made but VHA's record contains a date of death
- e. enrollment period(s) is/are defined as the timeframe during which the individual was enrolled in a VHA Health Care Program.

System(s) of Records

The records used in the matching program will be disclosed from the following systems of records, as authorized by routine uses published in the system of records notices (SORNs) cited below:

A. System of Records Maintained by CMS

CMS Health Insurance Exchanges System (HIX), CMS System No. 09–70–0560, last published in full at 78 FR 63211 (Oct. 23, 2013), as amended at 83 FR 6591 (Feb. 14, 2018). Routine use 3 authorizes CMS' disclosures to VHA.

B. Systems of Records Maintained by VHA

54VA10NB3 Veterans and Beneficiaries Purchased Care Community Health Care Claims, Correspondence, Eligibility, Inquiry and Payment Files—VA, published at 80 FR 11527 (March 3, 2015). Routine use 25 authorizes VHA's disclosures to CMS.

[FR Doc. 2023–19481 Filed 9–8–23; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–R–21 and CMS–8003]

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 November 13, 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–21 Withholding Medicare Payments to Recover Medicaid Overpayments and Supporting Regulations in 42 CFR 447.31
CMS–8003 1915(c) Home and Community Based Services (HCBS) Waiver Application

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:* Extension of a currently approved collection; *Title of Information Collection:* Withholding Medicare Payments to Recover Medicaid Overpayments and Supporting Regulations in 42 CFR 447.31; *Use:* Certain Medicaid providers that are subject to offsets for the collection of Medicaid overpayments may terminate or substantially reduce their participation in Medicaid, leaving the State Medicaid agency unable to recover the amounts due. Recovery procedures allow for determining the amount of overpayments and offsetting the overpayments by withholding the provider's Medicare payments. To effectuate the withholding, the State agency must provide their respective CMS regional office with certain documentation that identifies the provider and the Medicaid overpayment amount. The agency must also demonstrate that the provider was notified of the overpayment and that demand for the overpayment was made. An opportunity to appeal the overpayment determination must be

afforded to the provider by the Medicaid State agency. Lastly, Medicaid State agencies must notify CMS when to terminate the withholding; *Form Number*: CMS–R–21 (OMB control number: 0938–0287); *Frequency*: Occasionally; *Affected Public*: State, local, or Tribal governments; *Number of Respondents*: 54; *Total Annual Responses*: 27; *Total Annual Hours*: 81. (For policy questions regarding this collection contact Stuart Goldstein at 410–786–0694.)

2. *Type of Information Collection Request*: Extension of a currently approved collection; *Title of Information Collection*: 1915(c) Home and Community-Based Services (HCBS) Waiver Application; *Use*: We use the application to review and adjudicate individual waiver actions. The application is also used by States to submit and revise their waiver requests. *Form Number*: CMS–8003 (OMB control number 0938–0449); *Frequency*: Yearly; *Affected Public*: State, local, or Tribal governments; *Number of Respondents*: 47; *Total Annual Responses*: 71; *Total Annual Hours*: 6,005. (For policy questions regarding this collection contact Ryan Shannahan at 410–786–0295.)

Dated: September 6, 2023.

William N. Parham, III,
Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2023–19500 Filed 9–8–23; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–D–3391]

Clinical Pharmacology Considerations for Peptide Drug Products; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled “Clinical Pharmacology Considerations for Peptide Drug Products.” This guidance describes FDA’s recommendations regarding clinical pharmacology considerations for peptide drug product development programs, including hepatic impairment, drug-drug interactions (DDIs), assessing QTc prolongation risk, and immunogenicity risk and impact on the

pharmacokinetics (PK), safety, and efficacy assessment. The intent of this draft guidance, when finalized, is to assist industry in the conduct of these development programs.

DATES: Submit either electronic or written comments on the draft guidance by December 11, 2023 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal*: <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions)*: Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA–2023–D–3391 for “Clinical Pharmacology Considerations for Peptide Drug Products.” Received comments will be placed in the docket and, except for those submitted as

“Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT:
Daphne Guinn, Center for Drug

Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20903, daphne.guinn@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled “Clinical Pharmacology Considerations for Peptide Drug Products.” This draft guidance, when finalized, will represent FDA’s current thinking on the conduct of certain clinical pharmacology studies during the development of peptide drug products.

The term “peptide” refers to any polymer composed of 40 or fewer amino acids. In general, if a peptide meets the definition of a drug and does not otherwise meet the statutory definition of a “biological product” or a “device,” it would be regulated as a drug under the Federal Food, Drug, and Cosmetic Act (FD&C Act) and be subject to all the “drug” requirements under the FD&C Act and FDA’s regulations, including the requirement that new drugs must be approved under section 505(c) of the FD&C Act before they can be marketed in interstate commerce. However, peptide drug products can have product characteristics that may be similar, in certain respects, to biological products, and as such, there are other FDA guidances on biological products that discuss scientific principles that could also be applicable to peptide drug products.

The “Clinical Pharmacology Considerations for Peptide Drug Products” draft guidance, when finalized, will provide recommendations to assist industry in the development of peptide drug products. Specifically, this guidance describes FDA’s recommendations regarding clinical pharmacology considerations for peptide drug product development programs, including organ impairment, DDIs, assessing QTc prolongation risk, and immunogenicity risk and impact on PK, safety, and efficacy assessment. This guidance provides recommendations on when these assessments may be appropriate.

This draft guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). This draft guidance, when finalized, will represent the current thinking of FDA on “Clinical Pharmacology Considerations for Peptide Drug Products.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 312 have been approved under OMB Control No. 0910–0014. The collections of information in 21 CFR part 314 have been approved under OMB Control No. 0910–0001. The collections of information in 21 CFR part 201 have been approved under OMB Control No. 0910–0572.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Dated: September 5, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–19456 Filed 9–8–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–N–3681]

Request for Nominations of a Nonvoting Representative of the Interest of the Tobacco Manufacturing Industry on the Tobacco Products Scientific Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for a nonvoting representative of the interests of the tobacco manufacturing industry to serve on the Tobacco Products Scientific Advisory Committee (TPSAC), in the Center for Tobacco Products. FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and, therefore encourages nominations of appropriately qualified candidates from these groups. A nominee may either be self-nominated or nominated by an organization. In addition, FDA is requesting that any industry organizations interested in

participating in the selection of a nonvoting representative of the interests of the tobacco manufacturing industry to serve on the TPSAC, notify FDA in writing. Nominations will be accepted for either the representative to serve on TPSAC or for the selection group effective with this notice.

DATES: Nomination materials for prospective candidates should be sent to FDA by October 11, 2023. Concurrently, any industry organization interested in participating in the selection of an appropriate nonvoting member to represent the interests of the tobacco manufacturing industry must send a letter stating that interest to FDA by October 11, 2023 (see sections I and II of this document for further details).

ADDRESSES: All nominations for nonvoting representatives of the interests of the tobacco manufacturing industry may be submitted electronically by accessing the FDA Advisory Committee Membership Nomination Portal: <https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm>.

All statements of interest from industry organizations interested in participating in the selection process of nonvoting representatives of the interests of the tobacco manufacturing industry nomination should be sent to Serina Hunter-Thomas (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT:

Serina Hunter-Thomas, Office of Science, Center for Tobacco Products, Food and Drug Administration, Document Control Center, 10903 New Hampshire Ave., Bldg. 71, Rm. G335, Silver Spring, MD 20993–0002, 1–877–287–1373 (choose Option 5), email: TPSAC@fda.hhs.gov.

Information about becoming a member of an FDA advisory committee can also be obtained by visiting FDA’s website at: <https://www.fda.gov/AdvisoryCommittees/default.htm>.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for a nonvoting representative of the interests of the tobacco manufacturing industry on the TPSAC.

I. General Description of the Committee Duties

The TPSAC advises the Commissioner of Food and Drugs (the Commissioner) or designee in discharging responsibilities related to the regulation of tobacco products. The TPSAC reviews and evaluates safety, dependence, or health issues relating to tobacco products and provides appropriate advice, information, and recommendations to the Commissioner.

II. Nomination Procedure

Individuals may self-nominate and/or an organization may nominate one or more individuals to serve as a nonvoting representative of the interests of the tobacco manufacturing industry. Under part 14 (21 CFR part 14), nominations must include a current résumé or curriculum vitae for each nominee, including current business address and/or home address, telephone number, and email address if available. Nominations must also specify the advisory committee for which the nominee is recommended and must acknowledge that the nominee is aware of the nomination unless self-nominated. The nomination should be sent to the FDA Advisory Committee Membership Nomination Portal (see **ADDRESSES**) within 30 days of publication of this document (see **DATES**). FDA will forward all nominations to the organizations expressing interest in participating in the selection process. (Persons who nominate themselves as nonvoting industry representatives will not participate in the selection process.)

III. Selection Procedure

The Agency is also seeking names of organizations to participate in the selection of the nonvoting representative of the interests of the tobacco manufacturing industry. Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interests should send a letter stating that interest to the FDA contact (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of publication of this document (see **DATES**). Within the subsequent 30 days, FDA will send a letter to each organization that has expressed an interest in participating in the selection group, attaching a complete list of all organizations participating in selection; and a list of all non-voting nominees along with their current résumés. The letter will also state that it is the responsibility of the interested organizations on the selection group to confer with one another and to select a candidate and an alternative as backup, within 60 days after the receipt of the FDA letter, to serve as the nonvoting member to represent industry interests for the TPSAC. The interested organizations are not bound by the list of nominees in selecting a candidate. However, if no individual is selected within 60 days, the Commissioner will select the nonvoting member to represent industry interests.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*) and part 14, relating to advisory committees.

Dated: September 6, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–19499 Filed 9–8–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–N–0008]

Request for Nominations From Industry Organizations Interested in Participating in the Selection Process for Nonvoting Industry Representatives and Request for Nominations for Nonvoting Industry Representatives on the Vaccines and Related Biological Products Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is requesting that any industry organizations interested in participating in the selection of nonvoting industry representatives to serve on the Vaccines and Related Biological Products Advisory Committee (VRBPAC) for the Center for Biologics Evaluation and Research notify FDA in writing. FDA is also requesting nominations for a nonvoting industry representative(s) to serve on the VRBPAC. A nominee may either be self-nominated or nominated by an organization to serve as a nonvoting industry representative. Nominations will be accepted for current vacancies effective with this notice.

DATES: Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interests must send a letter stating that interest to FDA by October 11, 2023 (see sections I and II of this document for further details). Concurrently, nomination materials for prospective candidates should be sent to FDA by October 11, 2023.

ADDRESSES: All statements of interest from industry organizations interested in participating in the selection process of nonvoting industry representative nominations should be sent via email to Sussan Paydar (see **FOR FURTHER INFORMATION CONTACT**). All nominations

for nonvoting industry representatives must be submitted electronically by accessing the FDA Advisory Committee Membership Nomination Portal at: <https://www.accessdata.fda.gov/scripts/FACTRSportal/FACTRS/index.cfm>. Information about becoming a member of an FDA advisory committee can also be obtained by visiting FDA's website at: <https://www.fda.gov/AdvisoryCommittees/default.htm>.

FOR FURTHER INFORMATION CONTACT:

Sussan Paydar or Valerie Vashio, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 1333, Silver Spring, MD 20993–0002, 202–657–8533, email: CBERVBPAC@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: The Agency intends to add a nonvoting industry representative(s) to the following advisory committee:

I. Vaccines and Related Biological Products Advisory Committee

The Committee reviews and evaluates data concerning the safety, effectiveness, and appropriate use of vaccines and related biological products that are intended for use in the prevention, treatment, or diagnosis of human diseases, and as required, any other products for which the Food and Drug Administration has regulatory responsibility. The Committee also considers the quality and relevance of FDA's research program which provides scientific support for the regulation of these products and makes appropriate recommendations to the Commissioner of Food and Drugs (the Commissioner).

II. Selection Procedure

Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interests should send a letter via email stating that interest to the FDA contact (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of publication of this document (see **DATES**). Within the subsequent 30 days, FDA will send a notification to each organization that has expressed an interest, attaching a complete list of all such organizations and a list of all nominees along with their current résumés. The letter will also state that it is the responsibility of the interested organizations to confer with one another and to select a candidate, within 60 days after the receipt of the FDA letter, to serve as the nonvoting member to represent industry interests for the committee. The interested organizations are not bound by the list of nominees in selecting a candidate. However, if no

individual is selected within 60 days, the Commissioner will select the nonvoting member to represent industry interests.

III. Application Procedure

Individuals may self-nominate, and/or an organization may nominate one or more individuals, to serve as a nonvoting industry representative. Nominations must include a current, complete résumé or curriculum vitae for each nominee, including current business address and telephone number, email address if available, and a signed copy of the Acknowledgement and Consent form available at the FDA Advisory Committee Membership Nomination Portal (see **ADDRESSES**) within 30 days of publication of this document (see **DATES**). Nominations must also specify the advisory committee for which the nominee is recommended. Nominations must also acknowledge that the nominee is aware of the nomination unless self-nominated. FDA will forward all nominations to the organizations expressing interest in participating in the selection process for the committee. Persons who nominate themselves as nonvoting industry representatives will not participate in the selection process.

FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and, therefore, encourages nominations of appropriately qualified candidates from these groups.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*) and 21 CFR part 14, relating to advisory committees.

Dated: September 5, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023-19496 Filed 9-8-23; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2022-N-2396]

Chemistry, Manufacturing, and Controls Development and Readiness Pilot Program; Program Announcement

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the year two opportunity for a limited

number of applicants to participate in a Chemistry, Manufacturing, and Controls (CMC) Development and Readiness Pilot (CDRP) program to facilitate the expedited CMC development of products under an investigational new drug application (IND), where warranted, based on the anticipated clinical benefit of earlier patient access to the products. FDA has implemented this pilot program to facilitate CMC readiness for selected Center for Biologics Evaluation and Research (CBER)- and Center for Drug Evaluation and Research (CDER)-regulated products with accelerated clinical development timelines. To accelerate CMC development and facilitate CMC readiness, the pilot features increased communication between FDA and sponsors and explores the use of science- and risk-based regulatory approaches, such as those described in FDA guidance, as applicable. This notice outlines the eligibility criteria and process for submitting a request to participate in the pilot.

DATES: Starting October 2, 2023, FDA will accept requests to participate in the CDRP program. See the “Participation” section of this document for eligibility criteria, instructions on how to submit a request to participate, and selection criteria and process.

FOR FURTHER INFORMATION CONTACT:

Tanya Clayton, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4506, Silver Spring, MD 20993-0002, 301-796-0871; or Anne Taylor, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7256, Silver Spring, MD 20993-0002, 240-402-5683.

For general questions about the CDRP Program for CBER: industry.biologics@fda.hhs.gov.

For general questions about the CDRP Program for CDER: cdcr-opq-opro-crad-inquiries@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Development programs for CBER- and CDER-regulated drugs and biologics intended to diagnose, treat, or prevent a serious disease or condition where there is an unmet medical need may have accelerated clinical development timelines. Yet, marketing applications for products in expedited development programs still need to meet FDA’s approval standards, including manufacturing facility compliance with current good manufacturing practice (CGMP). Products with accelerated

clinical development activities may face challenges in expediting CMC development activities to align with the accelerated clinical timelines. Successfully expediting CMC readiness may require additional interactions with FDA during product development and, if applicable, warrant the use of science- and risk-based regulatory approaches allowing streamlining of CMC development activities so that clinical benefits of earlier patient access to these products can be realized.

As described in the FDA Prescription Drug User Fee Act (PDUFA) VII Commitment Letter for fiscal years (FYs) 2023 Through 2027 (Ref. 1), FDA implemented the CDRP program to facilitate CMC readiness for selected CBER- and CDER-regulated products with accelerated clinical development timelines in FY 2023. To accelerate CMC development and facilitate CMC readiness, the pilot features increased communication between FDA and sponsors and explores the use of science- and risk-based regulatory approaches, such as those described in the FDA guidance for industry entitled “Expedited Programs for Serious Conditions—Drugs and Biologics” (May 2014) (Ref. 2), as applicable.

FDA (CBER and CDER) is continuing to conduct a CDRP to facilitate the CMC development of selected products under INDs that have expedited clinical development timeframes, based on the anticipated clinical benefits of earlier patient access to the products. This includes products with Breakthrough Therapy (BT), Fast Track (FT), and Regenerative Medicine Advance Therapy (RMAT) designations. For sponsors participating in the pilot, FDA will provide product-specific CMC advice during product development, to include two additional CMC-focused Type B meetings, as well as a limited number of additional CMC-focused discussions, based on readiness and defined CMC milestones. The increased communication between FDA review staff and sponsors is intended to ensure a mutual understanding of approaches to completing CMC activities, including what information should be provided at the appropriate timepoint (*i.e.*, at the time of new drug application (NDA) or biologics license application (BLA) submission, prior to the end of the review cycle, or post-approval) to ensure CMC readiness for a marketing application.

II. Participation

FDA will continuously accept requests to participate in the CDRP program. FDA will select no more than nine proposals per fiscal year, with

approximately two-thirds being CBER-regulated products and one-third CDER-regulated products. Taking into consideration lessons learned from the prior year, FDA will publish in the **Federal Register** a notice to announce pilot programs for each of the remaining FYs of the CDRP program. Sponsors who are interested in participating in the pilot program should submit a request to participate in the pilot as an amendment to their IND. The cover letter should state “Request to participate in the CMC Development and Readiness Pilot.”

To promote innovation and understanding in this area, lessons learned through the pilot may be presented by FDA (e.g., in a public workshop) as case studies, including when the product studied in the pilot has not yet been approved by FDA. FDA intends to conduct a public workshop and issue a strategy document focused on CMC aspects of expedited development incorporating lessons from the CDRP. To be eligible for the pilot, the sponsor and FDA will reach an agreement on the information to be publicly disclosed. Generally, FDA does not anticipate that the case studies will need to include information, such as the sponsor’s name or product information, that can specifically identify a unique product.

Participation in the pilot program, including such agreement on information disclosure, is voluntary and at the discretion of the sponsor. Where feasible, FDA will notify a sponsor in advance when it plans to include some aspect of their experience in the program in a public discussion (e.g., a slide presentation, a white paper).

A. Eligibility Criteria

To be considered for the pilot program, participants must meet the following eligibility criteria:

1. Joint CBER and CDER Eligibility Criteria

- Participant must have an active commercial IND (see the definitions of commercial INDs at <https://www.fda.gov/drugs/cder-small-business-industry-assistance-sbia/research-investigational-new-drug-applications-what-you-need-know>).

- IND has been submitted in, or converted to, Electronic Common Technical Document (eCTD) format, unless the IND is of a type granted a waiver from eCTD format as per FDA’s guidance for industry entitled “Providing Regulatory Submissions in Electronic Format—Certain Human Pharmaceutical Product Applications and Related Submissions Using the

eCTD Specifications” (February 2020) (Ref. 3).

- INDs for combination products (21 CFR 3.2(e)(1)) are eligible; products that require significant cross-Center interactions (e.g., complex combination products) may be less likely to be selected for the pilot.

- In general, at the time of application to the pilot, the IND clinical program has not yet reached the end of Phase 2 to allow the pilot to have sufficient time to have an impact on CMC readiness (e.g., 2 years from anticipated marketing application submission). However, in extenuating circumstances, requests for exceptions may be considered, where the development programs would still benefit from the pilot—examples of what could constitute such circumstances include:

- Cases where the clinical development is following an innovative trial design

- The product is intended to treat a rare disease

- CMC-related information is provided to demonstrate a commitment to pursue a CMC development plan that aligns with the expedited clinical development program (see “CMC Development Plan” under *What To Submit in a Request To Participate in the Pilot* for details).

Due to the differences in product complexity between CBER- and CDER-regulated products, the following eligibility and selection criteria differ between the Centers.

2. CBER-Specific Eligibility Criteria

- IND is an existing, CBER-regulated IND intended for submission as an application for licensure of a biological product under section 351(a) of the Public Health Service Act (PHS Act) (42 U.S.C. 262(a)) for cellular therapies, gene therapies, and other products regulated by the Office of Therapeutic Products/CBER or vaccines regulated by the Office of Vaccines Research and Review/CBER.

- IND has a BT or RMAT designation.

3. CDER-Specific Eligibility Criteria

- IND is an existing, CDER-regulated IND for a product intended for submission as an application for (1) approval of a new drug submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)), or (2) licensure of a biological product under section 351(a) of the PHS Act.

- IND has an expedited clinical timeframe warranted based on the anticipated clinical benefits of earlier patient access. This would include INDs for products with a BT or FT

designation; IND sponsors of other products that meet this criterion may also apply to the pilot, with their eligibility to be determined by FDA.

B. What To Submit in a Request To Participate in the Pilot

To participate in the CDRP, sponsors should submit a written request as an amendment to the IND. In addition to providing a point of contact and noting any expedited program designations the IND has received to date, the request should include the following information.

1. CMC Development Plan

To focus pilot resources where they should be most useful and have an impact on the timeliness with which CMC readiness is achieved, prospective applicants to the pilot program should include in their Request to Participate a description of their CMC development plan that includes a timeline for CMC development aligned with when the clinical development program is expected to be complete:

(1) The plan should describe the current state of CMC development, including any ongoing activities not already included in the IND.

(2) The plan should include a projected timeline for product development that aligns with the anticipated clinical development timeline, showing the CMC tasks and activities intended to yield complete CMC data and information to be included in the marketing application. This part of the plan should cover the following CMC-related areas:

- Available product characterization and preliminary identification of critical quality attributes.

- Description of the current drug substance and drug product manufacturing process and control strategy (including identification and development of assays), and a description of and plan for the proposed commercial scale manufacturing and control strategy, including any necessary microbial control strategy.

- Identification of manufacturing facilities, including any contract facilities, along with the facilities’ recent inspection history (including foreign regulatory inspections, where applicable).

- Plans for ensuring product availability for commercial launch.

- Drug substance and drug product stability assessment plan.

- Overall plan for process validation (e.g., stage 1 and stage 2 as described in FDA’s guidance for industry entitled “Process Validation: General Principles and Practices” (Ref. 4)).

(3) Given the expedited clinical timeframe, mapping out a plan for manufacturing readiness within the same overall timespan may reveal potential challenges in accomplishing CMC activities within the allotted time that is typically needed during CMC development to prepare a marketing application that can support approval. The plan should highlight these areas (exemplified in the bulleted list above, and any additional CMC challenges that may require FDA input), to facilitate FDA engagement regarding the types of supportive data and information that might be used to address these challenges. Participants in the pilot should plan to discuss these challenges with FDA during the pilot (for CDER-regulated products, see MAPP 5015.13, Quality Assessment for Products in Expedited Programs (Ref. 5)).

2. Proposed Plan and Timing for Meetings With FDA

The CMC Development Plan should include proposed timing (*i.e.*, month and year) for the two additional CMC-specific Type B meetings afforded by the pilot, as well as any other meetings and discussions foreseen.

C. Selection Criteria and Process

FDA intends to select participant CBER and CDER INDs based on the criteria outlined below. Review of requests is planned to occur quarterly, or as needed, depending on the requests to participate in the pilot that are received during the period. FDA intends to issue a letter to notify each sponsor of FDA's decision on their request to participate within 180 days of receipt.

In selecting INDs for the pilot program, FDA intends to consider factors such as (1) anticipated clinical benefits of facilitating earlier patient access to the product, (2) novelty of the product, (3) complexity of the product or its manufacturing process, including technology, (4) sponsor's overall manufacturing experience, and (5) sponsor's experience with the particular product type, class, or the type of manufacturing process. FDA may give additional consideration to less-experienced sponsors. Overall, FDA intends to seek balance and diversity in product types, sponsors, and therapeutic indications to obtain a variety of relevant experience and learnings from the pilot.

D. FDA-Sponsor Interactions During the Pilot

During this CDRP program, sponsors will be able to discuss their product development strategies and goals with FDA review staff during predesignated

Type B meetings and a limited number of additional CMC-focused discussions. As part of the CMC readiness pilot, two dedicated CMC meetings will be granted, and sponsors will have an opportunity for followup discussions to address questions arising from the meeting or meeting minutes, or if additional clarifications are needed.

In preparation for a meeting, sponsors should submit written questions along with a background information package clearly marked as a "PDUFA VII CDRP meeting" as part of the cover letter to enable FDA review staff to address the questions. The briefing package should be submitted to the corresponding IND. Meetings associated with the pilot should be requested by sponsors. For additional information on meetings and other communications between the sponsors and FDA, see the FDA draft guidance for industry entitled "Formal Meetings Between the FDA and Sponsors or Applicants of PDUFA Products" (December 2017) (Ref. 6), CDER MAPP 6025.6: Good Review Practice: Management of Breakthrough Therapy-Designated Drugs and Biologics (July 2014) (Ref. 7), CBER SOPP 8101.1: Regulatory Meetings with Sponsors and Applicants for Drugs and Biological Products (March 2023) (Ref. 8), and CBER SOPP 8212: Breakthrough Therapy Products—Designation and Management (August 2023) (Ref. 9).

III. Paperwork Reduction Act of 1995

Collections of information from fewer than 10 respondents within any 12-month period are not subject to the Paperwork Reduction Act of 1995 (PRA) (5 CFR 1320.3(c)(4)). To the extent this information collection involves 10 or more respondents within any 12-month period, the collections of information are subject to the PRA. These collections of information are subject to review by the Office of Management and Budget (OMB) under the PRA (44 U.S.C. 3501–3521). The collections of information for NDAs, formal meetings with sponsors and applicants for PDUFA products, and the PDUFA VII Commitment Letter have been approved under OMB control number 0910–0001. The collections of information for INDs have been approved under OMB control number 0910–0014. The collections of information for BLAs have been approved under OMB control number 0910–0338. The collections of information pertaining to CGMP requirements have been approved under OMB control number 0910–0139. The collections of information pertaining to expedited programs for serious conditions for drugs and biologics and breakthrough therapy-designation for

drugs and biologics have been approved under OMB control number 0910–0765.

IV. References

The following references are on display at the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500, and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at <https://www.regulations.gov>. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. PDUFA Reauthorization Performance Goals and Procedures Fiscal Years 2023 Through 2027 at <https://www.fda.gov/media/151712/download>.
2. FDA guidance for industry "Expedited Programs for Serious Conditions—Drugs and Biologics" (May 2014): <https://www.fda.gov/media/86377/download>.
3. FDA guidance for industry "Providing Regulatory Submissions in Electronic Format—Certain Human Pharmaceutical Product Applications and Related Submissions Using the eCTD Specifications" (February 2020): <https://www.fda.gov/media/135373/download>.
4. FDA guidance for industry "Process Validation: General Principles and Practices" (January 2011): <https://www.fda.gov/files/drugs/published/Process-Validation--General-Principles-and-Practices.pdf>.
5. CDER MAPP 5015.13: *Quality Assessment for Products in Expedited Programs*: <https://www.fda.gov/media/162786/download?attachment>.
6. FDA draft guidance for industry "Formal Meetings Between the FDA and Sponsors or Applicants of PDUFA Products" (December 2017): <https://www.fda.gov/media/109951/download>.
7. CDER MAPP 6025.6: *Good Review Practice: Management of Breakthrough Therapy-Designated Drugs and Biologics* (July 2014): <https://www.fda.gov/media/89155/download>.
8. CBER SOPP 8101.1: *Regulatory Meetings with Sponsors and Applicants for Drugs and Biological Products* (March 2023).
9. CBER SOPP 8212: *Breakthrough Therapy Products—Designation and Management* (August 2023).

Dated: September 6, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–19502 Filed 9–8–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–D–3452]

Institutional Review Board Review of Individual Patient Expanded Access Submissions for Investigational Drugs and Biological Products; Guidance for Institutional Review Boards and Clinical Investigators; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for institutional review boards (IRBs) and clinical investigators entitled “Institutional Review Board (IRB) Review of Individual Patient Expanded Access Submissions for Investigational Drugs and Biological Products.” FDA is issuing this final guidance to provide recommendations regarding the key factors and procedures IRBs should consider when reviewing individual patient expanded access submissions, including for reviews conducted by a single member of the IRB, to fulfill its obligations under FDA regulations. Although FDA has issued guidance on expanded access requests, including expanded access for individual patients, the Agency is aware that IRBs seek further clarity on this topic.

DATES: The announcement of the guidance is published in the **Federal Register** on September 11, 2023.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your

comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked, and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA–2023–D–3452 for “Institutional Review Board (IRB) Review of Individual Patient Expanded Access Submissions for Investigational Drugs and Biological Products.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For

more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this final guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Dat Doan, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 3334, Silver Spring, MD 20993–0002, 240–402–8926; or Anne Taylor, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–5683.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a final guidance for IRBs and clinical investigators entitled “Institutional Review Board (IRB) Review of Individual Patient Expanded Access Submissions for Investigational Drugs and Biological Products.” FDA is issuing this guidance to provide recommendations regarding the key factors and procedures IRBs should consider when reviewing individual patient expanded access submissions, including for reviews conducted by a single member of the IRB, to fulfill its obligations under 21 CFR part 56.

Although FDA has issued guidance on expanded access requests, including expanded access for individual patients, the Agency is aware that IRBs seek further clarity on this topic.

Under FDA regulations, there are three categories of expanded access: individual (also known as single) patient, including for emergency use; intermediate-size for intermediate-size patient populations; and “treatment” for larger populations. This guidance only applies to IRB review of individual patient expanded access submissions, as outlined in 21 CFR 312.310. The recommendations in this guidance are intended to provide additional clarity to assist IRBs in conducting efficient reviews of individual patient expanded access requests.

In the **Federal Register** of June 9, 2020 (85 FR 35311), FDA announced the availability of a guidance for IRBs and investigators entitled “Institutional Review Board (IRB) Review of Individual Patient Expanded Access Requests for Investigational Drugs and Biological Products During the COVID–19 Public Health Emergency: Guidance for IRBs and Clinical Investigators” (2020 COVID–19 guidance) to support public health efforts following a determination, under section 319 of the Public Health Service (PHS) Act (42 U.S.C. 247d), by the Secretary of Health and Human Services that a public health emergency existed related to Coronavirus Disease 2019 (COVID–19 public health emergency). The 2020 COVID–19 guidance focused on addressing the COVID–19 public health emergency and was intended to remain in effect only for the duration of the COVID–19 public health emergency. However, the 2020 COVID–19 guidance explained we expected the recommendations would assist the Agency more broadly in its continued efforts to facilitate access to drugs through expanded access for individual patients beyond the COVID–19 public health emergency and that FDA would replace the 2020 COVID–19 guidance with any appropriate changes based on comments received and the Agency’s experience with implementation. FDA continues to believe that many of the recommendations set forth in the 2020 COVID–19 guidance are applicable outside the context of the COVID–19 public health emergency and are applicable to key factors and procedures IRBs should consider when reviewing individual patient expanded access submissions. In addition, in the **Federal Register** of March 13, 2023 (88 FR 15417), FDA listed the 2020 COVID–19 guidance as one of the guidances FDA was revising to continue in effect for

180 days after the COVID–19 PHE declaration issued under the PHS Act expired on May 11, 2023, during which time FDA planned to further revise those guidances. Consistent with what we said in the **Federal Register** of March 13, 2023, FDA is therefore issuing this revised final guidance, which supersedes the 2020 COVID–19 guidance. FDA revised the guidance to remove references to the COVID–19 public health emergency and made editorial changes to improve clarity. FDA also clarified recommendations on IRB procedures and factors to consider for individual patient expanded access submissions.

FDA is issuing this guidance for immediate implementation in accordance with our good guidance practices regulation (21 CFR 10.115(g)(3)) without initially seeking prior comment because the Agency has determined that prior public participation is not feasible or appropriate (see 21 CFR 10.115(g)(2) and section 701(h)(1)(C)(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(h)(1)(C)(i))). Specifically, we are not seeking prior comment because public health emergencies (PHEs) and the need to address individual patient expanded access submissions for patient access to investigational drugs for diagnosing, monitoring, or treating diseases or conditions related to PHEs may occur without notice and, as we have learned from experience during the COVID–19 PHE, may hinder physicians seeking to treat their patients in a timely manner. It is thus important to public health to provide recommendations regarding the key factors and procedures IRBs should consider when reviewing requests. Interested parties had an opportunity to comment on the recommendations in the 2020 COVID–19 guidance, and FDA considered those comments when revising the guidance. Although this guidance document is being implemented immediately, it remains subject to comment in accordance with FDA’s good guidance practices regulation (§ 10.115(g)(3)(D)).

This guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). This guidance represents the current thinking of FDA on “Institutional Review Board (IRB) Review of Individual Patient Expanded Access Submissions for Investigational Drugs and Biological Products.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 312 and Form FDA 1571 have been approved under OMB control number 0910–0014. The collections of information in 21 CFR parts 50 and 56 relating to the protection of human subjects, informed consent, and IRBs have been approved under OMB control number 0910–0130. The collections of information in 21 CFR 312.300 through 312.320 relating to expanded access to investigational drugs for treatment use and Form FDA 3926 have been approved under OMB control number 0910–0814. The collections of information in 21 CFR part 11 relating to electronic records and signatures have been approved under OMB control number 0910–0303.

III. Electronic Access

Persons with access to the internet may obtain the guidance at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Dated: September 6, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–19501 Filed 9–8–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces that the Secretary’s Centers for Disease Control and Prevention (CDC)/HRSA Advisory Committee on HIV, Viral Hepatitis and

STD Prevention and Treatment (CHAC) has scheduled a public meeting. Information about CHAC and the meeting can be found on the CHAC website at <https://www.cdc.gov/faca/committees/chachspt.html> and the meeting website at <https://targethiv.org/ta-org/chac>.

DATES: Tuesday, October 24, 2023, 9 a.m. to 4 p.m. Eastern Time (ET); and Wednesday, October 25, 2023, 9 a.m. to 3 p.m. ET.

ADDRESSES: This meeting will be hybrid, held both virtually through Zoom and in person at 5600 Fishers Lane, Pavilion Rooms 5A02, 5A03, and 5A04, Rockville, Maryland 20857. Advance registration is required to attend. Please visit the meeting website to register. The in-person registration deadline is Monday, October 16, 2023, at 5 p.m. ET; registration for virtual attendance will remain open. Prior to the meeting, each individual registrant will receive a registration confirmation along with an access link to the virtual meeting location.

FOR FURTHER INFORMATION CONTACT: Shalonda Collins, Public Health Analyst, HIV/AIDS Bureau, HRSA, (301) 945-0835; CHACAdvisoryComm@hrsa.gov.

SUPPLEMENTARY INFORMATION: CHAC provides advice and recommendations to the Secretary of HHS (Secretary) on policy, program development, and other matters of significance concerning the activities under Section 222 of the Public Health Service Act, 42 U.S.C. 217a.

The purpose of the CHAC is to advise the Secretary of HHS, CDC Director, and HRSA Administrator regarding objectives, strategies, policies, and priorities for the prevention and treatment of HIV, viral hepatitis, and other STDs, including surveillance, epidemiologic, behavioral, health services, and laboratory research, identification of policy issues related to professional education, patient healthcare delivery, and prevention services; agency policies regarding health care delivery, research and training; strategic issues influencing the ability of CDC and HRSA to fulfill their missions' programmatic efforts to prevent and treat HIV, viral hepatitis, and other STDs; and support to CDC and HRSA in their development of responses to emerging health needs related to these issues.

During the October 24–25, 2023, meeting, CHAC will discuss issues related to reducing barriers and improving outcomes in HIV and Hepatitis C co-infection, payment

models for addressing social determinants of health, incorporating stigma reduction in HIV care and treatment, as well as other special presentations. Agenda items are subject to change as priorities dictate. Refer to the CHAC meeting information page for any updated information concerning the meeting.

Members of the public will have the opportunity to provide comments. Public participants may also submit written statements as further described below. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to submit a written statement or make oral comments to CHAC should be sent via the meeting website at <https://targethiv.org/ta-org/chac>. Requests for oral comment must be received by October 17, 2023, at 5 p.m. ET to be considered. Written comments may be submitted to Shalonda Collins at the email address and/or phone number listed above prior to and up to 10 business days after the meeting. Visit the meeting information page for additional details: <https://targethiv.org/ta-org/chac>.

Individuals who plan to attend and need special assistance or another reasonable accommodation should notify Shalonda Collins at the email address and/or phone number listed above at least 10 business days prior to the meeting.

Maria G. Button,
Director, Executive Secretariat.

[FR Doc. 2023–19542 Filed 9–8–23; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel; Societal and Ethical Issues in Research.

Date: October 6, 2023.

Time: 10:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Maria De Jesus Diaz Perez, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000G, Bethesda, MD 20892, (301) 496-4227, diazperez2@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 6, 2023.

David W. Freeman,
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–19506 Filed 9–8–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2748–23; DHS Docket No. USCIS–2014–004]

RIN 1615–ZB79

Extension and Redesignation of South Sudan for Temporary Protected Status

Correction

In Notice document 2023–19312 beginning on page 60971 in the issue of Wednesday, September 6, 2023, make the following correction:

On page 60976, in the first column, in the signature, in the first line “Alejandro N. Mayorkas, Vienna” should read “Alejandro N. Mayorkas.”.

[FR Doc. C1–2023–19312 Filed 9–8–23; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0001]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Petition for Alien Fiancé(e)

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 30 days until October 11, 2023.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at <http://www.regulations.gov> under e-Docket ID number USCIS–2006–0028. All submissions received must include the OMB Control Number 1615–0001 in the body of the letter, the agency name and Docket ID USCIS–2006–0028.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommès, Chief, telephone number (240) 721–3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:**Comments**

The information collection notice was previously published in the **Federal Register** on June 12, 2023, at 88 FR 38084, allowing for a 60-day public comment period. USCIS did not receive any comments in connection with the 60-day notice.

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at:

<https://www.regulations.gov> and entering USCIS–2006–0028 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Petition for Alien Fiancé(e).

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–129F; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. Form I–129F must be filed with U.S. Citizenship and Immigration Services (USCIS) by a citizen of the

United States to petition for an alien spouse, fiancé(e), or child.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–129F is 48,533 and the estimated hour burden per response is 3.12 hours; The estimated total number of respondents for the information collection of Biometrics is 48,533 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 204,047 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$8,865,825.

Dated: August 28, 2023.

Jerry L Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2023–19498 Filed 9–8–23; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

[FWS–R8–NWRS–2023–N050;
FXRS1261080000–234–FF08R04000]

San Luis and Merced National Wildlife Refuges and Grasslands Wildlife Management Area, CA; Draft Comprehensive Conservation Plan/Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of a draft comprehensive conservation plan (CCP) and draft environmental assessment (EA) for San Luis and Merced National Wildlife Refuges and the Grasslands Wildlife Management Area (collectively, the refuges) for review and comment. The draft CCP/EA, prepared under the National Wildlife Refuge Improvement Act of 1997, and in accordance with the National Environmental Policy Act of 1969, describes how the Service proposes to manage the refuges for the next 15 years. Draft compatibility determinations for multiple existing and

proposed uses, a revised hunt plan, and a visitor services plan are also available for review and public comment. We invite comment from the public and local, State, Tribal, and Federal agencies.

DATES: To ensure consideration, we must receive your written comments by October 26, 2023.

ADDRESSES: *Accessing Documents:* You may obtain electronic copies of the draft CCP/EA, the revised hunt plan, the visitor services plan, and the draft compatibility determinations on San Luis Refuge's website, at <https://www.fws.gov/refuge/san-luis/what-we-do>. Hard copies of the draft CCP/EA may be viewed in person during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, at San Luis NWR Complex Headquarters, 7376 S Wolfson Road, Los Banos, CA 93635.

Submitting Comments: Please submit comments by only one of the following methods.

- *Email:* Address comments to fw8plancomments@fws.gov. Include "San Luis CCP" in the subject line of the message.

- *In-Person Drop off:* You may drop off comments during regular business hours at San Luis NWR Complex Headquarters (address above).

FOR FURTHER INFORMATION CONTACT: John Kurtz, Conservation Planner, via email at john_kurtz@fws.gov, or Chris Harper, San Luis NWR Project Leader, via email at chris_harper@fws.gov, or by phone at (209) 826-3508.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee), which amended the National Wildlife Refuge System Administration Act of 1966, requires the Service to develop a CCP for each national wildlife refuge. The purpose in developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Improvement Act.

Introduction

With this notice, we continue the CCP process for San Luis National Wildlife Refuge, Merced National Wildlife Refuge, and Grasslands Wildlife Management Area (collectively, "the refuges"), which we began by publishing a notice of intent in the **Federal Register** on September 8, 2008 (73 FR 52063). We hosted three public scoping meetings, two in Los Banos on September 24, 2008, and one in Merced, on September 25, 2008. In addition to the **Federal Register** notice of intent, our outreach included two planning updates, two initial public scoping meetings, and a CCP web page. The scoping comment period ended on October 23, 2008. Over 100 comments were received at the meetings, via email, and by postal mail. For more about the initial process and the history of the Refuge, see the September 8, 2008, notice.

Background

The San Luis and Merced National Wildlife Refuges (NWRs) and Grasslands Wildlife Management Area (WMA) are in Merced County, California, adjacent to the communities of Los Banos and Merced. They are situated within the San Joaquin River watershed in the San Joaquin Valley. Along with San Joaquin River National Wildlife Refuge, they make up the San Luis National Wildlife Refuge Complex; however, San Joaquin River National Wildlife Refuge is covered under a separate CCP (2006).

Collectively, San Luis, Merced, and Grasslands contain one of the largest remaining contiguous freshwater wetlands remaining in California, which provides important winter habitat for millions of migratory birds, as well as assemblages of other native wetland- and grassland-dependent wildlife.

The Merced NWR was established in 1951 and consists of 10,262 acres (ac). The San Luis NWR was established in 1967 and consists of 26,878 ac. The Grasslands WMA was established in 1979 and contains more than 190 privately owned parcels under Service conservation easements, totaling approximately 90,000 ac, within an approved acquisition boundary of 230,000 ac. All three areas are part of the Grasslands Ecological Area, which is a 160,000-ac mosaic of Central Valley floor habitats located primarily within Merced County between I-5 and I-99 in the northern San Joaquin Valley, west of a line between Modesto and Fresno.

Additional Information

The draft CCP/EA, revised hunt plan, visitor services plan and draft

compatibility determinations can be found at <https://www.fws.gov/refuge/san-luis/what-we-do>. The draft CCP includes detailed information about the planning process, history of the refuges, management issues, ecological context, and management opportunities.

National Environmental Policy Act Compliance

The draft EA was prepared in accordance with the National Environmental Policy Act (NEPA; 43 U.S.C. 4321 *et seq.*). The draft EA identifies and evaluates three alternatives for managing the refuges for the next 15 years. The alternative that appears to best meet the refuges' purposes is identified as the proposed action. The proposed action is identified based on the analysis presented in the draft CCP/EA, which may be modified following the completion of the public comment period, based on comments received from other agencies, Tribal governments, nongovernmental organizations, or individuals.

Under Alternative A (no action alternative), the current management actions, including habitat management, wildlife management, wildlife-oriented recreation opportunities, and environmental education, would be continued on Merced and San Luis NWRs. Habitat and wildlife management activities would include habitat management, with a focus on wetlands for migratory bird use, habitat restoration projects, vernal pool management, grassland management, invasive plant management, wildlife and habitat surveys, and ungulate management. We would continue to offer a wide variety of wildlife-oriented recreation opportunities to the public, including several auto-tour routes; numerous nature trails, and a large recreational waterfowl hunt program, as well as environmental education activities for schools. Existing restoration and management plans would continue to be implemented. For the remaining available acquisition authority in the Grasslands WMA, the Service would seek to acquire additional wildlife conservation easements from willing sellers within the approved acquisition boundary.

Alternative B, which has a wetland wildlife focus, also includes those actions in Alternative A. In addition to those activities occurring in Alternative A, we would seek 28,000 ac-feet of additional water to manage existing and additional wetlands on San Luis and Merced NWRs. The Service would also restore 600 ac of seasonal wetlands and increase the value of these habitats to migratory birds. Under Alternative B,

we would also restore 100 ac of riparian woodlands and 1,700 ac of vernal pool habitat on the Snobird unit of the Merced NWR.

Under Alternative C (proposed action), the Service would manage with a biodiversity focus that would include both wetland and upland habitats for wildlife. We would manage wetland-dependent wildlife and wetland habitats on San Luis and Merced NWRs essentially the same as under Alternative B, except moist soil wetlands (the most common wetland habitat at the Complex) would continue to be managed under an 8-year disturbance cycle. Grassland management activities would increase at the San Luis and Merced NWRs, to focus on providing nesting habitat for migratory birds and other wildlife and suitable grazing/foraging habitat for migratory birds, including geese, cranes and curlew, and on restoring native plants and natural processes to grasslands. Inventory, monitoring, and research programs of natural resources would be expanded. We would shift some of the wildlife easement acquisition authority to fee-title acquisition authority within the Grasslands Wildlife Management Area acquisition boundary to allow greater flexibility for conserving important wildlife habitat (*i.e.*, wetlands, vernal pools). We would expand wildlife observation opportunities by adding an additional riparian focused nature trail, a children's interactive nature exploration area, and an additional boardwalk section. We would also host visitor workshops on wildlife identification/observation and photography. Interpretation and environmental education opportunities would also be improved and expanded.

Public Meetings

The locations, dates, and times of public meetings will be listed in a public communications release distributed to the project mailing list and posted on the refuge website at <https://www.fws.gov/refuge/san-luis>.

Review and Comment

At the end of the review and comment period for the draft CCP/EA, comments will be analyzed by the Service and addressed in the final CCP/EA. 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 view, we cannot guarantee that we will be able to do so.

Kaylee Allen,

Acting Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2023-19485 Filed 9-8-23; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX23GK009970000; OMB Control Number 1028-NEW]

Agency Information Collection Activities; Landslide Hazards Risk Reduction Grants Program

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the U.S. Geological Survey (USGS) is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before November 13, 2023.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to USGS, Information Collections Clearance Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to gs-info_collections@usgs.gov. Please reference OMB Control Number 1028-NEW Landslide Hazards Risk Reduction Grants Program in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Stephen Slaughter by email at sslaughter@usgs.gov, or by telephone at 720-483-3945. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In accordance with the PRA, (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval. We may not conduct or sponsor, nor are you required to respond to, a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

- (4) How the agency might minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Abstract: USGS Cooperative Landslide Hazard Mapping and Assessment Program priorities reflect the National Landslide Preparedness Act (Public Law 116-323), which supports the mission of the USGS Landslide Hazards Program to reduce loss of lives and property from landslides and improve public safety and community resilience for the Nation. Proposed risk-reduction activities should advance landslide science and communication that underlie the priorities of the National Landslide Preparedness Act by focusing on landslide hazard planning, coordination, education, outreach, mapping, and assessments. The

objectives are to provide grants on a competitive basis to state, territorial, local, and Tribal governments to research, map, assess, and collect data on landslide hazards within the jurisdictions of those governments. In response to our Program Announcements, applicants submit proposals in priority areas including (a) advance landslide hazard mapping and assessments, (b) improve landslide hazard planning and coordination, and (c) improve dissemination and effectiveness of landslide hazard information in mitigating losses. This information is used as the basis for selection and award of projects meeting USGS Cooperative Landslide Hazard Mapping and Assessment Program priorities. Final Grant Close-Out Narrative Reports are required for each funded proposal; annual progress reports are required for awards that span more than two years. Final Grant Close-Out Narrative Reports are made available to the public at <https://www.usgs.gov/programs/landslide-hazards/science/external-grants-overview>.

Title of Collection: Landslide Hazards Risk Reduction Grants Program.

OMB Control Number: 1028–NEW.

Form Number: None.

Type of Review: New information collection.

Respondents/Affected Public: State, Territorial, local, and Tribal governments.

Total Estimated Number of Annual Responses: The USGS estimates that 30 respondents will read the Program Announcement, 10 respondents will submit applications, and 10 respondents will submit semi-annual progress reports and a final technical report.

Total Estimated Number of Annual Responses: 10 applications; 10 semi-annual progress reports, and 10 final technical reports.

Estimated Completion Time per Response: Read Program announcement: 1 hour; prepare applications: 40 hours; creating progress reports: 4 hours;

producing the final technical report: 24 hours.

Total Estimated Number of Annual Burden Hours: 710 hours.

Respondent's Obligation: Response is voluntary but required to be eligible to receive funding.

Frequency of Collection: Program Announcements are published annually.

Total Estimated Annual Non-hour Burden Cost: There are no non-hour cost burdens associated with this Information Collection.

An agency may not conduct or sponsor, nor is a person required to respond to, a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the PRA.

Stephen L. Slaughter,

Associate Program Coordinator for the USGS Landslide Hazards, Natural Hazards Mission Area.

[FR Doc. 2023–19545 Filed 9–8–23; 8:45 am]

BILLING CODE 4388–11–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–IMR–NTIR; PPIMELCA00, PPMSPD1Z.S00000]

Official Trail Markers for El Camino Real de Tierra Adentro National Historic Trail, El Camino Real de los Tejas National Historic Trail, and the Old Spanish National Historic Trail

AGENCY: National Park Service, Interior.

ACTION: Notice of designation.

SUMMARY: This notice issues the official trail marker insignias for El Camino Real de Tierra Adentro National Historic Trail, El Camino Real de los Tejas National Historic Trail, and the Old Spanish National Historic Trail in the National Trails System.

FOR FURTHER INFORMATION CONTACT: Carole Wendler, Acting Superintendent,

National Trails, National Park Service; 1100 Old Santa Fe Trail, Santa Fe, NM 87505; via email at carole_wendler@nps.gov; or via phone at (505) 660–3242.

SUPPLEMENTARY INFORMATION: The primary author of this document is Carole Wendler, Acting Superintendent, National Trails, Regions 6, 7, and 8, National Park Service. The insignias depicted below are prescribed as the official trail marker logos for El Camino Real de Tierra Adentro National Historic Trail, El Camino Real de los Tejas National Historic Trail, and the Old Spanish National Historic Trail. Authorization for use of these trail markers is controlled by the National Park Service's National Trails office.

The original graphic image for El Camino Real de Tierra Adentro National Historic Trail was developed in 2004 with the completion of the Camino Real de Tierra Adentro National Historic Trail Comprehensive Management Plan. The National Park Service, Bureau of Land Management, and related agencies have officially adopted and use this insignia to help mark all designated alignments of El Camino Real de Tierra Adentro National Historic Trail.

The original graphic image for El Camino Real de los Tejas National Historic Trail was developed in 2011 with the completion of El Camino Real de los Tejas National Historic Trail Comprehensive Management Plan. The National Park Service and related agencies have officially adopted and use this insignia to help mark all designated alignments of El Camino Real de los Tejas National Historic Trail.

The original graphic image for the Old Spanish National Historic Trail was developed in 2017 with the completion of the Old Spanish National Historic Trail Comprehensive Administrative Strategy. The National Park Service, Bureau of Land Management, and related agencies have officially adopted and use this insignia to help mark all designated alignments of the Old Spanish National Historic Trail.

BILLING CODE 4312–52–P





In making this prescription, notice is hereby given that whoever manufactures, sells, or possesses this insignia, or any colorable imitation thereof, or photographs or prints or in any other manner makes or executes any engraving, photograph or print, or impression in the likeness of these insignia, or any colorable imitation thereof, without written authorization from the United States Department of the Interior is subject to the penalty provisions of section 701 of Title 18 of the United States Code.

Authority: National Trails System Act, 16 U.S.C. 1246(c); and Protection of Official Badges, Insignia, etc., 18 U.S.C. 701.

Carole Wendler,

*Acting Superintendent, National Trails,
National Park Service.*

[FR Doc. 2023-19544 Filed 9-8-23; 8:45 am]

BILLING CODE 4312-52-C

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. ASSA ABLOY AB, et al.; Response of the United States to Public Comments on the Proposed Final Judgment

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that the Response of the United States to Public Comments on the Proposed Final Judgment in *United States of America v. ASSA ABLOY AB, et al.*, Civil Action No. 22-2791-ACR, has been filed in the United

States District Court for the District of Columbia, together with the response of the United States to the comment.

Copies of the public comment and the United States' Response are available for inspection on the Antitrust Division's website at <http://www.justice.gov/atr>.

Suzanne Morris,

*Deputy Director Civil Enforcement
Operations, Antitrust Division.*

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

*UNITED STATES OF AMERICA,
Plaintiff, v. ASSA ABLOY AB, et al.,
Defendants.*

Civil Case No. 22-2791-ACR

RESPONSE OF PLAINTIFF UNITED STATES OF AMERICA TO PUBLIC COMMENTS ON THE PROPOSED FINAL JUDGMENT

As required by the Antitrust Procedures and Penalties Act (the "Tunney Act"), 15 U.S.C. 16(b)–(h), Plaintiff United States of America hereby responds to the public comment received about the Proposed Final Judgment, ECF No. 128-4. After careful consideration of the comment received, the United States will move the Court for entry of the Proposed Final Judgment after the public comment and this Response have been published in the **Federal Register**, pursuant to 15 U.S.C. 16(d), and believes that the Court will conclude that the Proposed Final Judgment is in the public interest under the Tunney Act.

I. Procedural History

On September 8, 2021, Defendant ASSA ABLOY AB ("ASSA ABLOY") agreed to acquire the Hardware and Home Improvement division of Defendant Spectrum Brands Holdings, Inc. ("Spectrum") for approximately \$4.3 billion. On September 15, 2022, the United States filed an antitrust lawsuit to stop the proposed acquisition from being consummated. The United States' Complaint alleged that the proposed acquisition may substantially lessen competition in the markets for two types of residential door hardware (premium mechanical door hardware and smart locks) in the United States, in violation of Section 7 of the Clayton Act, 15 U.S.C. 18.

The parties vigorously litigated the case for more than seven months, culminating in a bench trial that began on April 24, 2023. On May 5, 2023, while the trial was ongoing, the United States filed a Proposed Final Judgment, Competitive Impact Statement, ECF No. 129, and Asset Preservation Stipulation and Order ("Stipulation"), ECF No. 128-1. The Competitive Impact Statement described the transaction and the Proposed Final Judgment. Through the Stipulation, which the Court entered on May 5, 2023, the parties and non-party divestiture buyer Fortune Brands Innovations, Inc. ("Fortune"), consented to the entry of the Proposed Final Judgment after compliance with the requirements of the Tunney Act. Under the Stipulation, Defendants and Fortune also agreed to abide by and comply with all the terms of the Proposed Final

Judgment until it is entered by the Court.

The United States caused the Complaint, the Proposed Final Judgment, the Competitive Impact Statement, and directions for the submission of written comments relating to the Proposed Final Judgment, to be published in the **Federal Register** on May 15, 2023. See 88 FR 31007 (May 15, 2023). The United States also caused notice of the same, together with directions for submission of comments, to be published in *The Washington Post* for seven days, from May 12–18, 2023. The 60-day period for public comments has ended. During the public comment period, the United States received one comment, which is described below in Section IV and attached in Appendix A.

II. Standard of Judicial Review

Under the Clayton Act, as amended by the Tunney Act, proposed final judgments, or “consent decrees,” in antitrust cases brought by the United States are subject to a 60-day comment period, after which the Court shall determine whether entry of the proposed final judgment “is in the public interest.” 15 U.S.C. 16(e)(1). In making that determination, the Court, in accordance with the statute as amended in 2004, is required to consider:

(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

Id. In considering these statutory factors, the Court’s inquiry is necessarily a limited one because the government is entitled to “broad discretion to settle with the defendant within the reaches of the public interest.” *United States v. Microsoft Corp.*, 56 F.3d 1448, 1461 (D.C. Cir. 1995); *United States v. US Airways Grp., Inc.*, 38 F. Supp. 3d 69, 75 (D.D.C. 2014) (“court’s inquiry is limited” in Tunney Act settlements); *United States v. InBev*

N.V./S.A., 2009 U.S. Dist. LEXIS 84787, at *3 (D.D.C. Aug. 11, 2009) (similar).

Under the Tunney Act a court considers, among other things, the relationship between the remedy secured and the specific allegations in the United States’ Complaint, whether the proposed final judgment is sufficiently clear, whether its enforcement mechanisms are sufficient, and whether it may positively harm third parties. See *Microsoft*, 56 F.3d at 1458–62. With respect to the adequacy of the relief secured, a court may not “make de novo determination of facts and issues.” *United States v. W. Elec. Co.*, 993 F.2d 1572, 1577 (D.C. Cir. 1993); see also *Microsoft*, 56 F.3d at 1460–62; *United States v. Alcoa, Inc.*, 152 F. Supp. 2d 37, 40 (D.D.C. 2001); *United States v. Enova Corp.*, 107 F. Supp. 2d 10, 16 (D.D.C. 2000); *InBev*, 2009 U.S. Dist. LEXIS 84787, at *3. Instead, “[t]he balancing of competing social and political interests affected by a proposed antitrust decree must be left, in the first instance, to the discretion of the Attorney General.” *W. Elec. Co.*, 993 F.2d at 1577. “The court should also bear in mind the flexibility of the public interest inquiry: the court’s function is not to determine whether the resulting array of rights and liabilities is the one that will best serve society, but only to confirm that the resulting settlement is within the reaches of the public interest.” *Microsoft*, 56 F.3d at 1460; see also *United States v. Deutsche Telekom AG*, 2020 WL 1873555, at *7 (D.D.C. Apr. 14, 2020). More demanding requirements would “have enormous practical consequences for the government’s ability to negotiate future settlements,” contrary to congressional intent. *Microsoft*, 56 F.3d at 1456. “The Tunney Act was not intended to create a disincentive to the use of the consent decree.” *Id.* The ultimate question is whether “the remedies [obtained by the final judgment are] so inconsonant with the allegations charged as to fall outside of the ‘reaches of the public interest.’” *Microsoft*, 56 F.3d at 1461 (quoting *W. Elec. Co.*, 900 F.2d at 309).

Moreover, the Tunney Act does not authorize the Court to “construct [its] own hypothetical case and then evaluate the decree against that case.” *Microsoft*, 56 F.3d at 1459; see also *US Airways*, 38 F. Supp. 3d at 75 (“[A] court must simply determine whether there is a factual foundation for the government’s decisions such that its conclusions regarding the proposed settlements are reasonable.”); *InBev*, 2009 U.S. Dist. LEXIS 84787, at *20 (“[T]he ‘public interest’ is not to be measured by comparing the violations alleged in the complaint against those

the court believes could have, or even should have, been alleged”). Because the “court’s authority to review the decree depends entirely on the government’s exercising its prosecutorial discretion by bringing a case in the first place,” it follows that “the court is only authorized to review the decree itself,” and not to “effectively redraft the complaint” to inquire into other matters that the United States did not pursue. *Microsoft*, 56 F.3d at 1459–60.

In its 2004 amendments to the Tunney Act, Congress made clear its intent to preserve the practical benefits of using judgments proposed by the United States in antitrust enforcement, Public Law 108–237 § 221, and added the unambiguous instruction that “[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.” 15 U.S.C. 16(e)(2); see also *US Airways*, 38 F. Supp. 3d at 76 (court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). This language explicitly wrote into the statute what Congress intended when it first enacted the Tunney Act in 1974. As Senator Tunney explained: “[t]he court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.” 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). “A court can make its public interest determination based on the competitive impact statement and response to public comments alone.” *US Airways*, 38 F. Supp. 3d at 76 (citing *Enova Corp.*, 107 F. Supp. 2d at 17).

III. The Complaint and the Proposed Final Judgment

The Proposed Final Judgment is the culmination of approximately twenty-one months of thorough investigation and vigorous litigation by the Antitrust Division of the U.S. Department of Justice concerning ASSA ABLOY’s proposed acquisition of Spectrum’s Hardware and Home Improvement division (“Spectrum HHI”). As alleged in the Complaint, ASSA ABLOY and Spectrum HHI were, at the time the Complaint was filed, close competitors with enormous market shares. Significant head-to-head competition between Defendants to sell residential door hardware historically generated lower prices, higher quality, exciting innovations, and superior customer service. The Complaint alleged that the combination of ASSA ABLOY and

Spectrum HHI would have eliminated those benefits.

The Proposed Final Judgment is designed to mitigate as many risks to competition alleged in the Complaint as possible. Principally, the Proposed Final Judgment requires ASSA ABLOY divest to Fortune, or to another entity approved by the United States in its sole discretion, assets that the Defendants previously used to compete against each other in the United States. In connection with those divestitures, the Proposed Final Judgment mandates a specific transition period for entanglements between ASSA ABLOY and Fortune. It also subjects ASSA ABLOY to significant financial penalties if ASSA ABLOY fails to transfer the divestiture assets by December 31, 2023.

Additionally, the Proposed Final Judgment provides for the appointment of a monitoring trustee to oversee Defendants' compliance with the terms of the Proposed Final Judgment. Importantly, the Proposed Final Judgment also provides that the monitoring trustee can investigate whether the divestiture buyer will have replicated the competitive intensity in the residential smart locks market that existed pre-divestiture. If the monitoring trustee determines at least three years following the divestiture that the divested smart lock assets have diminished in competitive intensity and that such diminishment is in material part due to limitations on the acquirer's right to use the Yale brand name or trademarks in the United States and Canada, then the United States may seek divestiture of additional ASSA ABLOY Yale-related assets.

IV. Summary of Public Comment and the United States' Response

During the 60-day public comment period, the United States received one comment from an individual. After reviewing this comment, the United States continues to believe that the Court will conclude that the Proposed Final Judgment is in the public interest under the Tunney Act.

A. Summary of Public Comment

The commenter states that he believes the two transactions contemplated by the Proposed Final Judgment—ASSA ABLOY's divestiture of assets to Fortune and ASSA ABLOY's acquisition of Spectrum HHI—would violate the antitrust laws and harm both consumers and “the industry as a whole.” The commenter states that Fortune “has a track record of moving in a direction that is not always in the best interest of consumers and end users,” and that “Fortune's business model relies less

and less on small business relationships.” Based on these views, the commenter states that the divestiture of the EMTEK brand to Fortune “could result in reduced competition and innovation.” He also posits that Fortune could obtain a “one sided market position” with respect to padlocks if ASSA ABLOY's “Yale Mechanical hardware” is included in the divestiture. And, more generally, the commenter states that the transactions “could give” ASSA ABLOY and Fortune “a dominant market position,” apparently based on his belief that the transactions would bring Yale, Kwikset, Baldwin, and other brands under “common ownership.”

B. Response of the United States

Nothing in the comment casts doubt on the United States' determination that the Court will conclude that the Proposed Final Judgment is in the public interest under the Tunney Act. The commenter's comment raises concerns that (1) misapprehend the nature of the Proposed Final Judgment, (2) reach beyond the scope of the harms alleged in the Complaint, and (3) are abstract and speculative.

First, some aspects of the comment appear to misapprehend the nature of the Proposed Final Judgment. In particular, the commenter's concern that the two transactions contemplated by the Proposed Final Judgment would result in Yale, Kwikset, and Baldwin “shar[ing] common ownership” misunderstands which assets are being sold and retained by ASSA ABLOY. Under the Proposed Final Judgment, ASSA ABLOY is divesting the Yale brand in the United States and Canada to Fortune for all current and future residential and multifamily uses, and it requires ASSA ABLOY to stop using the Yale brand entirely in the United States and Canada following a transitional, wind-down period. Therefore, in the United States and Canada, contrary to the commenter's statements, Baldwin, Yale, and Kwikset would not be under the control of the same company.

Second, the comment raises concerns that go beyond the harms alleged in the Complaint. For example, the commenter expresses concern about concentration in a market for padlocks, potential harm from “reliance on overseas manufacturing,” and the inability of smaller distributors to “sustain[] healthy business practices,” none of which was alleged in the Complaint as a harm arising from the proposed transaction. The Complaint did not allege a product market that included padlocks. Therefore, these concerns extend

beyond the permissible scope of Tunney Act review. *See supra* Part II.

Third, the comment provides no specific basis to suggest that the Court will not find the Proposed Final Judgment to be in the public interest under the Tunney Act or any basis for “exceptional confidence that adverse antitrust consequences will result.” *Microsoft*, 56 F.3d at 1460. The commenter does not elaborate on his concerns about Fortune's “track record” and “business model.” Nor does the comment provide information sufficient to meet the *Microsoft* standard that demonstrates potential harm to competition in the market for premium mechanical door hardware or adverse effects on consumers.

V. Conclusion

After careful consideration of the comment received, the United States continues to believe that the Court will conclude that the Proposed Final Judgment is in the public interest under the Tunney Act. The United States will move the Court for entry of the Proposed Final Judgment after the public comment and this Response have been published in the **Federal Register**, pursuant to 15 U.S.C. 16(d).

Dated: September 1, 2023

Respectfully submitted,

/s/Matthew R. Huppert

Matthew R. Huppert (DC Bar #1010997)
Miranda Isaacs

Trial Attorneys, United States Department of Justice, Antitrust Division, 450 Fifth Street NW, Suite 8700, Washington, DC 20530, Telephone: (202) 476-0383, Email: Matthew.Huppert@usdoj.gov
Counsel for Plaintiff United States of America

APPENDIX A

Dear Chief, Defense, Industrials, and Aerospace Section,

I am writing to express my concern not only about the proposed acquisition of Spectrum Brands' Hardware & Home Improvement (HHI) Division by Assa Abloy, but also about the divestiture of Emtek to Fortune Brands. I believe that both of these transactions would violate the antitrust laws of the United States and have a negative impact on consumers and the industry as a whole. There is not sufficient clarity if the Yale business unit (mechanical door hardware) will be included in divestiture or retained by Assa Abloy, either situation begs further consideration.

In the case of Emtek and Schaub, the divestiture to Fortune Brands could result in reduced competition and innovation in the lock and hardware industry. Fortune Brands has a track record of moving in a direction that is not always in the best interest of consumers and end users, which could have a negative impact on the industry as a whole. This could result in fewer options for

consumers, lesser quality products that do not have the longevity consumers have come to expect and ultimately harm the industry. Fortune's business model relies less and less on small business relationships, rather they are actively moving away from these smaller companies in favor of larger distributors, big box stores, online retailers, etc. Since it is not clear if Yale Mechanical hardware (different from Smart locks) will be included in the divestiture, please note that the Masterlock Brand along with Yale's padlocks could make for one sided market position. Also of note, Schaub's product offering is not considered Mechanical door hardware.

Furthermore, the combination of Assa Abloy's acquisition of Spectrum Brands' HHI division and Fortune Brands' acquisition of Emtek could give these companies a dominant market position in the residential lock and hardware industry. This could lead to higher prices, reduced innovation, and further reliance on overseas manufacturing where quality is often sacrificed and corporate profits are favored. The harm small and medium-sized businesses could experience is not conducive to sustaining healthy business practices that rely on these companies for their lock and hardware needs. Specifically, regarding the acquisition of Spectrum Brands' HHI division by Assa Abloy, consideration must be given to the reduced intensity of competition that could take place should the following door hardware brands share common ownership: Yale, Kwikset, Baldwin, Weiser, National Hardware, EZset.

I urge the Department of Justice to carefully consider the implications of both the proposed acquisition of Spectrum Brands' HHI division by Assa Abloy and the divestiture of Emtek and Schaub to Fortune Brands. The value of small businesses to our economy, especially in the Residential housing market is not to be taken lightly.

The antitrust laws are in place to protect the American people, and I trust that the Department of Justice will take the necessary steps to ensure fair competition in the market.

I wish to thank Attorney General Merrick Garland and Deputy Attorney General Lisa Monaco for their high level of service to the American People.

Thank you for your time and consideration in this matter.

Sincerely,
Joseph Storrs

[FR Doc. 2023-19530 Filed 9-8-23; 8:45 am]

BILLING CODE 4410-11-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Toxic Substances Control Act

On September 5, 2023, the Department of Justice lodged a proposed Consent Decree (the "Consent Decree") with the District Court of the Southern District of New York in a lawsuit entitled *United States of America v.*

Apex Building Company, Inc., Civil Action No. 23-cv-007838.

In this action, the United States seeks, as provided under Toxic Substances Control Act ("TSCA"), injunctive relief from Apex Building Company, Inc., among others, in connection with the defendant's unlawful work practices during renovations governed by an implementing regulation of the TSCA—the Renovation, Repair, and Painting Rule, 40 CFR part 745. The proposed consent decree resolves the United States' claims, requires Apex Building Company, Inc. to pay \$606,706, and imposes injunctive relief.

The publication of this notice opens the public comment on the proposed settlement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America v. Apex Building Company, Inc.*, DJ #90-5-2-1-12388. All comments must be submitted no later than 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, D.C. 20044-7611.

During the public comment period, the settlement may be examined and downloaded at this Justice Department website: <https://www.usdoj.gov/enrd/Consent-Decrees.html>. We will provide a paper copy of the settlement upon written request and payment of reproduction costs. Please email your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$13.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry S. Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2023-19532 Filed 9-8-23; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

[OMB Number 1117-0009]

Agency Information Collection Activities; Proposed eCollection Activities; Proposed eComments Requested; Extension of a Previously Approved Collection; Controlled Substances Import/Export Declaration

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Drug Enforcement Administration (DEA), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 13, 2023.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Scott A. Brinks, Regulatory Drafting and Policy Support Section, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 362-3261, Email: scott.a.brinks@dea.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological

collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: DEA Form 236 enables DEA to monitor and control the importation and exportation of controlled substances. Analysis of these documents provides DEA with important intelligence regarding the international commerce in controlled substances and assists in the identification of suspected points of diversion.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *The Title of the Form/Collection:* Controlled Substances Import/Export Declaration.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Form 236. The Department of Justice component is the Drug Enforcement Administration, Office of Diversion Control.
4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public: Private Sector—businesses or other for-profit institution. The obligation to respond is mandatory per 21 CFR part 1312.
5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to*

respond: DEA estimates that there are 379 total respondents for this information collection. In total, 379 respondents submit 11,435 responses. The time per response is 15 minutes to complete the DEA–236 Import (online), 15 minutes to complete the DEA–236 Export (online), 10.2 minutes to complete the DEA–236 Import (paper), and 10.2 minutes to complete the DEA–236 Export (paper).

6. *An estimate of the total annual burden (in hours) associated with the collection:* DEA estimates that this collection takes 2,818 annual burden hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* \$10,023.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response	Total annual burden (hours)
DEA–236 Import (Online)	211	30	6,399	15	1,600
DEA–236 Export (Online)	135	33	4,522	15	1,131
DEA–236 Import (Paper)	8	4	35	10.2	6
DEA–236 Export (Paper)	25	19	479	10.2	81
Unduplicated Totals	379	30	11,435	14.78424136	2,818

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: September 5, 2023.

Darwin Arceo,
Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2023–19537 Filed 9–8–23; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0023]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Import/Export Declaration for List I and List II Chemicals

AGENCY: Drug Enforcement Administration, Department of Justice.
ACTION: 60-Day notice.

SUMMARY: The Drug Enforcement Administration (DEA), Department of Justice (DOJ), will be submitting the following information collection request

to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 13, 2023.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Scott A. Brinks, Regulatory Drafting and Policy Support Section, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3261, Email: scott.a.brinks@dea.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice

Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: Section 1018 of the Controlled Substances Import and Export Act (CSIEA) (21 U.S.C. 971) and Title 21 Code of Federal Regulations 21 CFR part 1313 require any persons who import, export, or conduct international transactions involving list I and list II chemicals are required to establish a system of recordkeeping and report certain information regarding those transactions to DEA. The chemicals subject to control are used in the clandestine manufacture of controlled substances. The reports of domestic,

import, and export regulated transactions in listed chemicals are submitted electronically through the Diversion Control Division secure network application. Any person who desires to import non-narcotic substances in schedules III, IV, and V must electronically file their return information. Any person who desires to export non-narcotic substances in schedules III and IV and any other substance in schedule V is also required to electronically file a controlled substances import declaration/controlled substance export invoice.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *The Title of the Form/Collection:* Import/Export Declaration for List I and List II Chemicals.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Forms: 486, 486A. The applicable component within the Department of Justice is the Drug Enforcement Administration, Office of Diversion Control.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* *Affected Public (Primary):* Private Sector—businesses or other for-profit institutions, and not-for-profit institutions. Other: State, local and tribal governments, Federal Government. The obligation to respond is mandatory per 21 CFR part 1313.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates that 631 registrants participate in this information collection. The time per response is 11 minutes to complete the DEA-486 Import, DEA-486 International, and DEA-486A Import. The time per response is 12 minutes to complete DEA-486 Export.

6. *An estimate of the total annual burden (in hours) associated with the collection:* DEA estimates that this collection takes 4,134 annual burden hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* \$0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (minutes)	Total annual burden (hours)
DEA-486 Import	164	16	2,686	11	457
DEA-486 Export	204	77	15,737	12	3,147
DEA-486 International	99	4	429	11	73
DEA-486A Import	164	16	2,686	11	457
Unduplicated Totals	631	34	21,538		4,134

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: September 5, 2023.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2023-19539 Filed 9-8-23; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

[OMB Number 1117-0013]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Application for Permit To Import Controlled Substances for Domestic and/or Scientific Purposes

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Drug Enforcement Administration (DEA), Department of Justice (DOJ), will be submitting the

following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 13, 2023.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Scott A. Brinks, Regulatory Drafting and Policy Support Section, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 362-3261, Email: scott.a.brinks@dea.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the Bureau of Justice Statistics, including whether the information will have practical utility; —Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; —Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and —Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: Section 1002 of the Controlled Substances Import and Export Act (CSIEA) (21 U.S.C. 952) and Title 21, Code of Federal Regulations 21 CFR, sections 1312.11, 1312.12 and 1312.13 requires any person who desires to import controlled substances listed in schedules I or II, any narcotic substance listed in schedules III or IV, or any non-narcotic substance in schedule III which the Administrator has specifically designated by regulation in section 1312.30, or any nonnarcotic

substance in schedule IV or V which is also listed in schedule I or II of the Convention on Psychotropic Substances, must have an import permit. To obtain the permit to import controlled substances for domestic and or scientific purposes, an application for the permit must be made to the DEA, on DEA Form 357.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.
2. *The Title of the Form/Collection:* Application for Permit to Import

- Controlled Substances for Domestic and/or Scientific Purposes.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Form 357. The applicable component within the Department of Justice is the Drug Enforcement Administration, Office of Diversion Control.
4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public: Private Sector—businesses or other for-profit institutions. The obligation to respond is mandatory per 21 CFR, sections 1312.11, 1312.12 and 1312.13.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates that 124 registrants participate in this information collection. The time per response is 21 minutes to complete the DEA–357 (paper) and 15 minutes to complete DEA–357 (online).
6. *An estimate of the total annual burden (in hours) associated with the collection:* DEA estimates that this collection takes 264.35 annual burden hours.
7. *An estimate of the total annual cost burden associated with the collection, if applicable:* \$0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (min.)	Total annual burden (hours)
DEA Form: 357 (online)	124	9	958	15	266
DEA Form: 357 (paper)			71	21	19
Unduplicated Totals	124		1,081	0.26	264.35

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: September 5, 2023.

Darwin Arceo,
Department Clearance Officer for PRA, U.S. Department of Justice.
[FR Doc. 2023–19536 Filed 9–8–23; 8:45 am]
BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0024]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Report of Loss or Disappearance of Listed Chemicals and Regulated Transactions in Tableting/ Encapsulating Machines

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Drug Enforcement Administration (DEA), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in

accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 13, 2023.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Scott A Brinks, Regulatory Drafting and Policy Support Section, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3261, Email: scott.a.brinks@dea.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: Each regulated person is required to report any unusual or excessive loss or disappearance of a listed chemical, and any regulated transaction in a tableting or encapsulating machine, to include any domestic regulated transaction in a tableting or encapsulating machine and any import or export of a tableting or encapsulating machine. 21 U.S.C. 830 (b)(1)(A), (C) and (D); 21 CFR 1310.05(a)(1), (3)–(4); 21 CFR 1310.05(c). Regulated persons include manufacturers, distributors, importers, and exporters of listed chemicals, tableting machines, or encapsulating machines, or persons who serve as brokers or traders for international transactions involving a listed chemical, tableting machine, or encapsulating machine. 21 CFR 1300.02(b). This report will be submitted electronically. DEA will be modifying this collection (1117–0024) and collection 1117–0001 by removing Form 107 from this collection and adding it to 1117–0001 because

DEA Form 107 is more aligned with DEA Form 106 (which is approved under 1117–0001).

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *The Title of the Form/Collection:* Report of Loss or Disappearance of Listed Chemicals and Regulated Transactions in Tableting/Encapsulating Machines.

3. *The agency form number, if any, and the applicable component of the*

Department sponsoring the collection: DEA Form 452. The applicable component within the Department of Justice is the Drug Enforcement Administration, Office of Diversion Control.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public (Primary): Private Sector—businesses or other for-profit institutions, and not-for-profit institutions. Other: State, local and tribal governments, Federal Government. The obligation to respond is mandatory per 21 CFR

1310.05(a)(1), (3)–(4); 21 CFR 1310.05(c).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* DEA estimates that 274 persons respond as needed to this collection. Responses take 0.33 minutes.

6. *An estimate of the total annual burden (in hours) associated with the collection:* DEA estimates that this collection takes 8,367 annual burden hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* \$0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (mins)	Total annual burden (hours)
DEA-452	274	92	25,208	.33	8,367
Unduplicated Totals	274		25,101		8,367

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: September 5, 2023.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2023–19538 Filed 9–8–23; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0004]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Application for Permit To Export Controlled Substances, Application for Permit To Export Controlled Substances for Subsequent Reexport

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Drug Enforcement Administration (DEA), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 13, 2023.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Scott A. Brinks, Regulatory Drafting and Policy Support Section, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3261, Email: scott.a.brinks@dea.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: Title 21, Code of Federal Regulations (21 CFR), sections 1312.21 and 1312.22 require that any person who desires to export or reexport controlled substances listed in schedules I or II, any narcotic substance listed in schedules III or IV, or any non-narcotic substance in schedule III which the Administrator has specifically designated by regulation in section 1312.30, or any non-narcotic substance in schedule IV or V which is also listed in schedule I or II of the Convention on Psychotropic Substances, must have an export permit.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *The Title of the Form/Collection:* Application for Permit to Export Controlled Substances, Application for Permit to Export Controlled Substances for Subsequent Reexport.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Forms: 161, 161R, and 161R–EEA. The applicable component within the Department of Justice is the Drug

Enforcement Administration, Office of Diversion Control.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public (Primary): Private Sector—businesses or other for-profit institutions, and not-for-profit institutions. Other: State, local and tribal governments, Federal Government. The obligation to respond

is mandatory per 21 CFR, sections 1312.21, 1312.22 and 1312.30.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates that 162 respondents, with 10,180 responses annually to this collection. The DEA estimates that it will take 30 minutes to complete the DEA–161 and 45 minutes

to complete DEA–161, DEA–161R, and DEA–161R–EEA.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The DEA estimates that this collection takes 5,635 annual burden hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* \$0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (min)	Total annual burden (hours)
DEA–161	162	49.39506173	8,002	30	4,001
DEA–161/161R/161R–EEA	162	13.44444	2,178	45	1,634
Unduplicated Totals	162		10,180		5,635

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: September 5, 2023.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2023–19540 Filed 9–8–23; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Operator Response To Schedule for the Submission of Additional Evidence and Operator Response to Notice of Claim

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 11, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this

notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT:

Michelle Neary by telephone at 202–693–6312, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The OWCP, Division of Coal Mine Workers' Compensation (DCMWC) administers the Black Lung Benefits Act (30 U.S.C. 901 *et seq.*), which provides benefits to coal miners totally disabled due to pneumoconiosis and their surviving dependents. When the DCMWC makes a preliminary analysis of a claimant's eligibility for benefits, and if a coal mine operator has been identified as potentially liable for payment of those benefits, the responsible operator is notified of the preliminary analysis. Regulations codified at 20 CFR part 725 require that a coal mine operator be identified and notified of potential

liability as early in the adjudication process as possible. Coal Mine Operator Response to Schedule for Submission of Additional Evidence (Form CM–2970) and Operator Response to Notice of Claim (Form CM–2970a) are used for claims filed after January 19, 2001, and indicate that the coal mine operator will submit additional evidence or respond to the notice of claim. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 8, 2023 (88 FR 29697).

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: Operator Response to Schedule for the Submission of Additional Evidence and Operator Response to Notice of Claim.

OMB Control Number: 1240–0033.

Affected Public: Businesses or other for-profits.

Total Estimated Number of Respondents: 5,294.

Total Estimated Number of Responses: 8,082.

Total Estimated Annual Time Burden: 1,790 hours.

Total Estimated Annual Other Costs Burden: \$1,673.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michelle Neary,
Senior PRA Analyst.

[FR Doc. 2023-19503 Filed 9-8-23; 8:45 am]

BILLING CODE 4510-CK-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Proposed Extension of Information Collection; Improving Customer Experience (OMB Circular A-11, Section 280 Implementation) for the Department of Labor

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this the Office of the Assistant Secretary for Administration and Management (OASAM)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before November 13, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should 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.

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: This information collection activity provides a means to garner customer and stakeholder feedback in an efficient, timely manner in accordance with the Administration’s commitment to improving customer service delivery as discussed in Section 280 of OMB Circular A-11. As discussed in OMB guidance, agencies should identify their highest-impact customer journeys (using customer volume, annual program cost, and/or knowledge of customer priority as weighting factors) and select touchpoints/transactions within those journeys to collect feedback.

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.

Type of Review: Extension.

Agency: DOL-OASAM.

Title of Collection: Improving Customer Experience (OMB Circular A-11, Section 280 Implementation) for the Department of Labor.

OMB Number: 1225-0093.

Affected Public: Individuals and Households; Private Sector; not-for-profit institutions; State, Local and Tribal Governments.

Number of Respondents: 2,003,550.

Number of Responses: 2,003,550.

Annual Burden Hours: 102,225 hours.

Annual Respondent or Recordkeeper Cost: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Acting Departmental Clearance Officer.

[FR Doc. 2023-19489 Filed 9-8-23; 8:45 am]

BILLING CODE 4510-04-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Proposed Extension of Information Collection; Department of Labor Generic Clearance for Outreach Activities

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this the Office of the Assistant Secretary for Administration and Management (OASAM)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before November 13, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should 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.

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 bouchet.nicole@dol.gov.

SUPPLEMENTARY INFORMATION: The information collections in this generic clearance are designed to support outreach opportunities related to a wide range of agency responsibilities including, but not limited to: pension programs, occupational safety and health programs, mine safety and health programs, veterans’ programs, employment and training programs,

statistical programs, and labor management standards.

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.

Type of Review: Extension.

Agency: DOL—OASAM.

Title of Collection: Department of Labor Generic Clearance for Outreach Activities.

OMB Number: 1225–0059.

Affected Public: Individuals and Households; Private Sector; not-for-profit institutions; State, Local and Tribal Governments.

Number of Respondents: 800,000.

Number of Responses: 800,000.

Annual Burden Hours: 80,000 hours.

Annual Respondent or Recordkeeper Cost: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Acting Departmental Clearance Officer.

[FR Doc. 2023–19488 Filed 9–8–23; 8:45 am]

BILLING CODE 4510–04–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Comment Request

AGENCY: Bureau of Labor Statistics, Department of Labor.

ACTION: Request for comments on proposed action.

SUMMARY: The Department of Labor, through the Bureau of Labor Statistics (BLS) and, specifically, the International Price Program (IPP), is soliciting comments on its plan to improve the Import and Export Price Indexes (MXPI) estimates by using administrative trade data acquired from the U.S. Census Bureau. IPP is responsible for the estimation and publication of the U.S. Principal Federal Economic Indicator of

Import and Export Price Indexes (MXPI). The IPP collects data from companies on import and export prices and estimates price indexes for nearly all goods trade and some service trade for the United States. The data are primarily collected with a business survey. After completion of extensive research, and in response to a decline in data collected through traditional survey methods, BLS plans to implement improvements to the quality and quantity of import and export price indexes in fiscal year 2025 by replacing data directly collected from the business survey with administrative trade records for select homogeneous product areas.

DATES: Written comments must be submitted to the office listed in the Address section of this notice on or before October 26, 2023.

ADDRESSES: Written comments may be submitted by postal mail to Susan E. Fleck, International Price Program, U.S. Bureau of Labor Statistics, Room 2150, Postal Square Building, Massachusetts Avenue NE, Washington, DC 20212, or by email to: IPP_FRN@bls.gov.

FOR FURTHER INFORMATION CONTACT:

Susan Fleck, International Price Program, Bureau of Labor Statistics, by phone at 202–691–6043 or by email at IPP_FRN@bls.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Department of Labor, through the Bureau of Labor Statistics, is responsible for the development and publication of Import and Export Price Index statistics through the International Price Program (IPP). Currently, monthly estimates of import and export price indexes for merchandise goods are published for approximately 740 industry and product classification areas, including the Harmonized System, Bureau of Economic Analysis (BEA) End Use System, and North American Industry Classification System (NAICS). Every month, approximately 17,000 prices for merchandise goods are collected from businesses using the International Price Survey. The participating businesses are selected based on a statistically representative sample of import and export goods trade.

The International Price Program has developed an approach to maintain and expand the number of publishable price indexes of merchandise goods for the Import and Export Price Indexes. IPP plans to replace approximately a third of the sample of merchandise goods trade with administrative trade transaction records. The improvement is focused on homogeneous products; monthly prices are calculated from

detailed unit values derived from timely trade transaction records. These administrative records are reported by companies for regulatory purposes and are used by the BLS for statistical purposes only. The administrative records are compiled by the U.S. Census Bureau to publish official international trade statistics. The Census Bureau is collaborating with BLS to share the records for use in calculation of the MXPI. These records have not been used previously to calculate monthly price indexes. Rather, they have been used by BLS at an aggregate level on an annual basis to establish the sample frame for the International Price Survey and to calculate annual trade weight shares.

This new process is the culmination of a long-standing BLS objective to mitigate the decline in the number of items whose prices support the published indexes. In a multi-year, multi-project initiative that began in FY2018, the following proposed improvements to import and export price indexes for homogeneous products have been validated and are scheduled to be implemented:

- Replace prices collected using the business survey with unit values of trade transaction records for the subset of homogeneous merchandise goods. This is accomplished by introducing the following improvements:

- Revision to sample selection process to replace directly collected prices from select sampled product areas with current-period transaction values of administrative trade records for similar goods.

- Application of a matched-model approach to administrative trade records to create unique product varieties that are consistently traded over time by:

- Applying a rigorous approach to define unit values and product varieties that mitigates unit value bias.

- Using coefficient of variation and other statistics to evaluate and rank homogeneity of product varieties and product categories.

- Grouping transactions into unique product varieties within detailed product categories by implementing a product match-adjusted R-squared method that statistically ranks each combination of descriptors in transaction records. The best combination results in product varieties that are continuously traded and prices that are closest to the mean price of a variety.

- Filtering outliers that could cause large fluctuations in monthly price.

- Improve representativity of price index by accounting for current period trade with current period price and

quantity from trade transaction records for the subset of homogeneous goods.

- Reduce bias of price indexes by implementing a superlative index methodology to calculate lower-level unit value indexes for the homogeneous product categories, using same-period price and quantity information. This methodology improves the relevance and quality of price indexes by accounting for new and disappearing goods. The methodology also accounts for the seasonality and lumpiness of trade by calculating a mid-term relative between the current period unit price and the previous year's average unit price for each product variety.

- Provide historic time series that allow data users to independently evaluate the comparability of planned and current official price indexes using proposed and current data sources.

- Update the list of publishable import and export price indexes to expand the coverage from a current 700 to approximately 1,200 detailed product and industry price index series, and additionally to expand coverage of country-specific price indexes.

To assure data users that this transition to use administrative data and unit values provides for comparable price index estimates to the current approach, BLS has provided historical comparisons by calculating a research data series of the detailed 5-digit BEA End Use import and export price indexes for 2012 to 2021. BLS will continue to update the detailed research to current periods and will provide an overlap of the research data series with the official data series, once the transition to including administrative trade records occurs in 2025. The research data series is posted to the MXPI research web page (<http://www.bls.gov/mxp/data/research.htm>).

II. Background

The import and export price indexes are calculated with a modified Laspeyres formula, using current period prices and fixed trade weights that reflect trade quantities at the time of sampling, and that are adjusted annually. The target population for coverage of these price indexes is merchandise trade, excluding military goods, works of art, used items, charity donations, railroad equipment, items leased for less than a year, rebuilt and repaired items, and custom-made capital equipment. The measures are presented at a national level and are published using three classification systems; by product with the BEA End Use Classification System and the Harmonized System (HS), and by industry according to the North

American Industry Classification System (NAICS). The estimates are based on the useable monthly prices of sampled items provided by company respondents to the International Price Survey. The data collected are based on a sample drawn from the frame of administrative trade data provided by importers and exporters to the U.S. government for regulatory purposes. BLS uses these data solely for statistical purposes.

The number of companies and prices that support the price indexes has declined over time. In the 5-year period from 2017 to 2022, there was a 20-percent decline in the monthly number of prices collected, from 21,800 to 17,000. While the quality of the top-level price indexes has been sustained, the reduction in the number of prices has negatively impacted publishability of detailed price indexes and thus the relevance of the statistical measure for data users. An initiative to evaluate the unit prices of administrative trade records to replace prices reported in the directly collected survey was begun in FY 2018 in response to the decline in prices collected. The research initiative has successfully shown that unit values from Census administrative trade records can be used in estimating import and export price indexes for many homogeneous product categories, because the price indexes using the new source and method show similar trends to the current official measures. The new approach also mitigates bias in the indexes and significantly reduces respondent burden.

III. Differences in Concepts and Methods Using Census Administrative Trade Data Source for Homogeneous Product Categories

Using the data source of administrative trade transaction records in a new way to estimate prices requires changes to concepts, design, and calculation methods for this subset of the target population. This change in the source introduces a major expansion of coverage of homogeneous product categories while also reducing respondent burden. Because unit value price concepts are used for administrative trade data, the focus of the improvement is on homogeneous product categories. The changes to concepts and methods introduced by the change in source data are consistent with internationally recognized approaches to calculating price indexes, and the concepts and methods used complement those used for the directly collected business survey. The changes to concepts are: (1) price concepts, and (2) units and periodicity of collection.

The new concepts are relevant only to the subset of homogeneous product categories. The change to design affects the subset of the target population of merchandise goods whose price source is administrative trade records; these product categories will no longer be sampled. The changes to methods are relevant only to the subset of homogeneous product categories; furthermore, these new methods are only for calculations of the unpublished lower-level price indexes for 10-digit Harmonized System (HS) product classification groups. New calculation approaches for the unit value indexes for the subset of homogeneous products cover (1) calculation of unit value indexes and aggregation, including treatment of outliers, (2) substitution procedures, (3) imputation, (4) starting a series, (5) variance estimates, and (6) sources of error. There are no changes to the aggregation method of calculating price indexes from the lower level to the published strata.

Price concepts for administrative trade data source. The current preferred price concept for directly collected prices is a transaction price in the currency traded excluding fees, taxes, and duties. The new price concepts for the administrative trade data source are dependent on the regulatory requirements for data entry. All prices are border transaction prices. Prices are reported in U.S. dollars. The reporting requirements specify that the dollar value of the shipment is to be recorded, excluding insurance, freight, and duties. This dollar value, in international commercial (INCO) accounting terms, aligns with the free on board (f.o.b.) cost basis for imports, and the free alongside ship (f.a.s.) basis for exports, both of which exclude insurance, freight, and duties.

In addition, the price definition used for the administrative trade data is a unit price, and the lower-level index calculated from the unit price is the unit value index. The unit price is an average price of a subset of administrative trade transactions grouped by similar characteristics to create unique matched-model product varieties that are then able to be consistently priced over time. Grouping administrative records into product varieties adheres to international best practices, which establish that unit values should relate to a single homogeneous product whose specifications should remain constant.

The new concept of unit price is based on the data fields reported in the administrative trade data. Each record reports the product quantity traded and total trade dollar value for a specific shipment by a specific company for a

specific 10-digit HS product category, for a point in time (*i.e.* the date of arrival or departure from the U.S. port). The unit price for each individual shipment is a product's total trade dollar value divided by the quantity. The shipment records are grouped by data fields into product varieties. The selection of the data fields to group records into distinct product varieties uses a match-adjusted R-squared approach (MARS); data field combinations are ranked based on the explained variance in product unit prices with product match over time, using a stratification scheme based on the 10-digit HS product classifications that include a 5-digit BEA End Use product category. Product varieties are established as a combination of characteristics by BEA End Use strata using the MARS analysis. Once the characteristics are selected, records with the same characteristics are grouped into a unique product variety to calculate a quantity-weighted average unit price. The average unit price of each unique product variety is aggregated into a larger product category by HS classification to calculate a unit value index. (See *New and enhanced methods to calculate and aggregate unit value indexes*.) The unit value index is equivalent to a directly collected item price for calculation purposes. The characteristics of product varieties will be reviewed when major revisions occur in the HS product classification structure. Any change in HS product classification or product variety will be linked to continue a time series.

Units and periodicity of collection. The current concept of periodicity of collection for the directly collected survey is that the preferred price for items reported by a respondent is the transaction price for an item traded in the reference month as near as possible to the first day of the month. The new concept for the subset of homogeneous products using administrative trade records is to account for all transactions throughout the reference month and to calculate a weighted average unit price for each detailed product variety. The reporting requirements for trade data extend beyond the calendar month, so that the preliminary estimate of MXPI will not include all trade during the reference month. Subsequent revisions to the MXPI will incorporate all transaction records for the reference month that meet data quality verification criteria.

New and enhanced methods to calculate and aggregate unit value indexes for homogeneous product MXPI. Unit value indexes are reliably estimated using an estimation approach that incorporates new methods,

enhancements to current methods, and continuation of other methods currently in use.

New approach to calculation of unit value indexes. The current approach to account for those homogeneous product categories that use an average, spot, or unit price, for homogeneous product types such as grains, metals, and crude petroleum, is 1) to record the price for the homogeneous product category as a unit price for an item, and 2) to use the corresponding trade dollar value for the product category for aggregation. For crude petroleum imports, specifically, the current method is more refined; using the administrative data of imported crude petroleum collected by the U.S. Energy Information Agency, BLS calculates a weighted average unit price of each unique crude oil stream, all of which are then aggregated to a single unit value index for the crude petroleum product category.

This current approach to using unit prices is enhanced for use with administrative trade data. At the index calculation level of published strata, the current approach for estimating published strata with average, spot, or unit prices remains the same. A new method has been implemented to calculate the unit prices of administrative trade transactions and to aggregate these transactions into unit value indexes. The new method accounts for the availability of current period quantity data in the administrative trade data. The new method results in a significant quality improvement that mitigates new goods and substitution bias by using the current period trade weights in a superlative index formula.

The superlative index formula used for calculating the unit value indexes is a Tornqvist formula. A Tornqvist price index first calculates a geometric average of the price relatives of the current to base period prices. Current period prices are calculated for each of the 4 months of the revision period. Base period prices are the arithmetic average of all prices of the previous year. The ratio of current-period price to previous-year price, also called a mid-term relative (MTR), is calculated for each month. The Tornqvist calculation then weights the MTR price relatives of the product varieties by the arithmetic average of the value shares for the two periods to calculate the unit value index for each 10-digit HS product classification group. The index levels in each month are then linked to calculate month-to-month price changes for each classification group. Using an entire year for the base period implies that any product variety that was traded the

previous year contributes to the index, even if they were not traded the previous month. This approach greatly increases the number of product variety prices used in the unit value index estimation. The unit value index, once calculated, is then treated as a unique item price and then aggregated to the publication-level industry or product import or export price index using the current modified Laspeyres index method.

New approach to aggregation. The current method to estimate the published Import and Export Price Indexes uses the monthly prices of directly collected items to calculate each item's price change, as well as sample weights and company weights, to aggregate to a 10-digit HS product classification group. The next step then aggregates the price change of the 10-digit classification group with annual trade weights from the calendar year ended 2 years prior to the current calendar year to calculate a modified Laspeyres price index for each classification system. The aggregation uses the concordance between the Harmonized System and the other two classification systems of BEA End Use and NAICS. With the new data source, aggregation does not require sample or company weights. Each unit value index is equivalent to an item price in the calculation of import and export price indexes. Thus the item prices that are aggregated to the published indexes are composed of directly collected prices and unit value indexes. Together they form two non-overlapping subsets of item prices that cover the target population of merchandise goods trade. The first subset consists of the monthly prices of directly collected items for product categories that do not meet the quality criteria for unit value indexes. The second subset consists of the unit value indexes for product categories that meet the quality criteria for use. The primary product classification is the BEA End Use product classification, and the detailed 5-digit BEA End Use import and export price indexes will be based on either the survey data or administrative trade data. However, at the higher levels of aggregation and for other classifications, most other published indexes will be composed of some combination of the two data sources.

The subset of country-specific NAICS price indexes, called locality of origin and locality of destination price indexes, are used to measure U.S. competitiveness with trading partners. The current sampling approach does not account for locality, but the locality price indexes are quality-reviewed for

publication. The revised approach to calculating and publishing locality price indexes will blend directly collected items with locality-specific unit value indexes. Product varieties will be grouped by country and locality before their prices are aggregated to unit value indexes. Locality-specific unit value indexes are weighted by the locality-specific dollar value of trade from the transaction to the unit value index level. Each locality-specific unit value index is mapped to a classification group and then aggregated to the locality-specific 6-digit NAICS industry category using the current modified Laspeyres index method. Some published indexes will be composed of some combination of the two data sources.

New treatment of outliers. A new approach has been developed to assure fitness for use of the transactions comprising each 10-digit HS product category that will replace the directly collected survey data. This approach eliminates transactions that are not useable and excludes outliers at the tail ends of the distribution of price and quantity. Excluding outliers mitigates the occurrence of unit value bias. Previous research has identified the fitness for use of 10-digit HS product categories by comparing multiyear trends of price indexes that are composed of current data sources and administrative trade data, respectively. When price index trends are shown to be statistically consistent across years and months, administrative trade data are selected to replace current data sources. Subsequently, once the administrative trade data are in place in the official price indexes, procedures must be in place to evaluate and eliminate those transactions that are outliers, *i.e.*, that differ greatly from the average trade transaction that make up a 10-digit HS product category. The exclusion of outliers will reduce the occurrence of unit value bias by limiting the variability that contributes to the bias and will assure the quality of the price indexes.

The administrative trade data are filtered to exclude missing data and outliers using automated microdata review processes. Regarding missing data, transactions with null data fields are excluded. Transactions with a null quantity data field for which the quantity is imputed are excluded from unit price calculation. However, the dollar-value weight is included for unit value index calculation. Regarding trimming outliers, four procedures are implemented progressively to trim quantities and filter unit prices and price changes to apply the matched-item approach and mitigate unit value bias.

First, unit prices for each transaction are calculated, after which a set percent of the quantity is trimmed equally from both tails of the unit price distribution within the product variety; then the transaction unit prices are weighted using the trimmed quantities to calculate an average weighted unit price for the product variety. Thus, the largest and smallest transaction unit prices will have less impact on the weighted unit price of a product variety, which mitigates unit value bias. Second, the coefficient of variation value of the weighted unit price of each product variety is calculated; for any product variety's price whose coefficient of variation is over a set threshold, that product variety displays unit value bias, and thus is excluded from the unit value index calculation. The exclusion is conditional on the dollar-value weight of the product variety not exceeding 10 percent of the trade dollar value of the detailed BEA End Use stratum to which the variety's corresponding 10-digit HS product classification is mapped. Thus, this step excludes the product variety prices that show unit value bias while assuring representativeness. Third, the mid-term relatives (MTRs) are calculated for each product variety, using the average unit price in the reference month and the variety's base price from the previous year. The MTRs of all product varieties that comprise each 5-digit BEA End Use strata product grouping are sorted by magnitude, and MTRs on the tails of the distribution are trimmed for those values that extend beyond a previously established outlier threshold; the corresponding trade weights are also excluded in the index aggregation. This step uses historic research data to establish the outlier threshold. Fourth, in monthly production, automated flags identify outliers of product variety prices based on established thresholds relating to larger than average price movements. Individual product variety prices are compared over time and across varieties to determine statistical validity. Data values that do not meet established parameters are excluded.

Enhanced method for substitution. Current substitution procedures and practices in the survey allow for item substitution, in which a previously traded item is replaced with a new item from the same company and within the same commodity classification group. Current imputation procedures and practices allow for an imputed or estimated price to be entered when there are missing price data.

The new approach for items comprising HS product classification groups using administrative trade data

does not substitute items. However, the new approach will immediately account for substitution in trade. There is no substitution procedure to replace items missing in trade, because the administrative trade data account for the natural occurrence of all trade. For unit value indexes, which are mapped to HS product classification groups, the lack of an observation is not an indication of missing data, it is rather an indication of no trade in that period.

Enhanced method for imputation. The current imputation approach is to impute or estimate a price when there are missing price data and when starting a series. The new approach for items comprising HS product classification groups using administrative trade data depends on the level of calculation. At the level of product varieties, imputation is not used when a product variety has no unit price, because the lack of a unit price indicates an absence of trade. However, imputation is used when starting a series for a new product variety. A new product variety naturally occurs in trade, which is characterized by a not-previously defined combination of shared characteristics for the selected data fields in an HS product classification category.

Enhanced method for starting a series. The current method for starting a price series, or initialization, is to impute the first price of an item based on the value of the index for the weight group. The enhanced method for starting a price series is to impute the first price of a product variety from the unit value index that is calculated from all other product varieties in the same HS-product category. The mid-term relative (MTR) method is then used to calculate the current period price relative. The current imputation approach for imputing a missing price at the classification group level does not change.

Variance estimates for administrative trade data. The current approach for calculating variance estimates will not be revised; variance is calculated for price indexes that consist of sampled prices and are not calculated for price indexes that consist of prices collected from non-sample sources. For those price indexes that will be calculated with administrative trade data in place of directly collected survey data, no variance estimate will be calculated.

Sources of error in administrative trade data. The current sources of error for survey data are a combination of sampling and nonsampling error. Sampling error is not relevant to price indexes calculated using administrative trade data because these are not sample data. With the new administrative data

source, there are a few potential sources of error. Processing error is one source of nonsampling error that is introduced with the use of the administrative trade data. Among the transaction records processed by the Census Bureau, some records have incomplete data and are not used in BLS calculations. Additionally, there is measurement error in assuming that the characteristics that make up a product variety adequately explain the month-to-month price change movements. Furthermore, other records are analyzed and excluded from calculation because they are at the tails of the distribution of prices or quantities and are excluded in order to reduce the variability of unit prices and unit value indexes. The exclusion of transactions with missing data and estimates at the tails of the distribution may result in bias or a skewed result if there is a repeatable pattern in either set of data, such that certain companies have more transactions with missing data or with widely variable prices. These nonsampling errors cannot be measured with current methods and there is little actual research on this topic for administrative data that represents the full population; however, research has begun and is ongoing to evaluate sources of error. This research includes methods to adequately explain mean square error for index estimates that are constructed from the integration of administrative data and sampled survey data.

Publication of official MXPI. Current publication procedures for price indexes require an annual review of statistical robustness that include sample representativeness and that assure the protection of respondent and company identifiable information. Revised publication procedures for price indexes calculated with administrative trade data will be put in place. Current procedures limit publication of indexes that represent commodity areas with a minimum dollar value of annual import or export trade value. New procedures for administrative trade data will not require a minimum dollar value for publication. Protection of respondent and company identifiable information will remain in place and thus not all price indexes using administrative trade data will be published separately.

Modified publication procedures are in place to evaluate the price indexes selected for inclusion in the aggregation. Up to the date of publication, a research data series using the new methods will be calculated to compare monthly and long-term variability and skewness relative to the official price indexes using current methods to assure quality

and consistency before incorporating the administrative trade data in the official data release. When a detailed product area is either under-represented in the sample or difficult to collect, a price index representing commodity areas with smaller dollar values may use administrative trade data. This approach increases efficiency and mitigates respondent burden, even if some bias exists, as long as the bias does not have an impact on the upper-level indexes.

Publication. Another important improvement is that the methods allow for an expansion of the number of publishable price indexes. The enhanced procedure will convert roughly 7 million transaction records for homogeneous product areas into hundreds of thousands of product varieties, which subsequently will be used to calculate thousands of unit value indexes for 10-digit HS product categories. These unit value indexes are integrated as item prices into the calculation of the MXPI. There is no change to the method of calculating the monthly estimates of price indexes. When the transition to using the administrative trade data occurs, the price indexes currently published will not have a break in series. Under current procedures, new items brought into the price indexes replace discontinued items. With the introduction of the administrative trade data source, new items based on the administrative trade data will be brought in to completely replace directly collected survey data within classification groups that have been determined to meet criteria of homogeneity. Whether a published price index includes administrative trade data will be determined by the concordance between HS classification groups and each product and industry classification. The new approach treats directly collected and administrative data equally, and no distinction will be made in publication of the data source. The transition to using administrative trade data in the official news release will be announced in advance.

This detailed description of the current and redesign approaches complements the research data series that are available at the BLS MXPI website <http://www.bls.gov/mxpi/home.htm>.

IV. Desired Focus of Comments

This notice is a general solicitation of comments from the public on the technical approach to this major change in the concepts, sources, and methods of the Import and Export Price Indexes.

Signed at Washington, DC, this 5th day of September 2023.

Eric Molina,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2023-19486 Filed 9-8-23; 8:45 am]

BILLING CODE 4510-24-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Meeting of Humanities Panel

AGENCY: National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: The National Endowment for the Humanities (NEH) will hold seventeen meetings, by videoconference, of the Humanities Panel, a federal advisory committee, during October 2023. The purpose of the meetings is for panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965.

DATES: See **SUPPLEMENTARY INFORMATION** for meeting dates. The meetings will open at 8:30 a.m. and will adjourn by 5:00 p.m. on the dates specified below.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, Room 4060, Washington, DC 20506; (202) 606-8322; evoyatzis@neh.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. 10), notice is hereby given of the following meetings:

1. Date: October 4, 2023

This video meeting will discuss applications on the topic of U.S. History, for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

2. Date: October 11, 2023

This video meeting will discuss applications on the topics of Film and Media Studies, for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

3. Date: October 12, 2023

This video meeting will discuss applications on the topics of Literary and Cultural Studies, for the Humanities Collections and Reference Resources

grant program, submitted to the Division of Preservation and Access.

4. Date: October 17, 2023

This video meeting will discuss applications on the topic of Art History, for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

5. Date: October 17, 2023

This video meeting will discuss applications on the topic of U.S. History, for the Public Humanities Projects: Exhibitions (Implementation) grant program, submitted to the Division of Public Programs.

6. Date: October 18, 2023

This video meeting will discuss applications on the topic of American Studies, for the Media Projects: Production Grants program, submitted to the Division of Public Programs.

7. Date: October 19, 2023

This video meeting will discuss applications on the topics of Arts and Culture, for the Media Projects: Production Grants program, submitted to the Division of Public Programs.

8. Date: October 19, 2023

This video meeting will discuss applications on the topics of Music and Performing Arts, for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

9. Date: October 20, 2023

This video meeting will discuss applications on the topics of History of Science, Industry, and Environment, for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

10. Date: October 20, 2023

This video meeting will discuss applications on the topics of Art and Culture, for the Public Humanities Projects: Exhibitions (Implementation) grant program, submitted to the Division of Public Programs.

11. Date: October 24, 2023

This video meeting will discuss applications on the topic of Indigenous Studies, for the Public Humanities Projects: Exhibitions (Implementation) grant program, submitted to the Division of Public Programs.

12. Date: October 24, 2023

This video meeting—the first of two on this date—will discuss applications on the topic of U.S. History, for the

Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

13. Date: October 24, 2023

This video meeting—the second of two on this date—will discuss applications on the topic of U.S. History, for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

14. Date: October 25, 2023

This video meeting will discuss applications on the topic of American Studies, for the Media Projects: Production Grants program, submitted to the Division of Public Programs.

15. Date: October 26, 2023

This video meeting will discuss applications on the topic of U.S. History, for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

16. Date: October 27, 2023

This video meeting will discuss applications on the topics of Arts and Culture, for the Media Projects: Production Grants program, submitted to the Division of Public Programs.

17. Date: October 31, 2023

This video meeting will discuss applications on the topic of American Studies, for the Media Projects: Production Grants program, submitted to the Division of Public Programs.

Because these meetings will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, the meetings will be closed to the public pursuant to sections 552b(c)(4) and 552b(c)(6) of title 5, U.S.C., as amended. I have made this determination pursuant to the authority granted me by the Chair's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: September 6, 2023.

Jessica Graves,

Legal Administrative Specialist, National Endowment for the Humanities.

[FR Doc. 2023-19524 Filed 9-8-23; 8:45 am]

BILLING CODE 7536-01-P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by October 11, 2023. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 or ACApermits@nsf.gov.

FOR FURTHER INFORMATION CONTACT: Andrew Titmus, ACA Permit Officer, at the above address, 703-292-4479.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95-541, 45 CFR 671), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2024-007

1. *Applicant* Logan Pallin, Institute of Marine Sciences and Ocean Sciences, 115 McAllister Way, Santa Cruz, CA 95060

Activity for Which Permit Is Requested

Take, Enter Antarctic Specially Protected Areas (ASPAs), and Import into USA. The permit applicant requests a permit to collect and import samples of cetaceans and pinnipeds, for the purpose of scientific research in the Antarctic Peninsula region. The collection of marine mammal parts, DNA, and hormones are required for population demographic analyses. The applicant requests opportunistic collection, import, and receipt of samples from up to 2,000 individual cetaceans and 2,000 individual pinnipeds (excluding walrus) annually.

All samples collected would be imported into the United States. The permit applicant has received a Marine Mammal Protection Act permit for the proposed activities. To conduct these activities, the applicant would enter the following Antarctic Specially Protected Areas: ASPA 113, Litchfield Island; ASPA 139, Biscoe Point; ASPA 176, Rosenthal Islands; ASPA 117, Avian Island; ASPA 170, Charcot Island; ASPA 107, Dion Islands; and ASPA 115, Lagotellerie Island.

Location

Antarctic Peninsula region; ASPA 113, Litchfield Island; ASPA 139, Biscoe Point; ASPA 176, Rosenthal Islands; ASPA 117, Avian Island; ASPA 170, Charcot Island; ASPA 107, Dion Islands; and ASPA 115, Lagotellerie Island.

Dates of Permitted Activities

March 31, 2023–March 31, 2028.

Kimiko S. Bowens-Knox,

Program Analyst, Office of Polar Programs.

[FR Doc. 2023–19467 Filed 9–8–23; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by October 11, 2023. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 or ACApermits@nsf.gov.

FOR FURTHER INFORMATION CONTACT: Andrew Titmus, ACA Permit Officer, at the above address, 703–292–8030.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as

directed by the Antarctic Conservation Act of 1978 (Public Law 95–541, 45 CFR 670), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2024–008

1. *Applicant* Dr. Heather Lynch, Stony Brook University, IACS 163, Stony Brook, NY 11794

Activity for Which Permit Is Requested

Waste Management. The applicant seeks an Antarctic Conservation Act waste management permit for activities associated with penguin population surveys in the Western Antarctic Peninsula and the South Shetland Islands. The applicant proposes using battery-powered, quadrotor unmanned aerial vehicles (UAVs) to assist in the collection of imagery data for a multi-scale population census of penguin colonies. The UAV will only be flown by a pilot with extensive experience. Mitigation measures will be put in place to prevent loss of aircraft. These measures include UAVs being flown by a trained pilot in fair-weather conditions and having stationed observers maintain visual contact with the aircraft at all times. The applicant proposes various recovery methods in the unlikely event that an aircraft is lost over land or sea. These measures will limit any potential impacts on the Antarctic environment. The applicant seeks a waste permit to cover any accidental release that may result from UAV use.

Location

King George Island, South Shetland Islands; Western Antarctic Peninsula

Dates of Permitted Activities

December 1, 2023–March 1, 2024.

Kimiko S. Bowens-Knox,

Program Analyst, Office of Polar Programs.

[FR Doc. 2023–19468 Filed 9–8–23; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 99902052; NRC–2023–0143]

NuScale Power, LLC; Carbon Free Power Project, LLC; Carbon Free Power Project

AGENCY: Nuclear Regulatory Commission.

ACTION: Limited work authorization application; acceptance for docketing; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has accepted for docketing a Limited Work Authorization (LWA) application submitted by Carbon Free Power Project, LLC (CFPP). CFPP plans to conduct certain early construction activities at the Idaho National Laboratory (INL) complex near Idaho Falls, Idaho for which either a construction permit or a combined license would otherwise be required.

DATES: Submit comments by November 13, 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–2023–0143. Address questions about Docket IDs 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: Omid Tabatabai, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6616, email: Omid.Tabatabai@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2023–0143 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–2023–0143.

- *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.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2023–0143 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

On July 31, 2023, Carbon Free Power Project, LLC (CFPP) submitted a Limited Work Authorization (LWA) application (ADAMS Package Accession No. ML23212A007) to the NRC for review and approval pursuant to part 50 of title 10 of the *Code of Federal Regulation* (10 CFR), "Domestic Licensing of Production and Utilization Facilities," section 50.10(d), "Request for limited work authorization." A related request for exemption (ADAMS Accession No. ML23212A003), was submitted by NuScale Power, LLC, on behalf of CFPP, from certain requirements in 10 CFR 50.10(c), "Requirement for construction permit, early site permit authorizing limited work authorization activities, combined license, or limited work authorization." A notice of receipt and availability of the LWA application and the exemption request was previously published in the *Federal Register* on August 17, 2023 (88 FR 56054).

The NRC staff has accepted for docketing the CFPP's LWA application for detailed technical review under Docket No. 99902052. The LWA application requests authorization for CFPP to conduct certain early site construction activities for which a combined license or a construction permit would otherwise be required. The exemption request would allow CFPP to conduct certain early construction activities in advance of the LWA. The NRC staff provided CFPP notice of the staff's determination that the LWA application was acceptable for docketing by letter dated September 5, 2023 (ADAMS Accession No. ML23236A263).

Docketing of the LWA application does not preclude the NRC from requesting additional information from the applicant as the review proceeds, nor does it constitute an indication that the Commission will grant or deny the LWA application.

CFPP plans to submit a combined license application to request authorization to construct and operate a proposed nuclear power plant at the CFPP site. The nuclear power plant would consist of six small modular reactors based on the US460 NuScale Power Plant design. The NRC staff will perform a detailed technical review of the LWA application and will document its safety and environmental findings in a safety evaluation report and an environmental impact statement, respectively.

III. Opportunity to Comment

The NRC staff requests comments on the limited work authorization from Federal, State, and local agencies and interested persons, consistent with 10 CFR 2.643. Comments should be submitted by November 13, 2023, as described in the **ADDRESSES** section of this document.

The Commission will publish a future **Federal Register** notice of hearing and opportunity to petition for leave to intervene in a proceeding on the LWA application.

Dated: September 6, 2023.

For the Nuclear Regulatory Commission.

Omid Tabatabai-Yazdi,

Senior Project Manager, New Reactor Licensing Branch, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2023–19517 Filed 9–8–23; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–395; NRC–2023–0152]

Dominion Energy South Carolina, Inc.; Virgil C. Summer Nuclear Station, Unit No. 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Subsequent license renewal application; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received an application for the subsequent renewal of Renewed Facility Operating License No. NPF–12, which authorizes Dominion Energy South Carolina, Inc. (DESC) to operate Virgil C. Summer Nuclear Station, Unit No. 1 (V.C. Summer). The subsequent renewed license would authorize the applicant to operate V.C. Summer for an additional 20 years beyond the period specified in the current license. The current operating license for V.C. Summer expires August 6, 2042.

DATES: The subsequent license renewal application referenced in this document was available as of September 5, 2023.

ADDRESSES: Please refer to Docket ID NRC–2023–0152 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website*: Go to <https://www.regulations.gov> and search for Docket ID NRC–2023–0152. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann;

telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to PDR.Resource@nrc.gov. The Virgil C. Summer Nuclear Station Application for Subsequent License Renewal is available in ADAMS under Accession No. ML23233A172.

- **Public Library:** A copy of the subsequent license renewal application can be accessed at the following public library: Fairfield County Library, 300 W Washington St., Winnsboro, SC 29180.

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

FOR FURTHER INFORMATION CONTACT:

Marieliz Johnson, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-5861; email: Marieliz.VeraAmadiz@nrc.gov.

SUPPLEMENTARY INFORMATION: The NRC has received an application from DESC, dated August 17, 2023, filed pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, and part 54, of title 10 of the *Code of Federal Regulations*, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants," to renew the operating license for V.C. Summer. The current operating license was previously renewed on April 23, 2004. Subsequent renewal of the license would authorize the applicant to operate the facility for an additional 20-year period beyond the period specified in the current operating license. The current operating license for V.C. Summer expires August 6, 2042. V.C. Summer is a pressurized-water reactor located near Jenkinsville, South Carolina. The acceptability of the tendered application for docketing, and other matters, including an opportunity

to request a hearing, will be the subject of subsequent **Federal Register** notices.

Dated: September 5, 2023.

For the Nuclear Regulatory Commission.

Lauren K. Gibson,

Chief, License Renewal Project Branch,
Division of New and Renewed Licenses, Office
of Nuclear Reactor Regulation.

[FR Doc. 2023-19472 Filed 9-8-23; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Call for Nominations

AGENCY: Nuclear Regulatory Commission.

ACTION: Call for nominations.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is advertising for nominations for the position of diagnostic radiologist on the Advisory Committee on the Medical Uses of Isotopes (ACMUI). Nominees should currently be practicing diagnostic radiologists.

DATES: Nominations are due on or before November 13, 2023.

Nomination Process: Submit an electronic copy of resume or curriculum vitae, along with a cover letter and endorsement letter(s) from professional organizations to Lillian Armstead, Lillian.Armstead@nrc.gov. The cover letter should describe the nominee's current duties and responsibilities and express the nominee's interest in the position. Please ensure that resume or curriculum vitae includes the following information, if applicable: education; certification; professional association membership and committee membership activities; duties and responsibilities in current and previous clinical, research, and/or academic position(s).

FOR FURTHER INFORMATION CONTACT:

Lillian Armstead, U.S. Nuclear Regulatory Commission, Division of Materials Safety, Security, State, and Tribal Programs; (301) 415-1650; Lillian.Armstead@nrc.gov.

SUPPLEMENTARY INFORMATION: The ACMUI diagnostic radiologist provides advice on issues associated with the regulation of applications of byproduct material for imaging, localization, and therapeutic purposes. This advice includes providing input on NRC proposed rules and guidance, providing recommendations on the training and experience requirements for physicians specializing in nuclear medicine and radiation therapy, identifying medical

events associated with these uses, evaluating non-routine uses of byproduct material and emerging medical technologies, bringing key issues in the nuclear medicine and radiology community to the attention of NRC staff, as they relate to radiation safety and NRC medical-use policy.

ACMUI members are selected based on their educational background, certification(s), work experience, involvement and/or leadership in professional society activities, and other information obtained in letters or during the selection process. ACMUI members currently serve a four-year term and may be considered for reappointment to an additional term. The current membership is comprised of the following professionals: (a) nuclear medicine physician; (b) nuclear cardiologist; (c) diagnostic radiologist; (d) two radiation oncologists; (e) nuclear medicine physicist; (f) therapy medical physicist; (g) radiation safety officer; (f) nuclear pharmacist; (h) patients' rights advocate; (i) Food and Drug Administration representative; (j) Agreement State representative; and (k) health care administrator. For additional information about membership on the ACMUI, visit the ACMUI Membership web page, <https://www.nrc.gov/aboutnrc/regulatory/advisory/acmui/membership.html>.

Nominees must be U.S. citizens and be able to devote approximately 160 hours per year to Committee business. Members are expected to attend semi-annual meetings in Rockville, Maryland and to participate in teleconferences, as needed. Members who are not Federal employees are compensated for their service and are reimbursed for travel and correspondence expenses. Full-time Federal employees are reimbursed travel expenses only.

Security Background Check: The selected nominee will undergo a thorough security background check. Security paperwork may take the nominee several weeks to complete. Nominees will also be required to complete a financial disclosure statement to avoid conflicts of interest.

Dated at Rockville, Maryland, on the 3rd day of September, 2023.

For the U.S. Nuclear Regulatory Commission.

Russell E. Chazell,

Federal Advisory Committee Management Officer.

[FR Doc. 2023-19457 Filed 9-8-23; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC–2023–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of September 11, 18, 25, October 2, 9, 16, 2023. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public and closed.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at Wendy.Moore@nrc.gov.

MATTERS TO BE CONSIDERED:**Week of September 11, 2023**

Monday, September 11, 2023

10:30 a.m. Affirmation Session (Public Meeting via Teleconference) (Tentative), U.S. Department of Energy (Export of 93.20% Enriched Uranium) (Petition Seeking Leave to Intervene and Request for Hearing) (Tentative), (Contact: Wesley Held: 301–287–3591).

Additional Information: By a vote of 4–0 on September 7, 2023, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and 10 CFR 9.107 that this item be affirmed with less than one week notice to the public. The item will be affirmed in the meeting being held on September 11, 2023. The public is invited to attend the Commission's meeting live; via teleconference. Details for joining the teleconference in listen only mode at <https://www.nrc.gov/pmns/mtg>.

Tuesday, September 12, 2023

10:00 a.m. All Employees Meeting (Public Meeting), (Contact: Anthony

de Jesus: 301–287–9219; Adrienne Brown: 301–415–3764).

Additional Information: The meeting will be held in the Two White Flint North auditorium, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting live by webcast at the Web address—<https://video.nrc.gov/>.

Thursday, September 14, 2023

10:00 a.m. Briefing on NRC International Activities (Closed—Ex. 1 & 9)

Week of September 18, 2023—Tentative

There are no meetings scheduled for the week of September 18, 2023.

Week of September 25, 2023—Tentative

There are no meetings scheduled for the week of September 25, 2023.

Week of October 2, 2023—Tentative

There are no meetings scheduled for the week of October 2, 2023.

Week of October 9, 2023—Tentative

There are no meetings scheduled for the week of October 9, 2023.

Week of October 16, 2023—Tentative

Thursday, October 19, 2023

9:00 a.m. Hearing on Construction Permit for Kairos Hermes Non-Power Test Reactor: Section 189a of the Atomic Energy Act Proceeding (Public Meeting), (Contact: Matthew Hiser: 301–415–2454; Tami Dozier: 301–415–2272).

Additional Information: The meeting will be held in the Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

CONTACT PERSON FOR MORE INFORMATION:

For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at Wesley.Held@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: September 7, 2023.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2023–19700 Filed 9–7–23; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2023–254 and CP2023–257; MC2023–255 and CP2023–258; MC2023–256 and CP2023–259; MC2023–257 and CP2023–260]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 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
- II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of

the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s)*: MC2023–254 and CP2023–257; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 46 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 31, 2023; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Christopher C. Mohr; *Comments Due*: September 12, 2023.

2. *Docket No(s)*: MC2023–255 and CP2023–258; *Filing Title*: USPS Request to Add Priority Mail, First-Class Package Service & Parcel Select Contract 41 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 31, 2023; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Kenneth R. Moeller; *Comments Due*: September 12, 2023.

3. *Docket No(s)*: MC2023–256 and CP2023–259; *Filing Title*: USPS Request to Add Priority Mail Contract 786 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 1, 2023; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Kenneth R. Moeller; *Comments Due*: September 12, 2023.

4. *Docket No(s)*: MC2023–257 and CP2023–260; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 47 to Competitive Product List and Notice of Filing

Materials Under Seal; *Filing Acceptance Date*: September 1, 2023; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Jennaca D. Upperman; *Comments Due*: September 12, 2023.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2023–19480 Filed 9–8–23; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2023–258 and CP2023–261; MC2023–260 and CP2023–263]

New Postal Products

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 13, 2023.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance

date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s)*: MC2023–258 and CP2023–261; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 48 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 5, 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*: September 13, 2023.

2. *Docket No(s)*: MC2023–260 and CP2023–263; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 49 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 5, 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*: September 13, 2023.

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 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).

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2023-19527 Filed 9-8-23; 8:45 am]

BILLING CODE 7710-FW-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-98288; File No. SR-CBOE-2023-042]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Rules Relating to the Continuing Education for Registered Persons as Provided Under Exchange Rule 3.33.01

September 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 August 23, 2023, Cboe Exchange, Inc. (the “Exchange,” “Cboe Options,” or “Cboe”) 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 Exchange. The Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. proposes to amend its rules relating to the Continuing Education for Registered Persons as provided under Exchange Rule 3.33.01. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s website (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change amends Exchange Rule 3.33.01 to provide eligible individuals another opportunity to elect to participate in the Maintaining Qualifications Program (“MQP”).

In 2021, the Financial Industry Regulatory Authority, Inc. (“FINRA”) implemented rule changes, which amended FINRA’s Continuing Education (“CE”) Program requirements to, among other things, provide eligible individuals who terminate any of their representative or principal registration categories the option of maintaining their qualification for any terminated registration categories by completing annual continuing education through a new program, the MQP.⁵ Under FINRA Rule 1240.01, the MQP designated a look-back provision that, subject to specified conditions, extended the option to participate in the MQP to individuals who: (1) were registered as a representative or principal within two years immediately prior to March 15, 2022 (the implementation date of the MQP); and (2) individuals who were participating in the Financial Services Affiliate Waiver Program (“FSAWP”) under FINRA Rule 1210.09 (Waiver of Examinations for Individuals Working

for a Financial Services Industry Affiliate of a Member) immediately prior to March 15, 2022 (collectively, “Look-Back Individuals”).

In response to FINRA’s rule changes and to facilitate compliance with the Exchange’s CE Program requirements by members of multiple exchanges, the Exchange implemented rule changes to align with FINRA’s CE Program and adopted Exchange Rules 3.33(c), 3.33.01, and 3.33.02. Such rules, among other things, provide eligible individuals who terminate any of their representative or principal registrations the option of maintaining their qualification for any of the terminated registrations by completing continuing education through the MQP. Further, Exchange Rule 3.33.01 includes a look-back provision that, subject to specified conditions, extends the option for maintaining qualifications following a registration category termination to (i) individuals who have been registered as a representative or principal within two years immediately preceding March 15, 2022, and (ii) individuals who have been participants of the FSAWP immediately preceding March 15, 2022 implementation (*i.e.*, Look-Back Individuals). With respect to the FSAWP, the Exchange made the look-back provision available to individuals who are participants in the Exchange’s FSAWP or the FSA waiver programs of Exchange’s affiliate, Cboe C2 Exchange, Inc. (“C2 Options”), and/or FINRA immediately preceding March 15, 2022. Look-Back Individuals who elected to participate in the new MQP were required to make such election by March 15, 2022 (the implementation date of the MQP).⁷

FINRA recently submitted a proposal related to its CE Program (the “FINRA Rule Change”).⁸ The proposal set forth changes to FINRA Rule 1240.01, which provide Look-Back Individuals a second opportunity to elect to participate in the MQP (the “Second Enrollment Period”).⁹ In addition, the proposed rule

⁵ See Securities Exchange Act Release No. 93097 (September 21, 2021), 86 FR 53358 (September 27, 2021) (Order Approving File No. SR-FINRA-2021-015). Other exchanges, including Cboe, subsequently filed copycat rule filings to align their continuing education rules with those of FINRA. See Securities Exchange Act Release No. 94513 (March 24, 2022), 87 FR 18446 (March 30, 2022), (SR-CBOE-2022-012).

⁶ The FSAWP is a waiver program for eligible individuals who have left a member firm to work for a foreign or domestic financial services affiliate of a member firm. FINRA stopped accepting new participants for the FSAWP beginning on March 15, 2022; however, individuals who were already participating in the FSAWP prior to that date had the option of continuing in the FSAWP.

⁷ See Rule 3.33.01. If such individuals elect to participate, they would be required to complete their initial annual content by the end of 2022 (*i.e.*, by the end of the calendar year in which the proposed rule change is implemented). In addition, if such individuals elect to participate, their initial participation period would be adjusted based on the date that their registration was terminated.

⁸ See Securities Exchange Act Release No. 97184 (March 22, 2023), 88 FR 18359 (March 28, 2023) (SR-FINRA-2023-005).

⁹ To reflect the availability of the Second Enrollment Period, FINRA Rule 1240.01 clarifies that for all Look-Back Individuals who elect to participate in the MQP, their participation period would also be for a period of five years following the termination of their registration categories, as with other MQP participants.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

change requires that Look-Back Individuals who elect to participate in the MQP during the Second Enrollment Period complete any prescribed 2022 and 2023 MQP content by March 31, 2024. In the FINRA Rule Change, FINRA noted that in Regulatory Notice 21–41 (November 17, 2021), it announced that Look-Back Individuals who wanted to take part in the MQP were required to make their election between January 31, 2022, and March 15, 2022 (the “First Enrollment Period”). In addition to the announcement in Regulatory Notice 21–41, FINRA notified the Look-Back Individuals about the MQP and the First Enrollment Period via two separate mailings of postcards to their home addresses and communications through their FINRA Financial Professional Gateway (“FinPro”) accounts.¹⁰

In the FINRA Rule Change, FINRA further noted that shortly after the First Enrollment Period had ended, a number of Look-Back Individuals contacted FINRA and indicated that they had only recently become aware of the MQP. FINRA noted that it also received anecdotal information that a number of these individuals may not have learned of the MQP, or the First Enrollment Period, in a timely manner, or at all, due to communication and operational issues.¹¹ In addition, the original six-week enrollment period may not have provided Look-Back Individuals with sufficient time to evaluate whether they should participate in the MQP. For these reasons, FINRA recently amended its rules to provide Look-Back Individuals a second opportunity to elect to participate in the MQP.

For similar reasons and to facilitate compliance with the Exchange’s CE Program requirements by members of multiple exchanges, the Exchange is also proposing to amend its rules (*i.e.*, Exchange Rule 3.33.01) to provide Look-Back Individuals with a Second Enrollment Period. The Exchange also understands that other exchanges have or will propose similar amendments based on FINRA’s rule changes. The Second Enrollment Period will be between the effective date of this filing, and December 31, 2023.¹² In addition,

the proposed rule change requires that Look-Back Individuals who elect to participate in the MQP during the Second Enrollment Period complete any prescribed 2022 and 2023 MQP content by March 31, 2024.¹³

The Exchange proposes to revise Exchange Rule 3.33.01 to state that persons eligible under Exchange Rule 3.33.01 shall make their election to participate in the continuing education program under Exchange Rule 3.33(c) by either (1) March 15, 2022; or (2) between the effective date of this filing, and December 31, 2023.

The Exchange also proposes to amend Exchange Rule 3.33.01 to state that eligible persons who elect to participate in the continuing education program between the effective date of this filing, and December 31, 2023, must complete any prescribed 2022 and 2023 continuing education content by March 31, 2024.

Finally, the Exchange proposes to amend Exchange Rule 3.33.01 to remove reference to waivers relied upon under Exchange Rule 3.30.09 or C2 Options Chapter 3, Section B, as there were no participants in the Exchange’s FSAWP or the FSA waiver programs of Exchange’s affiliate, C2 Options, immediately preceding March 15, 2022. The Exchange proposes to amend Exchange Rule 3.33.01 to clarify that anyone participating in the FINRA FSAWP immediately preceding March 15, 2022 would still be eligible to participate in the MQP, provided conditions in Exchange Rule 3.33(c) are met.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of section 6(b) of the Act.¹⁴ Specifically, the Exchange believes the proposed rule change is consistent with the section

the Exchange shall adjust their participation period by deducting from that period the amount of time that has lapsed between the date that such persons terminated their registration categories and March 15, 2022. To reflect the availability of the Second Enrollment Period, the proposed rule change clarifies that for all Look-Back Individuals who elect to participate in the MQP, their participation period would also be for a period of five years following the termination of their registration categories, as with other MQP participants. *See supra* note 9.

¹³ Look-Back Individuals who elect to enroll in the MQP during the Second Enrollment Period would also need to pay the annual program fee of \$100 for both 2022 and 2023 at the time of their enrollment.

¹⁴ 15 U.S.C. 78f(b).

6(b)(5)¹⁵ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the section 6(b)(5)¹⁶ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that providing Look-Back Individuals a second opportunity to elect to participate in the MQP is warranted because participation in the MQP would reduce unnecessary impediments to requalification for these individuals without diminishing investor protection. In addition, the proposed rule change is consistent with other goals, such as the promotion of diversity and inclusion in the securities industry by attracting and retaining a broader and diverse group of professionals. The MQP also allows the industry to retain expertise from skilled individuals, providing investors with the advantage of greater experience among the individuals working in the industry. The Exchange believes that providing Look-Back Individuals a second opportunity to elect to participate in the MQP will further these goals and objectives.

Further, the Exchange believes the proposed amendments reduce the possibility of a significant regulatory gap between Exchange and FINRA rules, providing more uniform standards across the securities industry. The Exchange believes that the proposed rule change will bring consistency and uniformity with FINRA’s recently amended CE Program, which will, in turn, assist TPHs and their associated persons in complying with these rules and improve regulatory efficiency. The proposed rule changes make ministerial changes to the Exchange’s continuing education rules to align them with the continuing education rules of FINRA and other exchanges as discussed above, in order to prevent unnecessary regulatory burdens and to promote efficient administration of the rules.

Finally, the Exchange believes the proposed amendments to remove

¹⁵ 15 U.S.C. 78f(b)(5).

¹⁶ *Id.*

¹⁰ Look-Back Individuals were able to notify FINRA of their election to participate in the MQP through their FinPro accounts.

¹¹ According to FINRA, this may have been a result of the timing of FINRA’s announcements relating to the MQP, which coincided with the holiday season and the transition to the New Year. Further, given that Look-Back Individuals were out of the industry at the time of these announcements, it was unlikely that they would have learned of the MQP, or the First Enrollment Period, through informal communication channels.

¹² The current rule text also provides that if Look-Back Individuals elect to participate in the MQP,

reference to waivers relied upon under Exchange Rule 3.30.09 or C2 Options Chapter 3, Section B will add clarity to the Cboe Options Rules and remove redundant language, as there were no participants in the Exchange's FSAWP or the FSA waiver programs of Exchange's affiliate, C2 Options, immediately preceding March 15, 2022. Further, the Exchange believes that the amendments to clarify that anyone participating in the FINRA FSAWP immediately preceding March 15, 2022 would still be eligible to participate in the MQP, provided conditions in Exchange Rule 3.33(c) are met, ensures consistency and uniformity with FINRA's recently amended CE Program, which, as noted above, will in turn assist TPHs and their associated persons in complying with these rules and improve regulatory efficiency.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule changes which are, in all material respects, based upon and substantially similar to, recent rule changes adopted by FINRA, will reduce the regulatory burden placed on market participants engaged in trading activities across different markets. The Exchange believes that the harmonization of the CE Program requirements across the various markets will reduce burdens on competition by removing impediments to participation in the national market system and promoting competition among participants across the multiple national securities exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Cboe has filed the proposed rule change pursuant to section 19(b)(3)(A) of the Act¹⁷ and Rule 19b-4(f)(6) thereunder.¹⁸ Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.¹⁹

A proposed rule change filed under Rule 19b-4(f)(6)²⁰ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²¹ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. Cboe has indicated that the immediate operation of the proposed rule change is appropriate because it would allow the Exchange to implement the proposed changes to its continuing education rules without delay, thereby eliminating the possibility of a significant regulatory gap between the FINRA rules and the Exchange rules, providing more uniform standards across the securities industry, and helping to avoid confusion for Exchange members that are also FINRA members. Cboe also noted that FINRA plans to conduct additional public outreach efforts to promote awareness of the MQP and the availability of the Second Enrollment Period among Look-Back Individuals. Therefore, Cboe indicated that the immediate operation of the proposed rule change is also appropriate because it would help to further notify Look-Back Individuals of their options and provide additional time for them to consider whether they wish to participate in the MQP before the December 31, 2023 deadline. For these reasons, the Commission believes that waiver of the 30-day operative delay for this proposal is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.²²

¹⁹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization 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.

²⁰ 17 CFR 240.19b-4(f)(6).

²¹ 17 CFR 240.19b-4(f)(6)(iii).

²² For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency,

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)²³ 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 (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-CBOE-2023-042 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Number SR-CBOE-2023-042. 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 filing

competition, and capital formation. See 15 U.S.C. 78c(f).

²³ 15 U.S.C. 78s(b)(2)(B).

¹⁷ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁸ 17 CFR 240.19b-4(f)(6).

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-CBOE-2023-042 and should be submitted on or before October 2, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁴

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2023-19471 Filed 9-8-23; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-98284; File No. SR-LCH SA-2023-006]

Self-Regulatory Organizations; LCH SA; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Triparty Collateral Mechanism Fee Changes

September 5, 2023.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on August 23, 2023, Banque Centrale de Compensation, which conducts business under the name LCH SA (“LCH SA”), filed with the Securities and Exchange Commission (“Commission”) the proposed rule change (“Proposed Rule Change”) described in Items I, II and III below, which Items have been primarily prepared by LCH SA. LCH SA filed the proposal pursuant to section 19(b)(3)(A) of the Act,³ and Rule 19b-4(f)(2)⁴ thereunder, so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the Proposed Rule Change from interested persons.

I. Clearing Agency’s Statement of the Terms of Substance of the Proposed Rule Change

LCH SA is proposing to amend the current fee grid (“Fee Grid”) for LCH SA CDS Clear (the “Proposed Rule Change”) as part of the extension of the Triparty Collateral mechanism to CDS Clear service filed with the Commission.⁵ The text of the Proposed Rule Change has been annexed hereto as Exhibit 5 [sic]. No amendments to the LCH SA CDS Clearing Rule Book (“Rule Book”) or the CDS Clearing Procedures (“Procedures”) are required to effect these changes.⁶

The text of the Proposed Rule Change has been annexed as Exhibit 5 [sic]. The implementation of the Proposed Rule Change will be contingent on LCH SA’s receipt of all necessary regulatory approvals, including the approval by the Commission of the Proposed Rule Change described herein.

II. Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA included statements concerning the purpose of and basis for the Proposed Rule Change and discussed any comments it received on the Proposed Rule Change. The text of these statements may be examined at the places specified in Item IV below. LCH SA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the Proposed Rule Change is for LCH SA to extend to CDS Clear the Fee Grid currently applicable to the Triparty Collateral mechanism for the Non-U.S. Business.

As part of the process to further enhance its triparty collateral solution with Euroclear Bank and Euroclear France⁷ and to align the triparty collateral service offering across LCH SA clearing services, to include CDS Clear, LCH SA is proposing to adopt the Fee Grid upon filing with the SEC, following the Commission’s order approving the proposed rule change relating to the Triparty Collateral mechanism.⁸

⁵ Self-Regulatory Organizations; LCH SA; Order Approving Proposed Rule Change Relating to Triparty Collateral Mechanism; Securities Exchange Act Release No. 34-98009 (July 27, 2023); 88 FR 50923 (August 2, 2023) (File No. SR-LCH SA-2023-004).

⁶ All capitalized terms not defined herein shall have the same definition as in the Rule Book or Procedures, as applicable.

⁷ https://my.euroclear.com/dam/EB/Tariff%20information/MA0007_General_Fees.pdf (See Collateral management fees, p. 11).

⁸ See Self-Regulatory Organizations; LCH SA; Order Approving Proposed Rule Change Relating to Triparty Collateral Mechanism; Securities Exchange Act Release No. 34-98009 (July 27, 2023); 88 FR

LCH SA is proposing to adopt for CDS Clear the following triparty fees currently applicable to the LCH SA Non-U.S. Business:

- For Government Securities from Austria, Belgium, Finland, France, Germany, Italy, Netherlands, Portugal and Spain, the applicable fee is 9.5bps;
- For Supranational entities and Agencies, the applicable fee is 11.5bps

LCH SA will reflect this change by amending the footnote applicable to triparty collateral fees in the Fee Grid to state the triparty collateral fees are also applicable to CDS Clear. Specifically, the amended footnote will state:

“** Effective 1 April 2023 for EquityClear, CommodityClear, RepoClear and €GCPlus (House & Clients activities). Effective 23 August 2023 for CDS Clear.” The applicable Fee Grid has been annexed as Exhibit 5 [sic].

No amendments to the Rule Book or Procedures are required for these changes to become effective.

2. Statutory Basis

LCH SA believes that the Proposed Rule Change is consistent with the requirements of section 17A of the Act⁹ and the regulations thereunder. section 17A(b)(3)(D) of the Act¹⁰ requires that the rules of a clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among Clearing Members and market participants by ensuring that Clearing Members and clients pay reasonable fees and dues for the services provided by LCH SA, within the meaning of section 17A(b)(3)(D) of the Act.

The wider offering of eligible collateral through the triparty collateral solution with the relevant proposed applicable fees will provide greater collateral optimization opportunities for LCH SA Clearing Members. In addition, the spread between the triparty collateral solution and the bilateral Full Transfer of Title deposit option will be 1.5bps and is consistent with the Euroclear Triparty service paid by Clearing Members.¹¹ LCH SA does not anticipate the Proposed Rule Change to result in any material increase in Clearing Members fees and expenses or result in any material changes to CDS Clear revenue.

For these reasons, LCH SA believes that the Proposed Rule Change is

50923 (August 2, 2023) (File No. SR-LCH SA-2023-004).

⁹ 15 U.S.C. 78q-1.

¹⁰ 15 U.S.C. 78q-1(b)(D)(3).

¹¹ https://my.euroclear.com/dam/EB/Tariff%20information/MA0007_General_Fees.pdf (See Collateral management fees, p. 11).

²⁴ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(2).

consistent with the requirements of section 17A of the Act¹² and the regulations thereunder. Specifically, LCH SA believes the adoption of the Fee Grid is reasonable and has been set up at an appropriate level given the costs, expenses and revenues generated to LCH SA.

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act¹³ requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.¹⁴

LCH SA does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

LCH SA is proposing to extend to CDS Clear members the Fee Grid already applicable to the clearing members of LCH SA Non-U.S. Business. This proposed change will also apply equally to all CDS Clear Clearing Members and is not expected to have any potential disparate impact on any Clearing Members.

LCH SA also believes the adoption of the Fee Grid by CDS Clear will not adversely affect the ability of such Clearing Members or other market participants generally to engage in cleared transactions or to access LCH SA's clearing services. LCH SA is further enhancing its triparty collateral solution with Euroclear Bank and Euroclear France and aligning the triparty collateral service offering across LCH SA clearing services following the extension of the triparty collateral solution. The triparty collateral solution provides Clearing Members additional options and greater operational efficiency for posting collateral to cover margin requirements and thus, to access LCH SA's clearing services.

Finally, LCH SA believes that the adoption of the Fee Grid is appropriate given the costs and expenses to LCH SA.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to section 19(b)(3)(A)(ii) of the Act, and Rule 19b-4(f)(2) thereunder, the proposed rule change is filed for immediate effectiveness because the proposed rule establishes or changes a fee or other charge imposed by LCH SA on its Clearing Members, within the meaning of Rule 19b-4(f)(2).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

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-LCH SA-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-LCH SA-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 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 LCH SA and on LCH SA's website at: <https://www.lch.com/resources/rulebooks/proposed-rule-changes>.

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-LCH SA-2023-006 and should be submitted on or before October 2, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023-19469 Filed 9-8-23; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-98285; File No. SR-NASDAQ-2023-031]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Requirements Relating to the Waiver of the Code of Conduct in Listing Rule 5610 and IM-5610

September 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 August 21, 2023, The Nasdaq Stock Market LLC ("Nasdaq" or "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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the requirements related to the waiver of the code of conduct in Listing Rules 5610 and IM-5610.

The text of the proposed rule change is set forth below. Proposed new language is *italicized*; deleted text is in brackets.

* * * * *

The Nasdaq Stock Market Rules

* * * * *

¹⁵ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹² 15 U.S.C. 78q-1.

¹³ 15 U.S.C. 78q-1(b)(3)(I).

¹⁴ *Id.*

5610. Code of Conduct

Each Company shall adopt a code of conduct applicable to all directors, officers and employees, which shall be publicly available. A code of conduct satisfying this rule must comply with the definition of a “code of ethics” set out in section 406(c) of the Sarbanes-Oxley Act of 2002 (“the Sarbanes-Oxley Act”) and any regulations promulgated thereunder by the Commission. [See 17 CFR 228.406 and 17 CFR 229.406.] In addition, the code must provide for an enforcement mechanism. Any waivers of the code for directors or Executive Officers must be approved by the [B]board or a board committee. Companies, other than Foreign Private Issuers, shall disclose such waivers within four business days by filing a current report on Form 8-K with the Commission or, in cases where a Form 8-K is not required, by distributing a press release. Foreign Private Issuers shall disclose such waivers within four business days either by distributing a press release or including disclosure in a Form 6-K [or in the next Form 20-F or 40-F]. Alternatively, within four business days, a Company, including a Foreign Private Issuer, may disclose waivers on the Company’s website in a manner that satisfies the requirements of Item 5.05(c) of Form 8-K.

IM-5610. Code of Conduct

Ethical behavior is required and expected of every corporate director, officer and employee whether or not a formal code of conduct exists. The requirement of a publicly available code of conduct applicable to all directors, officers and employees of a Company is intended to demonstrate to investors that the board and management of Nasdaq Companies have carefully considered the requirement of ethical dealing and have put in place a system to ensure that they become aware of and take prompt action against any questionable behavior. For Company personnel, a code of conduct with enforcement provisions provides assurance that reporting of questionable behavior is protected and encouraged, and fosters an atmosphere of self-awareness and prudent conduct.

Rule 5610 requires Companies to adopt a code of conduct complying with the definition of a “code of ethics” under section 406(c) of the Sarbanes-Oxley Act of 2002 (“the Sarbanes-Oxley Act”) and any regulations promulgated thereunder by the Commission. [See 17 CFR 228.406 and 17 CFR 229.406.] Thus, the code must include such standards as are reasonably necessary to promote the ethical handling of conflicts of interest, full and fair disclosure, and compliance with laws, rules and regulations, as specified by the Sarbanes-Oxley Act. However, the code of conduct required by Rule 5610 must apply to all directors, officers, and employees. Companies can satisfy this obligation by adopting one or more codes of conduct, such that all directors, officers and employees are subject to a code that satisfies the definition of a “code of ethics.”

As the Sarbanes-Oxley Act recognizes, investors are harmed when the real or perceived private interest of a director,

officer or employee is in conflict with the interests of the Company, as when the individual receives improper personal benefits as a result of his or her position with the Company, or when the individual has other duties, responsibilities or obligations that run counter to his or her duty to the Company. Also, the disclosures a Company makes to the Commission are the essential source of information about the Company for regulators and investors—there can be no question about the duty to make them fairly, accurately and timely. Finally, illegal action must be dealt with swiftly and the violators reported to the appropriate authorities. Each code of conduct must require that any waiver of the code for Executive Officers or directors may be made only by the board or a board committee and must be disclosed to Shareholders, along with the reasons for the waiver. All Companies, other than Foreign Private Issuers, must disclose such waivers within four business days by filing a current report on Form 8-K with the Commission, providing website disclosure that satisfies the requirements of Item 5.05(c) of Form 8-K, or, in cases where a Form 8-K is not required, by distributing a press release. Foreign Private Issuers must disclose such waivers within four business days either by providing website disclosure that satisfies the requirements of Item 5.05(c) of Form 8-K, by including disclosure in a Form 6-K [or in the next Form 20-F or 40-F] or by distributing a press release. This disclosure requirement provides investors the comfort that waivers are not granted except where they are truly necessary and warranted, and that they are limited and qualified so as to protect the Company and its Shareholders to the greatest extent possible.

Each code of conduct must also contain an enforcement mechanism that ensures prompt and consistent enforcement of the code, protection for persons reporting questionable behavior, clear and objective standards for compliance, and a fair process by which to determine violations.

* * * * *

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

* * * * *

(b) Not applicable.

(c) Not applicable.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is proposing to amend Listing Rules 5610 and IM-5610 to provide that waivers of the code of conduct for directors or executive officers may be approved by a board committee rather than exclusively by the board, as this rule currently requires and to require that Foreign Private Issuers must disclose such waivers within four business days.

Ethical behavior is required and expected of every corporate director, officer and employee whether or not a formal code of conduct exists. The requirement of a publicly available code of conduct applicable to all directors, officers and employees of a company is intended to demonstrate to investors that the board and management of Nasdaq companies have carefully considered the requirement of ethical dealing and have put in place a system to ensure that they become aware of and take prompt action against any questionable behavior. For company personnel, a code of conduct with enforcement provisions provides assurance that reporting of questionable behavior is protected and encouraged, and fosters an atmosphere of self-awareness and prudent conduct.

Listing Rules 5610 and IM-5610 require companies to adopt a code of conduct applicable to directors, officers, and employees, which shall be publicly available. A code of conduct satisfying this rule must comply with the definition of a “code of ethics” set out in section 406(c) of the Sarbanes-Oxley Act of 2002 and any regulations promulgated thereunder by the Commission.³ In addition, the code must provide for an enforcement mechanism. Any waivers of the code for directors or executive officers must be approved by the board and publicly disclosed to shareholders, along with the reasons for the waiver. Companies, other than foreign private issuers, must disclose such waivers within four business days by filing a current report on Form 8-K with the Commission or, in cases where a Form 8-K is not required, by distributing a press release. Foreign private issuers must disclose such waivers either by distributing a press release or including disclosure in a Form 6-K or in the next Form 20-F or 40-F.⁴ Nasdaq believes this

³ See 17 CFR 229.406.

⁴ See Listing Rule 5610. Alternatively, a company, including a foreign private issuer, may disclose

disclosure requirement provides investors the comfort that waivers are not granted except where they are truly necessary and warranted, and that they are limited and qualified so as to protect the company and its shareholders to the greatest extent possible.

By expressly setting out the inherent obligation of ethical conduct in this manner, Nasdaq provides assurance to investors, regulators and itself that each of its issuers has in place a system to focus attention throughout the company on the obligation of ethical conduct, encourage reporting of potential violations, and deal fairly and promptly with questionable behavior.

Nasdaq is proposing to allow waivers of the code to be approved either by the board of directors or a committee of the board. This would give listed companies flexibility to place the oversight of a company's code of conduct within the jurisdiction of a particular committee if that structure is more effective and appropriate, while following the obligations of ethical conduct required by Listing Rules 5610 and IM-5610. The approach of delegating oversight authority to a board committee is also consistent with the provisions of Listing Rule 5630 that requires approval of related party transactions by the company's audit committee or another independent body of the board of directors.⁵ In addition, Nasdaq believes that the proposed change would align the requirements of this rule with the requirements of Rule 303A.10 of the Listed Company Manual of the New York Stock Exchange ("NYSE").⁶

Nasdaq is also proposing to clarify that Foreign Private Issuers are required to disclose any waivers of the code for directors or executive officers within

four business days by providing website disclosure that satisfies the requirements of Item 5.05(c) of Form 8-K, by including disclosure in a Form 6-K or by distributing a press release. The disclosure of any code of conduct waivers provides investors the comfort that waivers are not granted except where they are truly necessary and warranted, and that they are limited and qualified so as to protect the company and its shareholders to the greatest extent possible. Accordingly, Nasdaq believes that Foreign Private Issuers, like other Nasdaq listed companies, should be required to make such disclosure within four business days by providing website disclosure that satisfies the requirements of Item 5.05(c) of Form 8-K, by including disclosure in a Form 6-K or by distributing a press release rather than providing such disclosure in the next Form 20-F or 40-F.⁷

Finally, Nasdaq proposes to remove citation to 17 CFR 228.406 and 17 CFR 229.406 from the rule language, without changing the substance of Rules 5610 and IM-5610, to maintain consistency within the rulebook.

2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act,⁸ in general, and furthers the objectives of section 6(b)(5) of the Act,⁹ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Nasdaq believes that the proposed amendments to Listing Rules 5610 and IM-5610 to provide that waivers of the code of conduct for directors or executive officers may be approved by a board committee and to require that Foreign Private Issuers must disclose such waivers within four business days are designed to protect investors and the public interest because there would continue to be other significant protections for shareholders with respect to the waivers of the code of conduct. Specifically, consistent with the provisions of Listing Rule 5630, waivers of the code of conduct for

directors or executive officers would be approved by the board or a board committee and publicly disclosed, as described above. Nasdaq believes this disclosure requirement provides investors the comfort that waivers are not granted except where they are truly necessary and warranted, and that they are limited and qualified so as to protect the company and its shareholders to the greatest extent possible. The proposed amendment would make Nasdaq's requirements regarding the granting of the waivers by the board or a board committee of the code of conduct substantively similar to those of the NYSE.¹⁰ In the 2003 Order, the Commission determined that this approach is consistent with the requirements of the Exchange Act.

Finally, Nasdaq believes that removing citation from the rule language is consistent with the requirements of the Exchange Act because the removal does not change the substance of the rule.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will make Nasdaq requirements with respect to the waivers of the code of conduct substantively similar to those of the NYSE. All listed companies would be affected in the same manner by these changes. As such, these changes are neither intended to, nor expected to, impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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

waivers on the company's website in a manner that satisfies the requirements of Item 5.05(c) of Form 8-K. If a company elects to disclose the information through its website, such information must remain available on the website for at least a 12-month period. Following the 12-month period, the company must retain the information for a period of not less than five years. See also instructions to Item 16B of Form 20-F.

⁵ See Listing Rule 5630.

⁶ In 2002, the NASD, through its subsidiary, The Nasdaq Stock Market, Inc., filed with the Commission a proposed rule change to amend NASD Rules to adopt the code of conduct requirements. See Securities Exchange Act Release No. 48125 (July 2, 2003), 68 FR 41194 (July 10, 2003) (SR-NASD-2002-139) ("Nasdaq Code of Conduct Proposal"). At about the same time, NYSE proposed similar changes to its listing standards. See Securities Exchange Act Release No. 47672 (April 11, 2003) 68 FR 19051 (April 17, 2003) ("NYSE Corporate Governance Proposal"). The Commission discussed and approved both the Nasdaq Code of Conduct Proposal and the NYSE Corporate Governance Proposal in one order (the "2003 Order"). See Securities Exchange Act Release No. 48745 (November 4, 2003), 68 FR 64154 (November 12, 2003).

⁷ Listing Rules 5610 and IM-5610 already specifically provide that companies, other than Foreign Private Issuers, must disclose code of conduct waivers within four business days. Nasdaq is proposing to remove references in Listing Rules 5610 and IM-5610 to Forms 20-F and 40-F as an alternative disclosure venue for code of conduct waivers.

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

¹⁰ Nasdaq reviewed recent code of ethics disclosure of a sample of NYSE listed companies and observed that a number of companies provide for waivers to the code of conduct to be approved by the board or a board committee.

19(b)(3)(A)(iii) of the Act¹¹ and Rule 19b-4(f)(6) thereunder.¹²

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change 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-NASDAQ-2023-031 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-NASDAQ-2023-031. 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-NASDAQ-2023-031 and should be submitted on or before October 2, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023-19470 Filed 9-8-23; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, September 14, 2023.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at <https://www.sec.gov>.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

- Institution and settlement of injunctive actions;
- Institution and settlement of administrative proceedings;
- Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION:

For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551-5400.

Authority: 5 U.S.C. 552b.

Dated: September 7, 2023.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2023-19615 Filed 9-7-23; 11:15 am]

BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Public Notice:12168]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Marie Laurencin: Sapphic Paris” 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 “Marie Laurencin: Sapphic Paris” at The Barnes Foundation, Philadelphia, Pennsylvania, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; *email:* section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street, NW (SA-5), Suite 5H03, Washington, DC 20522-0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000, and Delegation of

¹¹ 15 U.S.C. 78s(b)(3)(A)(iii).

¹² 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.

¹³ 17 CFR 200.30-3(a)(12).

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. 2023–19541 Filed 9–8–23; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2023–0010]

Request for Comments on Significant Foreign Trade Barriers for the 2024 National Trade Estimate Report

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR), through the Trade Policy Staff Committee (TPSC), publishes the National Trade Estimate Report on Foreign Trade Barriers (NTE Report) each year. USTR invites comments to assist it and the TPSC in identifying significant foreign barriers to, or distortions of, U.S. exports of goods and services, U.S. foreign direct investment, and U.S. electronic commerce for inclusion in the NTE Report. USTR also will consider responses to this notice as part of the annual review of the operation and effectiveness of all U.S. trade agreements regarding telecommunications products and services that are in force with respect to the United States.

DATES: October 23, 2023 at 11:59 p.m. ET: Deadline for submission of comments.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: <http://www.regulations.gov> (*Regulations.gov*). The instructions for submitting comments are in sections IV and V below. The docket number is USTR–2023–0010. For alternatives to online submissions, please contact Laura Buffo, Chair of the Trade Policy Staff Committee, at ForeignTradeBarriersReport@ustr.eop.gov or (202) 395–3475 in advance of the deadline.

FOR FURTHER INFORMATION CONTACT: Laura Buffo, Chair of the Trade Policy Staff Committee, at ForeignTradeBarriersReport@ustr.eop.gov or (202) 395–3475.

SUPPLEMENTARY INFORMATION:

I. Background

Section 181 of the Trade Act of 1974, as amended (19 U.S.C. 2241), requires USTR annually to publish the NTE Report, which sets out an inventory of significant foreign barriers to, or distortions of, U.S. exports of goods and services, including agricultural commodities and U.S. intellectual property; foreign direct investment by U.S. persons, especially if such investment has implications for trade in goods or services; and U.S. electronic commerce. The inventory facilitates U.S. negotiations aimed at reducing or eliminating these barriers and is a valuable tool in enforcing U.S. trade laws and agreements and strengthening the rules-based trading system. You can find the 2023 NTE Report on USTR's website at <https://ustr.gov/sites/default/files/2023-03/2023%20NTE%20Report.pdf>. To ensure compliance with the statutory mandate for the NTE Report and the Administration's commitment to focus on significant foreign trade barriers, USTR will take into account comments in response to this notice when deciding which significant barriers to include in the NTE Report.

II. Topics on Which the TPSC Seeks Information

To assist USTR in preparing the NTE Report, commenters should submit information related to one or more of the following categories of foreign trade barriers:

1. *Import policies.* Examples include tariffs and other import charges; quantitative restrictions; import licensing; customs barriers, pre-shipment inspection, and trade facilitation or customs valuation practices; and, other market access barriers.

2. *Technical barriers to trade.* Examples include unnecessarily trade restrictive or discriminatory standards, conformity assessment procedures, or technical regulations, including unnecessary or discriminatory technical regulations or standards for telecommunications products.

3. *Sanitary and phytosanitary measures.* Examples include measures relating to food safety, or animal and plant life or health that are unnecessarily trade restrictive, discriminatory, or not based on scientific evidence.

4. *Government procurement.* Examples include closed bidding and bidding processes that lack transparency.

5. *Intellectual property protection.* Examples include inadequate patent,

copyright, and trademark regimes; trade secret theft; and, inadequate enforcement of intellectual property rights.

6. *Services.* Examples include prohibitions or restrictions on foreign participation in the market, discriminatory licensing requirements or standards, local-presence requirements, and unreasonable restrictions on what services may be offered.

7. *Digital trade.* Examples include restrictions on the supply of internet-enabled services, and other restrictive technology requirements.

8. *Investment.* Examples include limitations on foreign equity participation and on access to foreign government-funded research and development programs, technology transfer requirements and export performance requirements, and restrictions on repatriation of earnings, capital, fees and royalties.

9. *Subsidies.* Examples include subsidies contingent upon export performance, and agricultural export subsidies that displace U.S. exports in third country markets.

10. *Competition.* Examples include government-tolerated anticompetitive conduct that restricts the sale or purchase of U.S. goods or services in the foreign country's markets.

11. *State-owned enterprises.* Examples include actions by state-owned enterprises (SOEs) and by governments with respect to SOEs involved in the manufacture or production of non-agricultural goods or in the supply of services that constitute significant barriers to, or distortions of, U.S. exports of goods and services, U.S. investments, or U.S. electronic commerce, which may negatively affect U.S. firms and workers. These actions include subsidies and non-commercial advantages provided to and from SOEs; and practices with respect to SOEs that discriminate against U.S. goods or services, or actions by SOEs that are inconsistent with commercial considerations in the purchase and sale of goods and services.

12. *Labor.* Examples include concerns with failures by a government to protect internationally recognized worker rights or to eliminate discrimination in respect of employment or occupation, in cases where these failures influence trade flows or investment decisions in ways that constitute significant barriers to, or distortions of, U.S. exports of goods and services, U.S. investment, or U.S. electronic commerce, which may negatively affect U.S. firms and workers. Internationally recognized worker rights include: the right of association; the

right to organize and bargain collectively; a prohibition on the use of any form of forced or compulsory labor; a minimum age for the employment of children, and a prohibition on the worst forms of child labor; and, acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

13. *Environment.* Examples include concerns with a government's levels of environmental protection, unsustainable stewardship of natural resources, and harmful environmental practices that constitute significant barriers to, or distortions of, U.S. exports of goods and services, U.S. investment, or U.S. electronic commerce, which may negatively affect U.S. firms or workers.

14. *Other barriers.* Examples include significant barriers or distortions that are not covered in any other category above or that encompass more than one category, such as bribery and corruption, or that affect a single sector.

Please provide, if available, the titles of relevant laws or measures and a description of the concerns with which the laws or measures relate to the significant foreign barriers or distortions identified. Commenters should place particular emphasis on any practices that may violate U.S. trade agreements. USTR also is interested in receiving new or updated information pertinent to the barriers covered in the 2023 NTE Report as well as information on new barriers. If USTR does not include in the 2024 NTE Report information that it receives pursuant to this notice, it will maintain the information for potential use in future discussions or negotiations with trading partners.

Commenters should submit information related to one or more of the following export markets to be covered in the report: Algeria, Angola, the Arab League, Argentina, Australia, Bahrain, Bangladesh, Bolivia, Brazil, Brunei, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, the European Union, Ghana, Guatemala, Honduras, Hong Kong, India, Indonesia, Israel, Japan, Jordan, Kenya, Korea, Kuwait, Laos, Malaysia, Mexico, Morocco, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, the Philippines, Qatar, Russia, Saudi Arabia, Singapore, South Africa, Switzerland, Taiwan, Thailand, Tunisia, Turkey, Ukraine, the United Arab Emirates, the United Kingdom, Uruguay, and Vietnam. Commenters may submit information related to significant barriers or distortions in

export markets other than those listed in this paragraph.

In addition, section 1377 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3106) (section 1377) requires USTR annually to review the operation and effectiveness of U.S. telecommunications trade agreements that are in force with respect to the United States. The purpose of the review is to determine whether any foreign government that is a party to one of those agreements is failing to comply with that government's obligations or is otherwise denying, within the context of a relevant agreement, "mutually advantageous market opportunities" to U.S. telecommunication products or services suppliers. USTR will consider responses to this notice in the review called for in section 1377 and highlight both ongoing and emerging barriers to U.S. telecommunication services and goods exports in the 2024 NTE Report.

III. Estimate of Increase in Exports

To the extent possible, each comment should include an estimate of the potential increase in exports of goods or services of the United States, U.S. foreign direct investment, or U.S. electronic commerce that would result from removing any significant foreign trade barrier the comment identifies, as well as a description of the methodology the commenter used to derive the estimate. Commenters should express estimates within the following value ranges: less than \$25 million; \$25 million to \$100 million; \$100 million to \$500 million; and over \$500 million.

IV. Requirements for Submissions

To be assured of consideration, submit your written comments by the October 23, 2023 11:59 p.m. ET deadline. All submissions must be in English. USTR strongly encourages submissions via *Regulations.gov*.

To submit via *Regulations.gov*, use Docket Number USTR-2023-0010 in the 'search for' field on the home page and click 'search.' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting 'notice' under 'document type' in the 'refine documents results' section on the left side of the screen and click on the link entitled 'comment.' *Regulations.gov* allows users to make submissions by filling in a 'type comment' field, or by attaching a document using the 'upload file' field. USTR prefers that you provide submissions in an attached document and note see attached comments with respect to (name of country) in the 'comment' field on the online submission form. The first page

of the submission must identify 'Comments Regarding Foreign Trade Barriers to U.S. Exports for 2023 Reporting—[name of country or countries discussed].' Commenters providing information on foreign trade barriers in more than one country should provide a separate attachment for each country as part of the same submission. USTR strongly encourages commenters to provide only one submission. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If you use an application other than those two, please indicate the name of the application in the 'type comment' field.

You will receive a tracking number upon completion of the submission procedure at *Regulations.gov*. The tracking number is confirmation that *Regulations.gov* received your submission. Keep the confirmation for your records. USTR is not able to provide technical assistance for *Regulations.gov*.

For further information on using *Regulations.gov*, please consult the resources provided on the website by clicking on 'How to Use *Regulations.gov*' on the bottom of the home page. USTR may not consider submissions that you do not make in accordance with these instructions.

If you are unable to provide submissions as requested, please contact Laura Buffo, Chair of the Trade Policy Staff Committee, in advance of the deadline at

ForeignTradeBarriersReport@ustr.eop.gov or (202) 395-3475 to arrange for an alternative method of transmission. USTR will not accept hand-delivered submissions.

General information concerning USTR is available at <https://www.ustr.gov>.

V. Business Confidential Information (BCI) Submissions

If you ask USTR to treat information you submit as BCI, you must certify that the information is business confidential and you would not customarily release it to the public. For any comments submitted electronically containing BCI, the file name of the business confidential version should begin with the characters 'BCI.' You must clearly mark any page containing BCI with 'BUSINESS CONFIDENTIAL' on the top of that page. Filers of submissions containing BCI also must submit a public version that will be placed in the docket for public inspection. The file name of the public version should begin with the character 'P.' Follow the 'BCI' and 'P' with the name of the person or entity submitting the comments.

VI. Public Viewing of Review Submissions

USTR will post written submissions in the docket for public inspection, except properly designated BCI. You can view comments on *Regulations.gov* by entering Docket Number USTR–2023–0010 in the search field on the home page.

Laura Buffo,

*Chair of the Trade Policy Staff Committee,
Office of the United States Trade Representative.*

[FR Doc. 2023–19521 Filed 9–8–23; 8:45 am]

BILLING CODE 3390–F3–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Extension for Product Exclusions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice.

SUMMARY: In prior notices, the U.S. Trade Representative modified the actions in the section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation by excluding from additional duties certain products of China, including medical-care products needed to address COVID. In December 2022, the U.S. Trade Representative determined to extend 352 previously reinstated exclusions through September 30, 2023 and in May 2023 determined to extend 77 COVID-related exclusions through September 30, 2023. This notice announces the U.S. Trade Representative's determination to further extend the 352 reinstated exclusions and 77 COVID-related exclusions until December 31, 2023.

DATES: The extensions in this notice extend the 352 reinstated exclusions and 77 COVID-related exclusions through December 31, 2023. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice, contact Associate General Counsel Philip Butler or Assistant General Counsel Edward Marcus at (202) 395–5725. For specific questions on customs classification or implementation of the product exclusions, contact traderemedycbp@dhs.gov.

SUPPLEMENTARY INFORMATION:

A. Background

In the course of this investigation, the U.S. Trade Representative has imposed additional duties on products of China in four tranches. *See* 83 FR 28719 (June 20, 2018); 83 FR 40823 (August 16, 2018); 83 FR 47974 (September 21, 2018), as modified by 83 FR 49153 (September 28, 2018); and 84 FR 43304 (August 20, 2019), as modified by 84 FR 69447 (December 18, 2019) and 85 FR 3741 (January 22, 2020).

Reinstated Exclusions

For each tranche of additional duties, the U.S. Trade Representative established a process by which U.S. stakeholders could request the exclusion of particular products subject to the action. Starting in November 2019, the U.S. Trade Representative established processes for submitting public comments on whether to extend particular exclusions. *See, e.g.*, 85 FR 6687 (February 5, 2019) and 85 FR 38482 (June 26, 2020). Pursuant to these processes, the U.S. Trade Representative determined to extend 549 exclusions. With the exception of certain exclusions related to the U.S. response to COVID, all of these 549 exclusions expired.

On October 8, 2021, the U.S. Trade Representative invited the public to submit comments on whether to reinstate certain exclusions previously granted and extended. 86 FR 56345 (October 8, 2021) (the October 8 notice). On March 28, 2022, the U.S. Trade Representative determined to further modify the action by reinstating 352 of the 549 expired exclusions. The reinstated exclusions applied as of October 12, 2021, and extended through December 31, 2022. *See* 87 FR 17380 (March 28, 2022).

In accordance with section 307(c)(3) of the Trade Act of 1974, on September 8, 2022, USTR announced that it would be conducting a review of the July 6, 2018 and August 23, 2018 actions, as modified. *See* 87 FR 26797 (May 5, 2022); 87 FR 55073 (September 8, 2022).

On December 21, 2022, based on continued consideration of the factors and criteria set forth in the October 8 notice, and in light of the ongoing statutory four-year review, the U.S. Trade Representative determined to extend the 352 reinstated exclusions through September 30, 2023 to allow the U.S. Trade Representative to consider and align, as appropriate, the reinstated exclusions with the results of the statutory four-year review. *See* 87 FR 78187 (December 21, 2022) (December 21 notice).

COVID-Related Exclusions

On March 25, 2020, USTR requested public comments on proposed modifications to exclude from additional duties certain medical-care products related to the U.S. response to COVID. 85 FR 16987 (March 25, 2020).

On December 29, 2020, USTR announced 99 product exclusions for medical-care products and products related to the U.S. COVID response. These 99 exclusions were later extended until September 30, 2021. *See* 86 FR 13785. On August 27, 2021, USTR published a notice requesting public comments on whether any of these exclusions should be further extended for up to six months. *See* 86 FR 48280. On November 16, 2021, USTR announced the U.S. Trade Representative's determination to extend 81 of these exclusions for an additional six months. *See* 86 FR 63438 (November 16, 2021). These 81 exclusions were subsequently extended through February 28, 2023. *See* 87 FR 33871 (June 03, 2022); 87 FR 73383 (November 29, 2022).

On February 7, 2023, USTR published a notice requesting public comments on whether to further extend any of the COVID-related exclusions for up to six months. *See* 87 FR 8027 (February 7, 2023).

On May 17, 2023, based on evaluation of the public comments, the factors set out in the February 7 notice, and to allow the U.S. Trade Representative to consider and align, as appropriate, the exclusions with the results of the statutory 4-year review, the U.S. Trade Representative determined to extend 77 of the COVID-related exclusions through September 30, 2023. *See* 88 FR 31580 (May 17, 2023).

B. Determination To Further Extend Reinstated and COVID-Related Exclusions

To provide a transition period for the expiring exclusions and to allow for further consideration under the four-year review, and pursuant to sections 301(b), 301(c), and 307(a) of the Trade Act of 1974, as amended, the U.S. Trade Representative has determined that it is appropriate to further extend the 352 reinstated exclusions and the 77 COVID-related exclusions, as set out in the Annex A and Annex B to this notice, until December 31, 2023.

The exclusion extensions are available for any product that meets the description in the product exclusion. Further, the scope of each exclusion and modification is governed by the scope of the ten-digit Harmonized Tariff Schedule of the United States (HTSUS)

subheadings and product descriptions in the Annexes A and B to this notice. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

Annex for Reinstated Exclusions

Annex A

The U.S. Trade Representative has determined to extend all exclusions previously extended under heading 9903.88.67 and U.S. notes 20(ttt)(i), 20(ttt)(ii), 20(ttt)(iii), and 20(ttt)(iv) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS). See 87 FR 78187 (December 21, 2022). The extension is effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on October 1, 2023, and before 11:59 p.m. eastern standard time on December 31, 2023. Effective on October 1, 2023, the article description of heading 9903.88.67 of the HTSUS is modified by deleting "September 30, 2023," and by inserting "December 31, 2023," in lieu thereof.

Annex for COVID-Related Exclusions

Annex B

The U.S. Trade Representative has determined to extend all exclusions previously extended under heading 9903.88.68 and U.S. notes 20(uuu)(i), 20(uuu)(ii), 20(uuu)(iii), and 20(uuu)(iv) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS). See 88 FR 31580 (May 17, 2023). The extension is effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on October 1, 2023, and before 11:59 p.m. eastern standard time on December 31, 2023. Effective on October 1, 2023, the article description of heading 9903.88.68 of the HTSUS is modified by deleting "October 1, 2023," and by inserting "January 1, 2024," in lieu thereof.

Greta Peisch,

General Counsel, Office of the United States Trade Representative.

[FR Doc. 2023-19494 Filed 9-8-23; 8:45 am]

BILLING CODE 3390-F3-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Surplus Property Release at the Wetumpka Municipal Airport, Wetumpka, Alabama

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent to rule on land release request.

SUMMARY: The FAA is considering a request from the City of Wetumpka, Alabama to waive the requirement that 16.07± acres of airport property located at the Wetumpka Municipal Airport in Wetumpka, Alabama, be used for aeronautical purposes.

DATES: Comments must be received on or before October 11, 2023.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA to the following address: Jackson Airports District Office Attn: Brian Hendry, Community Planner, Jackson Airports District Office 100 West Cross Street, Suite B Jackson, MS 39208-2307.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Wetumpka Municipal Airport, Attn: Ms. Lynn Weldon, Airport Manager, City of Wetumpka, Post Office Box 1180, Wetumpka, AL 36092.

FOR FURTHER INFORMATION CONTACT: Brian Hendry, Community Planner, Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208-2307, (601) 664-9897. The land release request may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the City of Wetumpka to release approximately 16.07± acres of airport property at Wetumpka Municipal Airport (08A) under the provisions of title 49, U.S.C. 47153(c). The FAA determined that the request to release property at Wetumpka Municipal Airport (08A) submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice. The property will be purchased by Alabama Department of Transportation (ALDOT) which is purchasing the land for Right of Way (ROW) as related to a Highway 14 road widening project. The property is located on the northwest quadrant of airport property adjacent to Highway 14.

In accordance with 49 U.S.C. 47107(c)(2)(B)(i), the airport will receive fair market value for the property, and the net proceeds from the sale of this property will be used for maintenance and improvements at the Wetumpka Municipal Airport.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the Wetumpka Municipal Airport (08A).

Issued in Jackson, Mississippi, on September 5, 2023.

Rans D. Black,

Manager, Jackson Airports District Office Southern Region.

[FR Doc. 2023-19465 Filed 9-8-23; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0352]

Commercial Driver's License Standards: Recreation Vehicle Industry Association Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final exemption; renewal of exemption.

SUMMARY: FMCSA announces its final decision to renew the Recreation Vehicle Industry Association's (RVIA) exemption from the Federal commercial driver's license (CDL) requirements for drivers who deliver certain newly manufactured motorhomes and recreational vehicles (RVs) to dealers or trade shows before retail sale (driveaway operations), subject to revised terms and conditions. FMCSA announced its decision to provisionally renew RVIA's exemption on May 19, 2022, pending a review of any comments received in response to that notice. Four comments were submitted to the docket and are discussed later in this notice. The Agency believes that drivers who qualify for the exemption will maintain a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the CDL requirements.

DATES: This renewed exemption was effective April 6, 2022, and expires on April 6, 2027.

FOR FURTHER INFORMATION CONTACT: Ms. Pearlie Robinson, Driver and Carrier

Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA, at (202) 366-4225 or by email at pearlie.robinson@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view comments, go to www.regulations.gov, insert the docket number “FMCSA–2014–0352” in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.”

To view documents mentioned in this notice as being available in the docket, go to www.regulations.gov, insert the docket number “FMCSA–2014–0352” in the keyword box, click “Search,” and choose the document to review.

If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b)(2) and 49 CFR 381.300(b) to renew an exemption from the Federal Motor Carrier Safety Regulations for a five-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.” (49 U.S.C. 31315(b)(1). FMCSA evaluated RVIA’s application and provisionally renewed the exemption from 49 CFR 383.91(a)(1)–(2) for a five-year period as previously announced in the **Federal Register** on May 19, 2022 (87 FR 30553).

III. Background

Current Regulation(s) Requirements

The CDL regulations require drivers to hold a CDL when operating vehicles in Groups A and B (49 CFR 383.91(a)(1) and 383.91(a)(2)). Group A vehicles are any combination of vehicles with a gross combination weight rating (GCWR) of 26,001 pounds or more, provided the gross vehicle weight rating (GVWR) of the towed unit is over 10,000 pounds. Group B vehicles are any single vehicle with a GVWR of 26,001 pounds

or more, or any such vehicle towing a vehicle not over 10,000 pounds. The GVWR is the value specified by the manufacturer as the loaded weight of the vehicle.

III. Application for Renewal of Exemption

The RVIA requested a second renewal of an exemption from the CDL requirement in 49 CFR 383.91(a)(1)–(2). The exemption allows drivers of RVs with GCWRs and GVWRs of 26,001 pounds or more to operate without a CDL provided the RV has an actual vehicle weight of less than 26,001 pounds. A combination of RV trailer and tow vehicle must have a gross combined weight of less than 26,001 pounds and the actual weight of the towed unit must not exceed 10,000 pounds.

IV. Public Comments

On May 19, 2022, FMCSA published its decision to provisionally grant a five-year renewal (until 2027) of RVIA’s original exemption and asked for public comment (87 FR 30553). Four comments were submitted to the docket. Two commenters opposed the exemption, one commenter did not oppose or support the exemption, and one commenter supported the exemption.

AWM Associates, LLC (AWM) and James Underwood opposed the exemption. James Underwood said, “All drivers using a vehicle for commercial purpose should have a commercial license. Hence the name of the license.”

AWM asserted that FMCSA’s grant of an exemption from the CDL requirements “tramples a state’s rights.” AWM reported a list of states that require RV owners of large RVs to obtain a CDL. AWM contends that “it is not FMCSA’s obligation to facilitate economic issues,” but rather to require safe operation of commercial motor vehicles (CMVs).

The American Truck Dealers Division of the National Automobile Dealers Association (ATD) supported the exemption, and it urged FMCSA to amend its regulations to make the exemption permanent and to expand its application to “all new and empty CMVs with actual unloaded (curb) weights or actual combination weights of less than 26,000 lbs.”

V. Response to Public Comments and Agency Decision

FMCSA has evaluated the public comments and affirms its decision to renew the exemption. The RVs covered by the exemption all have gross vehicle weight ratings above the 26,001-pound threshold for a CDL, but their actual

weights, *i.e.*, their gross vehicle weights, will remain below that level during the driveaway or towaway operation of the vehicles. In response to the comments that opposed the exemption, private owners and drivers of larger RVs, like the RVs addressed in this exemption, have operated without CDLs, often at GVWs well above the 26,001-pound threshold, for decades without generating concern among law enforcement professionals that they pose a risk to highway safety. Furthermore, drivers employed specifically to deliver such vehicles to a dealer or customer have more experience behind the wheel of the RV than most private RV owners operating the vehicle for recreational purposes. RVIA demonstrated that the manufacturers and dealers who now employ CDL holders in driveaway/towaway operations have a recordable accident rate far below the level that would result in an unsatisfactory crash rating under FMCSA’s safety fitness rating methodology.¹ That result is likely related to the fact that drivers covered by this exemption are required to comply with all other applicable FMCSA safety regulations, including medical standards and hours-of-service limits.

With regard to ATD’s suggestion to amend the regulation to make this exemption permanent, such an action is outside the scope of this proceeding, but FMCSA notes that parties may petition the Agency for rulemaking under 49 CFR part 389.

The Agency continues to believe that drivers covered by this exemption will not experience any deterioration of their safety record. FMCSA modifies the terms and conditions specified in the May 19, 2022, notice to clarify that the exemption does not apply to the transportation of RVs as cargo in another CMV. The exemption applies only to the operation of the empty RV itself (driveaway deliveries). Unless exempt motor carriers fail to maintain the terms and conditions specified in the May 19, 2022, decision, the exemption will remain in effect through April 6, 2027.

VI. Exemption Decision

A. Grant of Exemption

FMCSA renews the exemption for a period of five years subject to the terms and conditions of this decision. The exemption from the requirements of 49 CFR 383.91(a)(1)–(2) is effective April 6, 2022, through April 6, 2027, 11:59 p.m. local time, unless renewed or rescinded.

¹ 49 CFR part 385, Appendix B.

B. Applicability of Exemption

The exemption is restricted to employees of driveaway-towaway companies, RV manufacturers, and RV dealers transporting empty RVs as a driveaway delivery, with the RV's wheels on the surface of the roadway, between the manufacturing site and dealer location and for movements prior to first retail sale. Drivers covered by the exemption will not be required to hold a CDL when transporting RVs with a gross vehicle weight not exceeding 26,000 pounds, or a combination of RV trailer/tow vehicle with the gross weight of the towed unit not exceeding 10,000 pounds and the gross combined weight not exceeding 26,000 pounds. The exemption does not apply to the transportation of an RV as cargo in another CMV.

C. Terms and Conditions

When operating under this exemption, motor carriers and drivers are subject to the following terms and conditions:

(1) The drivers and motor carriers must comply with all other applicable Federal Motor Carrier Safety Regulations (49 CFR parts 350–399);

(2) The drivers must be able to provide this exemption document to enforcement officials; and

(3) The drivers must be in possession of a valid State driver's license.

D. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption.

E. Notification to FMCSA

Motor carriers using exempt drivers must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5) involving any of its CMVs operating under the terms of this exemption. The notification must include the following information:

(a) Name of the exemption: "RVIA";

(b) Name of the operating motor carrier;

(c) Date of the accident;

(d) City or town, and State, in which the accident occurred, or closest to the accident scene;

(e) Driver's name and license number;

(f) Vehicle number and State license number;

(g) Number of individuals suffering physical injury;

(h) Number of fatalities;

(i) The police-reported cause of the accident;

(j) Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations; and

(k) The driver's total driving time and total on-duty time period prior to the accident.

Reports filed under this provision shall be emailed to MCPSD@DOT.GOV.

F. Termination

Based on the safety record of drivers operating under the exemption up to this point, FMCSA has no basis to believe the drivers covered by this renewed exemption will experience any deterioration of their safety record. The exemption will be rescinded, however, if: (1) motor carriers and drivers operating under the exemption fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Robin Hutcheson,
Administrator.

[FR Doc. 2023–19531 Filed 9–8–23; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2010–0044]

Trinity Railway Express and the Silver Line's Joint Request for Approval To Conduct Positive Train Control Field Testing

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that on August 29, 2023, Trinity Railway Express (TRE) submitted a request together with the Silver Line (SLVR) to field test trains on TRE's positive train control (PTC)-equipped territory, which is equipped with the Interoperable Electronic Train Management System (I–ETMS). FRA is publishing this notice and inviting public comment on TRE and SLVR's joint request to test I–ETMS.

DATES: FRA will consider comments received by November 13, 2023. FRA may consider comments received after that date to the extent practicable and without delaying testing or implementation of a PTC system.

ADDRESSES:

Comments: Comments may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA–2010–0044. For convenience, all active PTC documents are hyperlinked on FRA's website at <https://railroads.dot.gov/research-development/program-areas/train-control/ptc/railroads-ptc-dockets>. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information.

FOR FURTHER INFORMATION CONTACT:

Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: Gabe.Neal@dot.gov.

SUPPLEMENTARY INFORMATION: In general, title 49 United States Code (U.S.C.) section 20157(h) requires FRA to certify that a host railroad's PTC system complies with title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. On December 23, 2020, FRA certified TRE's I–ETMS PTC system under 49 CFR 236.1015 and 49 U.S.C. 20157(h). Pursuant to 49 CFR 236.1035, a railroad must obtain FRA's approval before field testing an uncertified PTC system, or a product of an uncertified PTC system, or any regression testing of a certified PTC system on the general rail system. See 49 CFR 236.1035(a). The joint test request, including a complete description of the Concept of Operations and specific test procedures that document the measures that will be taken to ensure safety during testing, are available for review online at <https://www.regulations.gov> in Docket No. FRA–2010–0044.

Interested parties are invited to comment on the test request by submitting written comments or data. During its review of the test request, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable. FRA, however, may elect not to respond to any particular comment, and under 49 CFR 236.1035, FRA maintains the authority to approve, approve with conditions, or deny the test request at its sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public

to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov. To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2023-19520 Filed 9-8-23; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2018-0012]

TEXRail and the Silver Line's Joint Request for Approval To Conduct Positive Train Control Field Testing

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that on August 30, 2023, TEXRail submitted a request together with the Silver Line (SLVR) to field test trains on TEXRail's positive train control (PTC)-equipped territory, which is equipped with the Interoperable Electronic Train Management System (I-ETMS). FRA is publishing this notice and inviting public comment on TEXRail and SLVR's joint request to test I-ETMS.

DATES: FRA will consider comments received by November 13, 2023. FRA may consider comments received after that date to the extent practicable and without delaying testing or implementation of a PTC system.

ADDRESSES:

Comments: Comments may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the

applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA-2018-0012. For convenience, all active PTC documents are hyperlinked on FRA's website at <https://railroads.dot.gov/research-development/program-areas/train-control/ptc/railroads-ptc-dockets>. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information.

FOR FURTHER INFORMATION CONTACT:

Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816-516-7168, email: Gabe.Neal@dot.gov.

SUPPLEMENTARY INFORMATION: In general, title 49 United States Code (U.S.C.) section 20157(h) requires FRA to certify that a host railroad's PTC system complies with title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. On December 23, 2020, FRA certified TEXRail's I-ETMS PTC system under 49 CFR 236.1015 and 49 U.S.C. 20157(h). Pursuant to 49 CFR 236.1035, a railroad must obtain FRA's approval before field testing an uncertified PTC system, or a product of an uncertified PTC system, or any regression testing of a certified PTC system on the general rail system. See 49 CFR 236.1035(a). The joint test request, including a complete description of the Concept of Operations and specific test procedures that document the measures that will be taken to ensure safety during testing, are available for review online at <https://www.regulations.gov> in Docket No. FRA-2018-0012.

Interested parties are invited to comment on the test request by submitting written comments or data. During its review of the test request, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable. FRA, however, may elect not to respond to any particular comment, and under 49 CFR 236.1035, FRA maintains the authority to approve, approve with conditions, or deny the test request at its sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>.

See <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov. To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2023-19519 Filed 9-8-23; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[DOT-NHTSA-2022-0107]

National Emergency Medical Services Advisory Council Notice of Public Meeting

AGENCY: National Highway Traffic Safety Administration, U.S. Department of Transportation (DOT).

ACTION: Notice of public meeting.

SUMMARY: This notice announces a meeting of the National Emergency Medical Services Advisory Council (NEMSAC).

DATES: This meeting will be held in-person and simultaneously transmitted via virtual interface. It will be held on November 15-16, 2023, from 12 to 5 p.m. ET. Pre-registration is required to attend this meeting. Once registered, a link permitting access to the meeting will be distributed to registrants by email. Details about the physical location of the meeting will be made available to registrants. If you wish to speak during the meeting, you must submit a written copy of your remarks to DOT by November 8, 2023.

Notifications containing specific details for this meeting will be published in the **Federal Register** no later than 30 days prior to the meeting dates.

ADDRESSES: General information about the Council is available on the NEMSAC internet website at www.ems.gov. The registration portal and meeting agenda will be available on the NEMSAC internet website at www.ems.gov at least one week in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Clary Mole, EMS Specialist, National Highway Traffic Safety Administration, U.S. Department of Transportation is

available by phone at (202) 868-3275 or by email at Clary.Mole@dot.gov. Any committee-related requests should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

NEMSAC is authorized under Section 31108 of the Moving Ahead for Progress in the 21st Century (MAP-21) Act of 2012, codified at 42 U.S.C. 300d-4 as a Federal Advisory Committee. The purpose of NEMSAC is to serve as a nationally recognized council of emergency medical services (EMS) representatives to provide advice and consult with:

a. The Federal Interagency Committee on Emergency Medical Services (FICEMS) on matters relating to EMS issues; and

b. The Secretary of Transportation on matters relating to EMS issues affecting DOT.

NEMSAC provides an important national forum for the non-Federal deliberation of national EMS issues and serves as a platform for advice on DOT's national EMS activities. NEMSAC also provides advice and recommendations to the FICEMS.

II. Agenda

At the meeting, the agenda will cover the following topics:

- Informational sessions
- Updates on NHTSA Initiatives
- Subcommittee Reports on Advisories In Progress
- New Advisory Topic Proposals
- Strategic Planning

III. Public Participation

This meeting will be open to the public. We are committed to providing equal access to this meeting for all participants. Persons with disabilities in need of an accommodation should send a request to the individual in the **FOR FURTHER INFORMATION CONTACT** section of this notice no later than November 8, 2023.

A period of time will be allotted for comments from members of the public joining the meeting. Members of the public may present questions and comments to the Council using the live chat feature available during the meeting. Members of the public may also submit materials, questions, and comments in advance to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Members of the public wishing to reserve time to speak directly to the Council during the meeting must submit a request. The request must include the name, contact information (address, phone number, and email address), and

organizational affiliation of the individual wishing to address NEMSAC; it must also include a written copy of prepared remarks and must be forwarded to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice no later than November 8, 2023.

All advance submissions will be reviewed by the Council Chairperson and Designated Federal Officer. If approved, advance submissions shall be circulated to NEMSAC representatives for review prior to the meeting. All advance submissions will become part of the official record of the meeting.

Authority: 42 U.S.C. 300d-4(b); 49 CFR part 1.95(i)(4).

Issued in Washington, DC.

Nanda Narayanan Srinivasan,

Associate Administrator, Research and Program Development.

[FR Doc. 2023-19535 Filed 9-8-23; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons whose property and interests in property have been unblocked and who have been removed from the Specially Designated Nationals and Blocked Persons List (SDN List).

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, tel: 202-622-2420; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel.: 202-622-4855; or Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://ofac.treasury.gov>).

Notice of OFAC Actions

A. On September 6, 2023, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are unblocked and they have been removed from the SDN List.

Individuals

1. MEJIA MUNERA, Miguel Angel Melchor (a.k.a. MEJIA MUNERA, Miguel Angel; a.k.a. "COMANDANTE PABLO"; a.k.a. "LOS MELLIZOS"; a.k.a. "PABLO MEJIA"), c/o CIA COMERCIALIZADORA DE BIENES RAICES LTDA., Cali, Colombia; Calle 9F No. 24-98, Cali, Colombia; DOB 11 Jul 1959; POB Cali, Colombia; nationality Colombia; citizen Colombia; Cedula No. 16627309 (Colombia); Passport AC744430 (Colombia) (individual) [SDNT].

2. MEJIA MUNERA, Victor Manuel (a.k.a. "DON SEBASTIAN"; a.k.a. "LOS MELLIZOS"; a.k.a. "PABLO ARAUCA"), Colombia; DOB 11 Jul 1959; POB Cali, Colombia; nationality Colombia; citizen Colombia; Cedula No. 16627308 (Colombia); Passport AE313327 (Colombia) (individual) [SDNT].

3. GONZALEZ RODRIGUEZ, Diosde, Bogota, Colombia; DOB 18 Apr 1957; POB Maripi, Boyaca, Colombia; citizen Colombia; Gender Male; Cedula No. 4196782 (Colombia) (individual) [SDNTK] (Linked To: INVERSIONES DE OCCIDENTE LTDA.).

4. DAMIAN RAMIREZ, Irma Lizet, Dominico Scarlatti 260, Col. Vallarta La Patria, Zapopan, Jalisco, Mexico; Montevideo 2590, Col. Providencia, Guadalajara, Jalisco, Mexico; Av. Universidad 1151 Int. 3-H, Col. Puerta Agua, Zapopan, Jalisco, Mexico; DOB 04 Apr 1981; POB Tecuala, Nayarit, Mexico; citizen Mexico; Gender Female; R.F.C. DARI810404P98 (Mexico); C.U.R.P. DARI810404MJCMMR00 (Mexico); alt. C.U.R.P. DARI810404MNTMMR04 (Mexico) (individual) [SDNTK] (Linked To: FLORES DRUG TRAFFICKING ORGANIZATION; Linked To: CONSORCIO VINICOLA DE OCCIDENTE, S.A. DE C.V.).

Entities:

1. CIA COMERCIALIZADORA DE BIENES RAICES LTDA. (a.k.a. COBIENES LTDA.; f.k.a. MEJIA MUNERA HERMANOS LTDA.), Cali, Colombia; NIT # 8000689284 (Colombia) [SDNT].

2. INVERSIONES DE OCCIDENTE LTDA., Carrera 14 No. 104-10, Bogota, Colombia; NIT # 830071741-4 (Colombia) [SDNTK].

3. CONSORCIO VINICOLA DE OCCIDENTE, S.A. DE C.V., Zapopan, Jalisco, Mexico; Folio Mercantil No. 10740 (Jalisco) (Mexico) [SDNTK].

Signed: September 5, 2023.

Gregory T. Gatjanis,

Associate Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2023-19505 Filed 9-8-23; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0663]

Agency Information Collection Activity Under OMB Review: PayVA (Pay Now Enter Info Page)

AGENCY: Debt Management Center, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Debt Management Center, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by clicking on the following link www.reginfo.gov/public/do/PRAMain, select “Currently under Review—Open for Public Comments”, then search the list for the information collection by Title or “OMB Control No. 2900–0663.”

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20420, (202) 266–4688 or email maribel.aponte@va.gov. Please refer to “OMB Control No. 2900–0663” in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Public Law 104–13; Public Law 107–347; 31 U.S.C. 3711; 38 U.S.C. 501; 38 U.S.C. 5314.

Title: PayVA (Pay Now Enter Info Page).

OMB Control Number: 2900–0663.

Type of Review: Extension of a currently approved collection.

Abstract: PayVA (Pay Now Enter Info Page—pay.va.gov) is used by the VA Debt Management Center (DMC) to verify debts that are active at DMC before the indebted person makes a payment. PayVA collects basic debt information from the respondent and redirects them to pay.gov (a Department of Treasury website) for online payments. PayVA then collects responses from pay.gov to verify payment.

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 129 on July 7, 2023, pages 43421 and 43422.

Affected Public: Individuals and Households.

Estimated Annual Burden: 31,261 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Daily.

Estimated Number of Respondents: 187,567.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2023–19491 Filed 9–8–23; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0418]

Agency Information Collection

Activity: Veterans Affairs Acquisition Regulation (VAAR) 809.507–1 and VAAR Provision 852.209–70

AGENCY: Procurement Policy and Warrant Management Service, Office of Procurement Policy, Systems and Oversight, Office of Acquisition and Logistics (OAL), Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Office of Acquisition and Logistics, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 13, 2023.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Forrest R. Browne, Senior Procurement Analyst; Procurement Policy Service (PPS; 003A2A), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to Forrest.Browne@va.gov. Please refer to “OMB Control No. 2900–0418” in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT:

Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW,

Washington, DC 20006, (202) 266–4688 or email maribel.aponte@va.gov. Please refer to “OMB Control No. 2900–0418” in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OAL invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of OAL’s functions, including whether the information will have practical utility; (2) the accuracy of OAL’s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Veterans Affairs Acquisition Regulation (VAAR) 809.507–1 and VAAR Provision 852.209–70.

OMB Control Number: 2900–0418.

Type of Review: Extension of a currently approved collection.

Abstract: Performance of VA mission requires the use of contractors. VAAR provision 852.209–70, Organizational Conflicts of Interest is to implement section 8141 of the 1989 Department of Defense Appropriation Act, Public Law 100–463, 102 Stat. 2270–47 (1988). VAAR 809.507–1, Solicitation provisions, and VAAR provision 852.209–70, Organizational Conflicts of Interest, requires offerors on solicitations for management support and consulting services to advise, as part of the firm’s offer, whether or not award of the contract to the firm might involve a conflict of interest or potential conflict of interest, and, if so, to disclose all relevant facts regarding the conflict or potential conflict. The information is used by the contracting officer to determine whether or not to award a contract to the firm or, if a contract is to be awarded despite a potential conflict, whether or not additional contract terms and conditions are necessary to mitigate the conflict.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 102 hours.

Estimated Average Burden per Respondent: 60 minutes.

Frequency of Response: 1 per each solicitation.

Estimated Number of Respondents: 102.

By direction of the Secretary.

Maribel Aponte,

*VA PRA Clearance Officer, Office of
Enterprise and Integration/Data Governance
Analytics, Department of Veterans Affairs.*

[FR Doc. 2023–19529 Filed 9–8–23; 8:45 am]

BILLING CODE 8320–01–P



FEDERAL REGISTER

Vol. 88

Monday,

No. 174

September 11, 2023

Part II

The President

Notice of September 7, 2023—Continuation of the National Emergency
With Respect to Certain Terrorist Attacks

Notice of September 7, 2023—Continuation of the National Emergency
With Respect to Ethiopia

Notice of September 7, 2023—Continuation of the National Emergency
With Respect to Foreign Interference in or Undermining Public Confidence
in United States Elections

Notice of September 7, 2023—Continuation of the National Emergency
With Respect to Persons Who Commit, Threaten To Commit, or Support
Terrorism

Presidential Documents

Title 3—

Notice of September 7, 2023

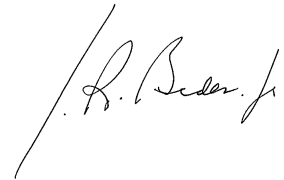
The President

Continuation of the National Emergency With Respect to Certain Terrorist Attacks

Consistent with section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), I am continuing for 1 year the national emergency previously declared on September 14, 2001, in Proclamation 7463, with respect to the terrorist attacks of September 11, 2001, and the continuing and immediate threat of further attacks on the United States.

Because the terrorist threat continues, the national emergency declared on September 14, 2001, and the powers and authorities adopted to deal with that emergency must continue in effect beyond September 14, 2023. Therefore, I am continuing in effect for an additional year the national emergency that was declared on September 14, 2001, with respect to the terrorist threat.

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



THE WHITE HOUSE,
September 7, 2023.

Presidential Documents

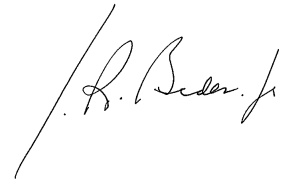
Notice of September 7, 2023

Continuation of the National Emergency With Respect to Ethiopia

On September 17, 2021, by Executive Order 14046, I declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the situation in and in relation to northern Ethiopia.

The situation in and in relation to northern Ethiopia, which has been marked by activities that threaten the peace, security, and stability of Ethiopia and the greater Horn of Africa region, continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared in Executive Order 14046 of September 17, 2021, must continue in effect beyond September 17, 2023. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 14046 with respect to Ethiopia.

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



THE WHITE HOUSE,
September 7, 2023.

Presidential Documents

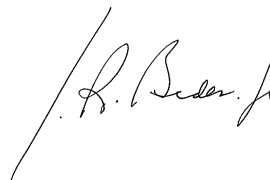
Notice of September 7, 2023

Continuation of the National Emergency With Respect to Foreign Interference in or Undermining Public Confidence in United States Elections

On September 12, 2018, by Executive Order 13848, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the threat of foreign interference in or undermining public confidence in United States elections.

Although there has been no evidence of a foreign power altering the outcomes or vote tabulation in any United States election, foreign powers have historically sought to exploit America's free and open political system. In recent years, the proliferation of digital devices and internet-based communications has created significant vulnerabilities and magnified the scope and intensity of the threat of foreign interference. The ability of persons located, in whole or in substantial part, outside the United States to interfere in or undermine public confidence in United States elections, including through the unauthorized accessing of election and campaign infrastructure or the covert distribution of propaganda and disinformation, continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared on September 12, 2018, must continue in effect beyond September 12, 2023. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13848 with respect to the threat of foreign interference in or undermining public confidence in United States elections.

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



THE WHITE HOUSE,
September 7, 2023.

[FR Doc. 2023–19743
Filed 9–8–23; 11:15 am]
Billing code 3395–F3–P

Presidential Documents

Notice of September 7, 2023

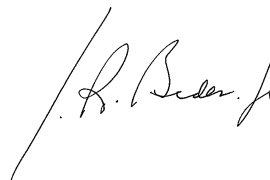
Continuation of the National Emergency With Respect to Persons Who Commit, Threaten To Commit, or Support Terrorism

On September 23, 2001, by Executive Order 13224, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks on September 11, 2001, in New York and Pennsylvania and against the Pentagon, and the continuing and immediate threat of further attacks against United States nationals or the United States.

On September 9, 2019, the President signed Executive Order 13886 to strengthen and consolidate sanctions to combat the continuing threat posed by international terrorism and to take additional steps to deal with the national emergency declared in Executive Order 13224, as amended.

The actions of persons who commit, threaten to commit, or support terrorism continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, the national emergency declared in Executive Order 13224 of September 23, 2001, as amended, and the measures adopted to deal with that emergency, must continue in effect beyond September 23, 2023. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to persons who commit, threaten to commit, or support terrorism declared in Executive Order 13224, as amended.

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



THE WHITE HOUSE,
September 7, 2023.

[FR Doc. 2023-19744
Filed 9-8-23; 11:15 am]
Billing code 3395-F3-P

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Federal Register

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Monday, September 11, 2023

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ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: www.govinfo.gov.Federal Register information and research tools, including Public Inspection List and electronic text are located at: www.federalregister.gov.

E-mail

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The Federal Register staff cannot interpret specific documents or regulations.

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