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Presidential Documents

Title 3—

The President

Proclamation 10505 of December 9, 2022

Human Rights Day and Human Rights Week, 2022

By the President of the United States of America

A Proclamation

On Human Rights Day and during Human Rights Week, we remember and reaffirm the sacred idea that every person is created equal, endowed with inherent dignity and inalienable rights.

This idea was at the core of America's founding. More than 170 years later, following World War II and the Holocaust, this idea brought the world together to enshrine a Universal Declaration of Human Rights. And today, this idea beats in the hearts of millions who march, fight, and sacrifice for the innate liberties we deserve as humans. Around the world—from China to Burma, Afghanistan to Iran, Ethiopia to Ukraine, and beyond—courageous people are standing up to abuses of power, staying strong amid threats to their lives, and speaking out against violations of their fundamental freedoms.

The United States stands fully with these brave women and men fighting for their basic human rights in the face of oppression and injustice—and we always will. That is why we moved to rejoin the United Nations Human Rights Council in 2021 and reassert our moral leadership on the global stage. It is why my Administration is amplifying the voices of religious, racial, and ethnic minorities; women and girls; LGBTQI+ communities; persons with disabilities; and pro-democracy activists and defenders, who are too often targeted by violence or denied equal protection under the law. It is also why we are equipping the brave people of Ukraine to fight for their freedom against Russia's brutal and unprovoked war. We cannot return to a world where might makes right, bigger nations bully their neighbors, and would-be strongmen oppress people with impunity.

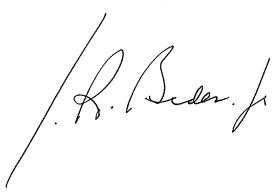
Last year, I hosted the first-ever Summit for Democracy and gathered international partners to commit to protecting human rights, bolstering democracy, and countering corruption. I also launched the Presidential Initiative for Democratic Renewal, strengthening our pledge to support free and fair elections, a free and independent media, democratic reformers, and those fighting corruption. I look forward to hosting a second Summit for Democracy in 2023.

Finally, The United States is leading by the power of our example —demonstrating that our commitment to human rights begins here at home. Since taking office, I have ended the Muslim ban, overturned the prohibition on transgender people serving openly in the military, advanced racial equity throughout the Federal Government, strengthened accountable community policing and addressed many of the long-standing inequities in our criminal justice system, expanded accessibility and opportunity for Americans with disabilities, and established a White House Gender Policy Council. I also signed the first major bipartisan gun safety law in nearly 30 years, because every child and adult has the right to be safe at school, at home, and in their community. A positive future will be forged by countries that unleash the full potential of their people and protect their human rights. Today, and every day, I am committed to doing just that.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution

and the laws of the United States, do hereby proclaim December 10, 2022, as Human Rights Day and the week beginning December 10, 2022, as Human Rights Week. I call upon the people of the United States to mark these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of December, in the year of our Lord two thousand twenty-two, and of the Independence of the United States of America the two hundred and forty-seventh.



[FR Doc. 2022–27248
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Rules and Regulations

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1154; Project Identifier MCAI–2022–00550–T; Amendment 39–22250; AD 2022–24–10]

RIN 2120–AA64

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

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all MHI RJ Aviation ULC Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes, Model CL–600–2C11 (Regional Jet Series 550) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. This AD was prompted by a report that the pressure switch gauge assembly for the cargo bay fire extinguisher container has the potential to display an incorrect pressure under certain environmental conditions. This AD requires replacing affected high rate of discharge (HRD) and low rate of discharge (LRD) pressure switch gauge assemblies for the cargo bay fire extinguisher container. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 18, 2023.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 18, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2022–1154; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For service information identified in this final rule, contact MHI RJ Aviation Group, Customer Response Center, 3655 Ave. des Grandes-Tourelles, Suite 110, Boisbriand, Québec J7H 0E2 Canada; North America toll-free telephone 833–990–7272 or direct-dial telephone 450–990–7272; fax 514–855–8501; email *thd.crj@mhirj.com;* website *mhirj.com.*
- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2022–1154.

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

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all MHI RJ Aviation ULC Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes, Model CL–600–2C11 (Regional Jet Series 550) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. The NPRM published in the **Federal Register** on September 12, 2022 (87 FR 55735). The NPRM was prompted by AD CF–2022–20, dated April 19, 2022, issued by Transport Canada, which is the aviation authority for Canada (referred to after this as the MCAI). The MCAI states that the pressure switch gauge assembly for the cargo bay fire extinguisher container has the potential to display an incorrect pressure under certain environmental conditions. The supplier attributed the root cause of the container pressure display error to the use of a room temperature vulcanizing (RTV) silicone. Both the HRD and LRD cargo bay fire extinguisher containers are affected. The airplane is intended to be operated at temperatures as low as −53.8 °C (−65 °F). However, testing has shown that at temperatures below −49.4 °C (−57 °F), the RTV silicone goes through a glass transition that causes locking of the discharge indication microswitch in a closed state (showing normal pressure) on 50 percent of the assemblies tested. After returning to above −35.0 °C (−31.5 °F) for more than 6 minutes, the pressure switch gauge assembly returns to normal operation. If the flightcrew does not receive an indication of low pressure and there is a fire in the cargo bay, reduced fire extinguisher container capacity below the level required to appropriately suppress a cargo fire could lead to an uncontrollable fire and loss of the airplane.

In the NPRM, the FAA proposed to require replacing affected HRD and LRD pressure switch gauge assemblies for the cargo bay fire extinguisher container.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2022–1154.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

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

minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

MHI RJ Aviation ULC has issued Service Bulletin 670BA–26–013, dated October 8, 2021. This service information describes procedures for replacing the HRD and LRD pressure switch gauge assemblies for cargo bay fire extinguisher containers part numbers (P/N) 473919–1, P/N 473920–1, and P/N 474901–1, manufactured prior to March 2020 as indicated on the identification plate. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Costs of Compliance

The FAA estimates that this AD affects 564 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
4 work-hours × $85 per hour = $340	$595	$935	$527,340

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–24–10 MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.): Amendment 39–22250; Docket No. FAA–2022–1154; Project Identifier MCAI–2022–00550–T.

(a) Effective Date

This airworthiness directive (AD) is effective January 18, 2023.

(b) Affected ADs

None.

(c) Applicability

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

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report indicating that the pressure switch gauge assembly for the cargo bay fire extinguisher container has the potential to display an incorrect pressure under certain environmental conditions. The FAA is issuing this AD to address instances where the fire extinguisher container capacity is reduced below the level required to appropriately suppress a cargo fire, and the flightcrew does not receive an indication of low pressure, which, in the event of a fire in the cargo bay, could lead to an uncontrollable fire and loss of the airplane.

(f) Compliance

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

(g) Replacement

Within 10 years after the effective date of this AD: Replace the high rate of discharge and low rate of discharge pressure switch gauge assemblies for any cargo bay fire extinguisher container having part number (P/N) 473919–1, P/N 473920–1, and P/N 474901–1, manufactured prior to March 2020 as indicated on the identification plate, with a serviceable part number, in accordance with the Accomplishment Instructions of MHI RJ Aviation ULC Service Bulletin 670BA–26–013, dated October 8, 2021.

(h) Parts Installation Prohibition

As of 10 years after the effective date of this AD, or before further flight after the replacement has been done in paragraph (g) of this AD, whichever occurs first, no person may install, on any airplane, a cargo bay fire extinguisher container having P/N 473919–1, P/N 473920–1, or P/N 474901–1, manufactured prior to March 2020 as indicated on the identification plate, unless ''CW SB Fire Extinguisher-26–1'' is identified on the identification plate.

(i) No Return of Part Requirement

Although the Accomplishment Instructions of MHI RJ Aviation ULC Service Bulletin 670BA–26–013, dated October 8, 2021, specify to return the cargo fire extinguisher containers to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(k) Additional Information

(1) For related information, refer to Transport Canada AD CF–2022–20, dated April 19, 2022. This Transport Canada AD may be found in the AD docket at regulations.gov under Docket No. FAA–2022–1154.

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

(l) Material Incorporated by Reference

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

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

(i) MHI RJ Aviation ULC Service Bulletin 670BA–26–013, dated October 8, 2021.

(ii) [Reserved]

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

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

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

Issued on November 15, 2022.

Ross Landes, Deputy

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

[FR Doc. 2022–27019 Filed 12–13–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0471; Project Identifier MCAI–2021–01219–T; Amendment 39–22253; AD 2022–24–13]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2021–22–04, which applied to all Airbus SAS Model A318–111, –112, –121, and –122 airplanes, Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes, Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes, and Model A321–111, –112, –131, –211, –212, 213, –231, and –232 airplanes. AD 2021–22–04 required a one-time eddy current conductivity measurement of certain structural parts of the outer flaps to determine if the incorrect alloy was used, and replacement if necessary; and also required a one-time eddy current conductivity measurement of certain other structural parts of the outer flaps to determine if the parts were properly heat treated, and replacement if necessary. This AD was prompted by the issuance of an updated list of suspected parts, including those that may have been improperly heat treated. This AD continues to require the actions in AD 2021–22–04, and requires using an updated list of suspected parts, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD also limits the installation of affected parts. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 18, 2023.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 18, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2022–0471; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this IBR material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *regulations.gov* under Docket No. FAA–2022–0471.

FOR FURTHER INFORMATION CONTACT: Hye Yoon Jang, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 817–222–5584; email *hye.yoon.jang@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2021–22–04, Amendment 39–21777 (86 FR 64801, November 19, 2021) (AD 2021–22–04). AD 2021–22–04 applied to all Airbus SAS Model A318–111, –112, –121, and –122 airplanes, Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes, Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes, and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The FAA issued AD 2021–22–04 to address structural parts that may not meet the certified life limit, which could result in failure of the flap trailing edge and reduced controllability of the airplane.

The NPRM published in the **Federal Register** on May 5, 2022 (87 FR 26702). The NPRM was prompted by AD 2021–0229, dated November 5, 2021, issued by EASA (EASA AD 2021–0229) (referred to after this as the MCAI). The MCAI states that a quality control review determined that the wrong aluminum alloy was used to manufacture several structural parts. The MCAI also states that an updated list of suspected parts, including those that may have been improperly heat treated, has been issued.

In the NPRM, the FAA proposed to continue to require the actions in AD 2021–22–04, and to require using an updated list of suspected parts, as specified in EASA AD 2021–0229. The NPRM also proposed to limit the installation of affected parts. The FAA is issuing this AD to address structural parts that may not meet the certified life limit, which could result in failure of the flap trailing edge and reduced controllability of the airplane. See the MCAI for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from United Airlines who supported the NPRM without change.

The FAA received additional comments from one commenter, Delta Air Lines (DAL). The following presents the comments received on the NPRM and the FAA's response to each comment.

Request for Clarification on Parts Installation Limitation

DAL requested that the FAA clarify if the exception for the parts installation limitation stated in paragraph (h)(4) of the proposed AD should be used in lieu of or in addition to the parts installation limitation language in paragraphs (6) and (7) of EASA AD 2021–0229. DAL explained that paragraph (h)(4) of the proposed AD is an exception to the requirements of paragraphs (6) and (7) of EASA AD 2021–0229, which mandate a parts installation limitation for affected outer flaps and flap tabs. DAL reasoned that the language in paragraph (h)(4) of the proposed AD could be confusing for operators because it does not specify whether the parts installation limitation should be used in lieu of or in addition to paragraphs (6) and (7) of EASA AD 2021–0229. DAL explained that because paragraphs (6) and (7) of EASA AD 2021–0229 mandate parts installation limitations, it interprets the exception in paragraph (h)(4) of the proposed AD is intended to be used in lieu of paragraphs (6) and (7) of EASA AD 2021–0229. DAL requested confirmation of this interpretation and, if necessary, a revision of the verbiage in paragraph (h)(4) of the proposed AD.

The FAA agrees to clarify. Paragraph (g) of this AD states that operators must comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2021–0229 except as specified in paragraph (h) of this AD. Paragraph (h)(4) of this AD specifies the exception regarding parts installation limitations and is intended to be used in lieu of the parts installation limitations specified in paragraphs (6) and (7) of EASA AD 2021–0229. The FAA has not changed the AD in this regard.

Request for a New Exception and a New Definition for Suspected Parts

DAL requested that the FAA modify paragraph (h) of the proposed AD to include a new exception to EASA AD 2021–0229 that allows operators to use the part manufacturing date when determining whether a part is a ''serviceable part,'' a ''suspected improper heat treatment (IHT) part,'' or a ''suspected wrong material (WM) part,'' as defined in EASA AD 2021–0229.

DAL explained that in EASA AD 2021–0229, the definitions of ''suspected IHT part'' and ''suspected WM part'' are based on an operator's ability to positively identify the serial number of the outer flaps and flap tabs. DAL added that, per these definitions, if a serial number cannot be identified, the part is considered suspect and is subject to all ''Group 1'' requirements. DAL pointed out that paragraph (4) of EASA AD 2021–0229 allows operators to exclude airplanes from the requirements of paragraph (1) of EASA AD 2021–0229 if the following criteria is met:

- Airplane manufacturer serial number is NOT listed in Appendix 1 or 2 of EASA AD 2021–0229.
- It has been determined through use of airplane delivery and/or maintenance records that no suspected IHT or WM part is installed on that airplane, provided the serial number of the part can be positively identified.

DAL added that paragraph (4) of EASA AD 2021–0229, like the definitions of ''suspected IHT part'' and ''suspected WM part,'' is based on an operator's ability to positively identify the serial number of the outer flaps and flap tabs.

DAL reasoned that flap tab serial number data is not available in the airplane delivery records, so positive serial number identification cannot be completed without reviewing the physical data plate of the part. DAL noted that it is in the process of inspecting the flap tab data plates to collect this information and has found that while in-service, the condition of the flap tab data plates (specifying serial numbers) has degraded such that the serial number cannot be positively identified. DAL noted that, in its experience, the part's date of manufacture is specified on the data plate and it stated that Airbus has confirmed that this correlates to the ''reference date'' column in Appendices 1 and 2 of EASA AD 2021–0229. DAL explained that in some instances where the part serial number cannot be positively identified, the part date of manufacture can be positively identified.

DAL noted that the ''Reason'' paragraph of EASA AD 2021–0229 states ''From February 2013, Airbus implemented measures into the manufacturing processes to ensure detection and prevention of installation of improperly heat-treated parts or parts manufactured with wrong material.'' Because of this, DAL stated that it believes that any part manufactured after February 2013 cannot be a ''suspected part'' since the manufacturing problem was resolved after this date. DAL reasoned that this aligns with Appendix 1 and 2 of EASA AD 2021–0229 ''reference dates'' (which correlate to the part's date of manufacture), where the latest date from either the suspected IHT part or suspected WM part is June 26, 2013. DAL stated that it believes that parts meeting the following criteria should not be considered a ''suspect (IHT or WM) part'':

- The serial number cannot be positively identified, but the date of manufacture is positively identified.
- The date of manufacture is NOT included in Appendix 1 or 2 of EASA AD 2021–0229 in the ''reference date'' column.

DAL proposed a revision to the proposed AD to allow using the date of manufacture to identify suspected parts and to revise the credit specified in paragraph (4) of EASA AD 2021–0229 to include a similar provision.

The FAA does not agree with the commenter's request. EASA, as the state of design authority, does not provide a provision for using the date of manufacturer for identification of suspected part. The commenter did not provide adequate supporting documentation to justify its request. However, under the provisions of paragraph (j)(1) of this AD, the FAA will consider requests for approval of an

alternative method to identify suspected parts if sufficient data are submitted to substantiate that the proposal would provide an acceptable level of safety. The FAA has not changed this AD in this regard.

Conclusion

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

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0229 specifies procedures for a one-time eddy current conductivity measurement of certain structural parts of the outer flaps to determine if the incorrect alloy was used, and replacement if necessary; and a one-time eddy current conductivity measurement of certain other structural parts of the outer flaps to determine if the parts were properly heat treated, and replacement if necessary. EASA AD 2021–0229 also limits the installation of affected parts. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 63 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2022–21–04	5 work-hours × $85 per hour = $425	$0	$425	$26,775
New proposed actions	5 work-hours × $85 per hour = $425	0	425	26,775

The FAA has received no definitive data on which to base the cost estimates for the on-condition replacement specified in this AD.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2021–22–04, Amendment 39–21777 (86 FR 64801, November 19, 2021); and

■ b. Adding the following new AD:

2022–24–13 Airbus SAS: Amendment 39–22253; Docket No. FAA–2022–0471; Project Identifier MCAI–2021–01219–T.

(a) Effective Date

This airworthiness directive (AD) is effective January 18, 2023.

(b) Affected ADs

This AD replaces AD 2021–22–04, Amendment 39–21777 (86 FR 64801, November 19, 2021) (AD 2021–22–04).

(c) Applicability

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

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a quality control review, which determined that the wrong aluminum alloy was used to manufacture several structural parts and by the issuance of an updated list of suspected parts, including those that may have been improperly heat treated. The FAA is issuing this AD to address structural parts that may not meet the certified life limit, which could result in failure of the flap trailing edge and reduced controllability of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021–0229, dated November 5, 2021 (EASA AD 2021–0229).

(h) Exceptions to EASA AD 2021–0229

(1) Where EASA AD 2021–0229 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2021–0299 refers to August 19, 2020 (the effective date of EASA AD 2020–0174), this AD requires using December 27, 2021 (the effective date of AD 2021–22–04).

(3) The ''Remarks'' section of EASA AD 2021–0229 does not apply to this AD.

(4) Where paragraphs (6) and (7) of EASA AD 2021–0229 mandate a parts installation limitation, this AD requires the following parts installation limitation: As of December 27, 2021 (the effective date of AD 2021–22–04), only serviceable parts as defined in EASA AD 2021–0229 are allowed to be installed on any airplane.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2021–0229 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

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

(k) Related Information

For more information about this AD, contact Hye Yoon Jang, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 817–222–5584; email *hye.yoon.jang@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2021–0229, dated November 5, 2021.

(ii) [Reserved]

(3) For EASA AD 2021–0229, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

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

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

Issued on November 16, 2022.

Christina Underwood,

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

[FR Doc. 2022–27017 Filed 12–13–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1489; Project Identifier MCAI–2022–00865–T; Amendment 39–22256; AD 2022–24–16]

RIN 2120–AA64

Airworthiness Directives; Embraer S.A. (Type Certificate Previously Held by Yaborã Indústria Aeronáutica S.A.; Embraer S.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Embraer S.A. Model ERJ 190–300 and –400 airplanes. This AD was prompted by the identification of a quality escape in the installation of certain fasteners of the lower beam (frame) splices of the overwing emergency exit (OWE) doors. This AD requires inspection, rework, if applicable, and replacement of the splice fasteners of the right-hand (RH) and left-hand (LH) OWE doors, as specified in an Agência Nacional de Aviação Civil (ANAC) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective December 29, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 29, 2022.

The FAA must receive comments on this AD by January 30, 2023.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2022–1489; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket

contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

• For ANAC material incorporated by reference in this AD, contact National Civil Aviation Agency (ANAC), Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email *pac@anac.gov.br;* website *anac.gov.br/en/.* You may find this material on the ANAC website at *sistemas.anac.gov.br/certificacao/DA/DAE.asp.*

• You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2022–1489.

FOR FURTHER INFORMATION CONTACT: Hassan Ibrahim, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3653; email *Hassan.M.Ibrahim@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–1489; Project Identifier MCAI–2022–00865–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Hassan Ibrahim, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3653; email *Hassan.M.Ibrahim@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

ANAC, which is the aviation authority for Brazil, has issued ANAC AD 2022–06–01, effective June 30, 2022; corrected July 8, 2022 (ANAC AD 2022–06–01) (also referred to as the MCAI), to correct an unsafe condition for certain Embraer S.A. Model ERJ 190–300 and –400 airplanes. The MCAI states that a quality escape has been identified in the installation of certain fasteners of the lower beam (frame) splices of the OWE doors, due to the use of incorrect tools during the installation process. This incorrect installation could lead to the detachment of the splices from the lower beam (frame) of the door, which is a principal structure element, causing structural damage to the lower part of the door, sudden loss of pressurization, and emergency descent of the airplane. The MCAI specifies inspection, rework, if applicable, and replacement of the splice fasteners of the RH and LH OWE doors with new splice fasteners with the same part number (P/N).

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2022–1489.

Related Service Information Under 1 CFR Part 51

ANAC AD 2022–06–01 specifies procedures for a detailed inspection for signs of deformation and missing or loose fasteners, rework, if applicable, and replacement of the splice fasteners of the RH and LH OWE doors. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Requirements of This AD

This AD requires accomplishing the actions specified in ANAC AD 2022–06–01 described previously, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, ANAC AD 2022–06–01 is incorporated by reference in this AD. This AD requires compliance with ANAC AD 2022–06–01 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Service information required by ANAC AD 2022–06–01 for compliance will be available at *regulations.gov* under Docket No. FAA–2022–1489 after this AD is published.

FAA's Justification and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules

effective in less than thirty days, upon a finding of good cause.

There are currently no domestic operators of these products. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the forgoing reason(s), the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Regulatory Flexibility Act (RFA)

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

Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. If an affected airplane is imported and placed on the U.S. Register in the future, the FAA provides the following cost estimates to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product
12.5 work-hours × $85 per hour = $1,062.50	Negligible	$1,062.50

The FAA has received no definitive data on which to base the cost estimates for the on-condition rework specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–24–16 Embraer S.A. (Type Certificate Previously Held by Yaborã Indústria Aeronáutica S.A.; Embraer S.A.): Amendment 39–22256; Docket No. FAA–2022–1489; Project Identifier MCAI–2022–00865–T.

(a) Effective Date

This airworthiness directive (AD) is effective December 29, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Embraer S.A. (Type Certificate previously held by Yaborã Indústria Aeronáutica S.A.; Embraer S.A.) Model ERJ 190–300 and –400 airplanes, certificated in any category, as identified in Agência Nacional de Aviação Civil (ANAC) AD 2022–06–01, effective June 30, 2022; corrected July 8, 2022 (ANAC AD 2022–06–01).

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Unsafe Condition

This AD was prompted by the identification of a quality escape in the installation of certain fasteners of the lower beam (frame) splices of the overwing emergency exit doors, due to the use of incorrect tools during the installation process. The FAA is issuing this AD to address this incorrect installation, which may lead to the detachment of the splices from the lower beam (frame) of the door. The unsafe condition, if not addressed, could result in structural damage to the lower part of the door, sudden loss of pressurization, and emergency descent of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, ANAC AD 2022–06–01.

(h) Exceptions to ANAC AD 2022–06–01

(1) Where ANAC AD 2022–06–01 refers to its effective date, this AD requires using the effective date of this AD.

(2) Paragraph (b) ''Alternative methods of compliance (AMOCs)'' of ANAC AD 2022–06–01 is not adopted by this AD.

(3) ANAC AD 2022–06–01 does not specify compliance times for the actions specified in paragraphs (a)(1)(i) and (ii) of ANAC AD 2022–06–01. For this AD, after accomplishing the inspection required by paragraph (a)(1) of ANAC AD 2022–06–01, the action required by paragraph (a)(1)(i) or (ii) of ANAC AD 2022–06–01, as applicable, must be done before further flight.

(i) No Reporting Requirement

Although the service information referenced in ANAC AD 2022–06–01 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International

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

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

(k) Additional Information

For more information about this AD, contact Hassan Ibrahim, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3653; email *Hassan.M.Ibrahim@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Agência Nacional de Aviação Civil (ANAC) AD 2022–06–01, effective June 30, 2022; corrected July 8, 2022.

(ii) [Reserved]

(3) For ANAC AD 2022–06–01, contact National Civil Aviation Agency (ANAC), Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email: *pac@anac.gov.br;* internet *anac.gov.br/en/.* You may find this ANAC AD on the ANAC website at *sistemas.anac.gov.br/certificacao/DA/DAE.asp.*

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

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

Issued on November 18, 2022.

Christina Underwood,

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

[FR Doc. 2022–27021 Filed 12–13–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0799; Project Identifier AD–2022–00611–T; Amendment 39–22251; AD 2022–24–11]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. This AD was prompted by a report indicating that foreign object debris (FOD) could have been introduced during rework of certain engine fire shutoff switches (EFSSs). This AD requires determining the serial number of the left and right EFSS and replacing affected parts. This AD also limits the installation of affected parts under certain conditions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 18, 2023.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 18, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2022–0799; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2022–0799.

FOR FURTHER INFORMATION CONTACT: Tak Kobayashi, Aerospace Engineer, Propulsion Section, FAA Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3553; email *Takahisa.Kobayashi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. The NPRM published in the **Federal Register** on July 8, 2022 (87 FR 40747). The NPRM was prompted by a report indicating that FOD could have been introduced during rework of certain EFSSs. In the NPRM, the FAA proposed to require determining the serial number of the left and right EFSSs and replacing affected parts. The FAA also proposed to limit the installation of affected parts under certain conditions. The FAA is issuing this AD to address FOD in an EFSS, which, if not addressed, could result in a latent failure and loss of intended functions, including the inability to pull the engine fire handle and uncommanded activation of the engine fuel shutoff function. The inability to pull the engine fire handle when an engine fire is detected could lead to an uncontrolled engine fire and subsequent wing failure, and uncommanded activation of the fuel shutoff function for an engine, combined with in-flight shutdown of the remaining engine, could lead to total loss of engine thrust.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from The Airline Pilots Association, International (ALPA) and United Airlines who both supported the NPRM without change.

The FAA received additional comments from Qatar Airways and Boeing. The following presents the comments received on the NPRM and the FAA's response.

Request for Guidance if an EFSS Has Two Labels

Qatar Airways requested the FAA's guidance regarding how to handle an EFSS having two identification labels. The commenter explained that it has done ''spot checks'' of EFSS spares and discovered parts with both ''pre-modification'' and ''post-modification'' nameplates/labels. The commenter stated that having two identification labels on the EFSS could create confusion and lead to erroneous updating of airplane records, leading to a possible non-compliance with the final AD. The commenter indicated that the EFSS manufacturer should be able to provide the list of EFSS parts that have both ''pre-modification'' and ''post-modification'' labels.

The FAA acknowledges that some EFSSs could have both ''pre-modification'' and ''post-modification'' labels, which could be confusing. However, having both labels on a part would not affect an operator's ability to comply with the requirements of this AD. This AD requires determining the serial number of the left EFSS having P/N 417000–104 and the right EFSS having P/N 417000–105, and replacing any EFSS that has an affected serial number with an EFSS that does not have an affected serial number, or with an EFSS that has an affected serial number but is marked with ''Inspection Record SB D533–1X–003.'' The ''post-modification'' label on an EFSS specifies the part number, either P/N 417000–104 or PN 417000–105. The serial number remains the same regardless of modification.

The modification referred to on the EFSS labels addresses the requirements of AD 2021–02–06, Amendment 39–21389 (86 FR 10790, February 23, 2021), which required replacement of EFSSs having P/Ns 417000–101 and 417000–102 with EFSSs having P/Ns 417000–104 and 417000–105, respectively. This modification was made to EFSSs having P/Ns 417000–101 and 417000–102, followed by re-identification of those part numbers as P/Ns 417000–104 and 417000–105. It addresses a design issue that caused a latent failure of the EFSS and is not the subject of this AD. When this modification was accomplished at a sub-tier supplier, however, FOD could have been introduced inside the EFSS, and this FOD issue is the subject of this AD. The FAA has not changed this AD in response to this comment.

Request To Clarify Affected Airplanes

Boeing requested a revision to the FAA's Determination section in the NPRM, which stated that the unsafe condition is ''likely to exist or develop on other products of the same type design.'' Boeing recommends that the NPRM instead clarify that the unsafe condition is ''contained to only 787–8, 787–9, and 787–10 airplanes having certain line numbers identified to be impacted by the unsafe condition.'' Boeing asserted that the nonconformance applies only to a specific group of EFSS serial numbers that were affected at the rework site, and is not endemic to the type design.

The FAA acknowledges that FOD inside the EFSS is not endemic to the type design since it was introduced during rework at a sub-tier supplier. However, because the Determination section in the preamble of the NPRM is not repeated in this AD, the FAA cannot provide the clarification requested by the commenter. Furthermore, the affected EFSS serial numbers can be installed on any Model 787 airplane, therefore the unsafe condition is not limited to certain Model 787–8, 787–9, and 787–10 airplane line numbers. The FAA has not changed this AD in response to this comment.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin B787–81205–SB260010–00 RB, Issue 001, dated May 2, 2022. This service information specifies procedures for determining the serial number of the left EFSS having P/N 417000–104 and the right EFSS having P/N 417000–105, and replacing any EFSS having an affected serial number with an EFSS that does not have an affected serial number, or with an EFSS that has an affected serial number but is marked with ''Inspection Record SB D533–1X–003.'' This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Costs of Compliance

The FAA estimates that this AD affects 132 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Determination of EFSS serial number	1 work-hour × $85 per hour = $85	$0	$85	$11,220

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of EFSS	2 work-hours × $85 per hour = $170	$9,685	$9,855 (for one EFSS).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–24–11 The Boeing Company: Amendment 39–22251; Docket No. FAA–2022–0799; Project Identifier AD–2022–00611–T.

(a) Effective Date

This airworthiness directive (AD) is effective January 18, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report indicating that foreign object debris (FOD) could have been introduced during rework of certain engine fire shutoff switches (EFSSs). The FAA is issuing this AD to address FOD in an EFSS, which if not addressed, could result in a latent failure and loss of intended functions, including the inability to pull the engine fire handle and uncommanded activation of the engine fuel shutoff function. The inability to pull the engine fire handle when an engine fire is detected could lead to an uncontrolled engine fire and subsequent wing failure, and uncommanded activation of the fuel shutoff function for an engine, combined with in-flight shutdown of the remaining engine, could lead to total loss of engine thrust.

(f) Compliance

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

(g) Required Actions

For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before the effective date of this AD: Except as specified by paragraph (h) of this AD, at the applicable time specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB260010–00 RB, Issue 001, dated May 2, 2022, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB260010–00 RB, Issue 001, dated May 2, 2022.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB260010–00, Issue 001, dated May 2, 2022, which is referred to in Boeing Alert Requirements Bulletin B787–81205–SB260010–00 RB, Issue 001, dated May 2, 2022.

(h) Exceptions to Service Information Specifications

Where the Compliance Time column of the table in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB260010–00 RB, Issue 001, dated May 2, 2022, uses the phrase ''the Issue 001 date of Requirements Bulletin B787–81205–SB260010–00 RB,'' this AD requires using ''the effective date of this AD.''

(i) Parts Installation Limitation

For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after the effective date of this AD: As of the effective date of this AD, no person may install a left EFSS P/N 417000–104 or a right EFSS P/N 417000–105, having a serial number specified in Boeing Alert Requirements Bulletin B787–81205–SB260010–00 RB, Issue 001, dated May 2, 2022, unless that EFSS is marked with ''Inspection Record SB D533–1X–003.''

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(k) Related Information

For more information about this AD, contact Tak Kobayashi, Aerospace Engineer, Propulsion Section, FAA Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3553; email *Takahisa.Kobayashi@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin B787–81205–SB260010–00 RB, Issue 001, dated May 2, 2022.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website myboeingfleet.com.

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

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

Issued on November 16, 2022.

Christina Underwood,

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

[FR Doc. 2022–27020 Filed 12–13–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1165; Project Identifier MCAI–2022–00700–T; Amendment 39–22254; AD 2022–24–14]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2020–12–11, which applied to all Airbus SAS Model A319–111, –112, –113, –114, –115, –151N, and –153N airplanes; Model A320–251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321–251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes. AD 2020–12–11 required revising the existing airplane flight manual (AFM) to limit the use of speed brakes in certain airplane configurations, as specified in a European Union Aviation Safety Agency (EASA) AD. This AD was prompted by a non-stabilized approach followed by an automatic go-around that led to an airplane pitch-up attitude and resulted in an auto-pilot disconnection. This AD continues to require the actions in AD 2020–12–11 and also requires, for certain airplanes, installing updated FG 3G standard software for the FMGC, and prohibits the installation of affected FG standards, as specified in an EASA AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 18, 2023.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 18, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2022–1165; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For material incorporated by reference in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at regulations.gov under Docket No. FAA–2022–1165.

FOR FURTHER INFORMATION CONTACT: Hye Yoon Jang, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 817–222–5584; email *Hye.Yoon.Jang@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2020–12–11, Amendment 39–19920 (85 FR 41177, July 9, 2020) (AD 2020–12–11). AD 2020–12–11 applied to all Airbus SAS Model A319–111, –112, –113, –114, –115, –151N, and –153N airplanes; Model A320–251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321–251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes. AD 2020–12–11 required revising the existing airplane flight manual (AFM) and applicable corresponding operational procedures to limit the use of speed brakes in certain airplane configurations. The FAA issued AD 2020–12–11 to address certain airplane configurations, which could result in auto-pilot disconnection and high angle of attack, and consequent increased workload for the flightcrew during a critical phase of flight, and possible loss of control of the airplane.

The NPRM published in the **Federal Register** on September 19, 2022 (87 FR 57150). The NPRM was prompted by AD 2022–0096, dated May 31, 2022, issued by EASA (EASA AD 2022–0096) (referred to after this as the MCAI). The MCAI states that a non-stabilized approach followed by an automatic go-around led to an airplane pitch-up attitude and resulted in an auto-pilot disconnection. The development of updated FG 3G standard software for the flight management and guidance computer (FMGC) will address certain airplane configurations that could result in autopilot disconnection and high angle of attack, and consequent increased workload for the flightcrew during a critical phase of flight, and possible loss of control of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2022–1165.

In the NPRM, the FAA proposed to continue to require revising the existing airplane flight manual (AFM) and applicable corresponding operational procedures to limit the use of speed brakes in certain airplane configurations. The NPRM also proposed to require installing updated FG 3G standard software for certain airplanes, and to prohibit the installation of affected FG standards, as specified in EASA AD 2022–0096. The FAA is issuing this AD to address certain airplane configurations that could result in auto-pilot disconnection and high angle of attack, and consequent increased workload for the flightcrew during a critical phase of flight, and possible loss of control of the airplane.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described

in the MCAI referenced above. The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0096 specifies procedures for revising the existing AFM to limit the use of speed brakes in certain landing conditions, and updating the FG 3G standard software for the FMGC for certain airplanes. EASA AD 2022–0096 also prohibits the installation of affected FG standards. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Interim Action

The FAA considers that this AD is an interim action. If final action is later identified, the FAA might consider further rulemaking then.

Costs of Compliance

The FAA estimates that this AD affects 693 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2020-12-11.	1 work-hour × $85 per hour = $85.	$0	$85	$58,905
Software update	Up to 5 work-hours × $85 per hour = $425.	Up to $570	Up to $995	Up to $689,535

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2020–12–11, Amendment 39–19920 (85 FR 41177, July 9, 2020); and

■ b. Adding the following new airworthiness directive:

2022–24–14 Airbus SAS: Amendment 39–22254; Docket No. FAA–2022–1165; Project Identifier MCAI–2022–00700–T.

(a) Effective Date

This airworthiness directive (AD) is effective January 18, 2023.

(b) Affected ADs

This AD replaces AD 2020–12–11, Amendment 39–19920 (85 FR 41177, July 9, 2020) (AD 2020–12–11).

(c) Applicability

This AD applies to all Airbus SAS Model airplanes identified in paragraphs (c)(1) through (3) of this AD, certificated in any category.

(1) Model A319–111, –112, –113, –114, –115, –151N, and –153N airplanes.

(2) Model A320–251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(3) Model A321–251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 22, Auto Flight.

(e) Unsafe Condition

This AD was prompted by a report of a non-stabilized approach followed by an automatic go-around, which led to an airplane pitch-up attitude and resulted in an auto-pilot disconnection. This AD was further prompted by the need for updated flight guidance (FG) 3G standard software for the flight management and guidance computer (FMGC) on certain airplanes. The FAA is issuing this AD to address certain airplane configurations that could result in auto-pilot disconnection and high angle of attack, and consequent increased workload for the flightcrew during a critical phase of flight, and possible loss of control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0096, dated May 31, 2022 (EASA AD 2022–0096).

(h) Exceptions to EASA AD 2022–0096

(1) Where EASA AD 2022–0096 refers to ''the effective date of EASA AD 2020–0118,'' this AD requires using July 24, 2020 (the effective date of AD 2020–12–11).

(2) Where EASA AD 2022–0096 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (1) of EASA AD 2022–0096 specifies to ''inform all flight crews, and, thereafter, operate the aeroplane accordingly,'' this AD does not require those actions as those actions are already required by existing FAA operating regulations (see 14 CFR 91.9, 14 CFR 91.505, and 14 CFR 121.137).

(4) The ''Remarks'' section of EASA AD 2022–0096 does not apply to this AD.

(i) Additional FAA AD Provisions

The following provisions also apply to this AD:

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

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

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

(j) Additional Information

For more information about this AD, contact Hye Yoon Jang, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 817–222–5584; email *Hye.Yoon.Jang@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2022–0096, dated May 31, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0096, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

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

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

Issued on November 16, 2022.

Christina Underwood,

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

[FR Doc. 2022–27018 Filed 12–13–22; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 516, 520, 522, 528, and 558

[Docket No. FDA–2022–N–0002]

New Animal Drugs; Approval of New Animal Drug Applications; Change of Sponsor; Change of Sponsor Address

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA or we) is amending the animal drug regulations to reflect application-related actions for new animal drug applications (NADAs), abbreviated new animal drug applications (ANADAs), and conditionally approved new animal drug applications (cNADAs) during April, May, and June 2022. FDA is informing the public of the availability of summaries of the basis of approval and of environmental review documents, where applicable. The animal drug regulations are also being amended to improve the accuracy and readability of the regulations.

DATES: This rule is effective December 14, 2022.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–5689, *george.haibel@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Approvals

FDA is amending the animal drug regulations to reflect approval actions for NADAs, ANADAs, and cNADAs during April, May, and June 2022, as listed in table 1. In addition, FDA is informing the public of the availability, where applicable, of documentation of environmental review required under the National Environmental Policy Act (NEPA) and, for actions requiring review of safety or effectiveness data, summaries of the basis of approval (FOI Summaries) under the Freedom of Information Act (FOIA). These public documents may be seen in the office of the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500. Persons with access to the internet may obtain these documents at the CVM FOIA Electronic Reading Room: *https://www.fda.gov/about-fda/center-veterinary-medicine/cvm-foia-electronic-reading-room.* Marketing exclusivity and patent information may be accessed in FDA's publication, Approved Animal Drug Products Online (Green Book) at: *https://www.fda.gov/animal-veterinary/products/approved-animal-drug-products-green-book.*

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.

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS, ANADAS, AND CNADAS APPROVED DURING APRIL, MAY, AND JUNE 2022 REQUIRING EVIDENCE OF SAFETY AND/OR EFFECTIVENESS

Approval date	File No.	Sponsor	Product name	Effect of the action	Public documents	21 CFR section
April 28, 2022	141–137	Pharmgate, Inc., 1800 Sir Tyler Dr., Wilmington, NC 28405.	PENNITRACIN MD (bacitracin Type A medicated article).	Supplemental approval for the prevention of mortality caused by necrotic enteritis associated with *Clostridium perfringens* in broiler and replacement chickens.	FOI Summary	558.76
June 16, 2022	141–556	Boehringer Ingelheim Animal Health USA, Inc., 3239 Satellite Blvd., Duluth, GA 30096.	VETMEDIN-CA1 (pimobendan) Chewable Tablets.	Conditional approval for the delay of onset of congestive heart failure in dogs with Stage B2 preclinical myxomatous mitral valve disease.	FOI Summary	516.1780

Also, FDA is amending the animal drug regulations to reflect approval of supplemental applications, as listed in table 2, to change the marketing status of dosage form antimicrobial animal drug products from over-the-counter (OTC) to veterinary prescription (Rx). These applications were submitted in voluntary compliance with the goals of the FDA Center for Veterinary Medicine's (CVM's) Judicious Use Initiative as identified by guidance for industry #263, ''Recommendations for Sponsors of Medically Important Antimicrobial Drugs Approved for Use in Animals to Voluntarily Bring Under Veterinary Oversight All Products That Continue to be Available Over-the-Counter,'' June 11, 2021 *(https://www.fda.gov/media/130610/download).*

TABLE 2—SUPPLEMENTAL APPLICATIONS APPROVED DURING APRIL, MAY, AND JUNE 2022 TO CHANGE THE MARKETING STATUS OF ANTIMICROBIAL ANIMAL DRUG PRODUCTS FROM OTC TO RX

Approval date	File No.	Sponsor	Product name	21 CFR section
May 31, 2022	008–769	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	TERRAMYCIN (oxytetracycline hydrochloride) Injectable Solution; LIQUAMYCIN (oxytetracycline hydrochloride) Injectable Solution.	522.1662a
June 7, 2022	007–981	Do	SOXISOL (sulfisoxazole) Tablets	520.2330

II. Changes of Sponsorship

The sponsors of the following approved applications have informed FDA that they have transferred ownership of, and all rights and interest in, the applications to another sponsor, as listed in table 3.

TABLE 3—CHANGES OF SPONSORSHIP DURING APRIL, MAY, AND JUNE 2022

File No.	Product name	Transferring sponsor	New sponsor	21 CFR section
119–688	CEFA–TABS (cefadroxil) Tablets	Boehringer Ingelheim Animal Health USA, Inc., 3239 Satellite Blvd., Duluth, GA 30096.	HQ Specialty Pharma Corp., 120 Rte. 17 North, Suite 130, Paramus, NJ 07652.	520.314
140–684	CEFA–DROPS (cefadroxil) Powder for Suspension.	Do	Do	520.314
141–217	ZEUTERIN (zinc gluconate) Injectable Solution.	Ark Sciences, Inc., 1101 East 33rd St., Suite B304, Baltimore, MD 21218.	Aiping Pharmaceutical, Inc., 350 W Wireless Blvd., Hauppauge, NY 11788.	522.2690
141–551	ZENALPHA (medetomidine hydrochloride and vatinoxan hydrochloride) Injectable Solution.	Vetcare Oy, P.O. Box 26 (Liedontie 45), Mäntsälä, Uusimaa, 04601, Finland.	Dechra, Ltd., Snaygill Industrial Estate, Keighley Rd., Skipton, North Yorkshire, BD23 2RW, United Kingdom.	522.1338

Following these changes of sponsorship, Ark Sciences, Inc. and Vetcare Oy are no longer the sponsor of an approved application. Accordingly, the drug labeler codes for these firms will be removed from § 510.600 (21 CFR 510.600).

III. Change of Sponsor Address

Anivive Lifesciences, Inc., 3250 Airflite Way, Suite 400, Long Beach, CA 90807 has informed FDA that it has changed its address to 3777 Worsham Ave. Long Beach, CA 90808. As provided in the regulatory text, § 510.600 is amended to reflect this change.

IV. Technical Amendments

FDA is making the following amendments to improve the accuracy of the animal drug regulations:

- 21 CFR 510.600 is amended to remove Ark Sciences, Inc., and Vetcare Oy from the list of sponsors of approved applications and to revise the address for Anivive Lifesciences, Inc. A punctuation change is made in the codified name for Veátoquinol USA, Inc.
- 21 CFR 520.563 is amended to reflect the correct section title for diatrizoate oral solution.
- 21 CFR 520.2640 is amended to reflect sponsors' container contents and the dosage in parts per million of tylosin tartrate soluble powder for use in drinking water of turkeys and swine.
- 21 CFR 522.955 is amended to reflect drug labeler codes of application sponsors and to revise a pathogen name for florfenicol injectable solution in cattle.
- 21 CFR 522.2471 is amended to reflect a revised withdrawal period and human food safety warnings for tilmicosin injectable solution in sheep.
- The heading for Part 528 is revised to reflect a more accurate title.
- 21 CFR 558.95 is amended to reflect revised classes of cattle for use of bambermycins medicated feeds.
- 21 CFR 558.128 is amended to reflect approved incorporation rates for

chlortetracycline medicated feeds for cattle.

- 21 CFR 558.342 is amended to reflect all sponsors of approved applications for use of melengestrol medicated feeds in heifers.
- 21 CFR 558.450 is amended to reflect revised residue warnings for use of oxytetracycline medicated feeds in cattle.
- 21 CFR 558.455 is amended to reflect a revised indication for use of oxytetracycline with neomycin in medicated cattle feeds and an updated format.
- 21 CFR 558.575 is amended to reflect approved incorporations rates for use of sulfadimethoxine and ormetoprim in medicated feeds for salmonids and catfish.

V. Legal Authority

This final rule is issued under section 512(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360b(i)), which requires **Federal Register** publication of ''notice[s] . . . effective as a regulation,'' of the conditions of use of approved new animal drugs. This rule sets forth technical amendments to the regulations to codify recent actions on approved new animal drug applications and corrections to improve the accuracy of the regulations, and as such does not impose any burden on regulated entities.

Although denominated a rule pursuant to the FD&C Act, this document does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a ''rule of particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808. Likewise, this is not a rule subject to Executive Order 12866, which defines a rule as ''an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency.''

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 516

Administrative practice and procedure, Animal drugs, Confidential business information, Reporting and recordkeeping requirements.

21 CFR Parts 520, 522, and 528

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 510, 516, 520, 522, 528, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

■ 2. In § 510.600:

■ a. In the table in paragraph (c)(1), remove the entries for ''Ark Sciences, Inc.'' and ''Vetcare Oy''; revise the entries for ''Anivive Lifesciences, Inc.''; and ''Veátoquinol USA, Inc.''; and add in alphabetical order an entry for ''Aiping Pharmaceutical, Inc.''; and

■ b. In the table in paragraph (c)(2), add an entry for ''011788''; revise the entries for ''017030'' and ''086121''; and remove the entries for ''076175'' and ''086155''.

The revisions and additions read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
Aiping Pharmaceutical, Inc., 350W Wireless Blvd., Hauppauge, NY 11788	011788
* * * * * * *	
Anivive Lifesciences, Inc., 3777 Worsham Ave., Long Beach, CA 90808	086121
* * * * * * *	
Vetoquinol USA, Inc., 4250 N Sylvania Ave., Fort Worth, TX 76137	017030
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
011788	Aiping Pharmaceutical, Inc., 350W Wireless Blvd., Hauppauge, NY 11788.
* * * * * * *	
017030	Vetoquinol USA, Inc., 4250 N. Sylvania Ave., Fort Worth, TX 76137.
* * * * * * *	
086121	Anivive Lifesciences, Inc., 3777 Worsham Ave., Long Beach, CA 90808.
* * * * * * *	

PART 516—NEW ANIMAL DRUGS FOR MINOR USE AND MINOR SPECIES

■ 3. The authority citation for part 516 continues to read as follows:

Authority: 21 U.S.C. 360ccc–1, 360ccc–2, 371.

■ 4. Add § 516.1780 to subpart E to read as follows:

§ 516.1780 Pimobendan.

(a) *Specifications.* Each chewable tablet contains 1.25, 2.5, 5, or 10 milligrams (mg) pimobendan.

(b) *Sponsor.* See No. 000010 in § 510.600(c) of this chapter.

(c) *Conditions of use—(1) Amount.* Administer orally at a total daily dose of 0.23 mg per pound (0.5 mg per kilogram) body weight, using a suitable combination of whole or half tablets. The total daily dose should be divided into two portions administered approximately 12 hours apart.

(2) *Indications for use in dogs.* For the delay of onset of congestive heart failure in dogs with Stage B2 preclinical myxomatous mitral valve disease (2019 ACVIM Consensus Statement). Stage B2 preclinical myxomatous mitral valve disease (MMVD) refers to dogs with asymptomatic MMVD that have a moderate or loud mitral murmur due to mitral regurgitation and cardiomegaly.

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian. It is a violation of Federal law to use this product other than as directed in the labeling.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 5. The authority citation for part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.314 [Amended]

■ 6. In § 520.314, in paragraph (b), remove ''000010'' and in its place add ''042791''.

■ 7. In § 520.563, revise the section heading to read as follows:

§ 520.563 Diatrizoate.

* * * * *

■ 8. In § 520.2330, amend paragraph (c)(3) by adding a sentence to the end of the paragraph.

§ 520.2330 Sulfisoxazole tablets.

* * * * *

(c) * * *

(3) * * * Federal law restricts this drug to use by or on the order of a licensed veterinarian.

■ 9. In § 520.2640, revise paragraphs (a), (b), (e)(2)(i), and (3)(i) to read as follows:

§ 520.2640 Tylosin.

(a) *Specifications.* Each container of soluble powder contains tylosin tartrate equivalent to:

(1) 100 grams (g) tylosin base, or

(2) 256 g tylosin base.

(b) *Sponsors.* See sponsors in § 510.600(c) of this chapter for use as in paragraph (e) of this section:

(1) Nos. 016592 and 058198 for use of the 100-g container as in paragraph (e) of this section

(2) No. 061133 for use of the 100-or 256-g container as in paragraphs (e)(1)(i)(A), (e)(1)(ii), (e)(2), (e)(3), and (e)(4) of this section.

* * * * *

(e) * * *

(2) * * *

(i) *Amount.* 2 grams per gallon (528 ppm) for 2 to 5 days as the sole source of drinking water. Treated turkeys should consume enough medicated drinking water to provide 60 mg tylosin per pound of body weight per day.

* * * * *

(3) * * *

(i) *Amount.* 250 mg per gallon (66 ppm) as the only source of drinking water for 3 to 10 days, depending on the severity of the condition being treated.

* * * * *

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 10. The authority citation for part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 11. In § 522.955, revise paragraphs (b)(3), (d)(1)(ii)(A)(*2*), (d)(1)(ii)(B)(*2*), and (d)(1)(ii)(C) to read as follows:

§ 522.955 Florfenicol.

* * * * *

(b) * * *

(3) Nos. 058005 and 058198 for use of product described in paragraph (a)(2) of this section as in paragraph (d)(1)(ii) of this section.

* * * * *

(d) * * *

(1) * * *

(ii) * * *

(A) * * *

(*2*) *Indications for use.* For treatment of BRD associated with *Mannheimia haemolytica, Pasteurella multocida*, and *Histophilus somni.* For treatment of bovine interdigital phlegmon (foot rot, acute interdigital necrobacillosis, infectious pododermatitis) associated with *Fusobacterium necrophorum* and *Bacteroides melaninogenicus.*

(B) * * *

(2) *Indications for use.* For control of respiratory disease in cattle at high risk of developing BRD associated with *Mannheimia haemolytica, Pasteurella multocida, and Histophilus somni.*

(C) *Limitations.* Animals intended for human consumption must not be slaughtered within 28 days of the last intramuscular treatment. Nos. 000061, 058005, and 058198: Animals intended for human consumption must not be slaughtered within 38 days of subcutaneous treatment. No. 055529: Animals intended for human consumption must not be slaughtered within 33 days of subcutaneous treatment. This product is not approved for use in female dairy cattle 20 months of age or older, including dry dairy cows. Use in these cattle may cause drug residues in milk and/or in calves born to these cows. A withdrawal period has not been established in pre-ruminating calves. Do not use in calves to be processed for veal. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

* * * * *

§ 522.1338 [Amended]

■ 12. In 522.1338, in paragraph (b), remove ''086155'' and in its place add ''043264''.

■ 13. In § 522.1662a, revise paragraph (e)(1); add paragraphs (e)(3)(i)(D), (e)(3)(ii)(C), and (e)(3)(iii)(D); and remove paragraphs (e)(3)(iv) through (vii) to read as follows:

§ 522.1662a Oxytetracycline hydrochloride injection.

* * * * *

(e) * * *

(1) *Specifications.* Each milliliter of solution contains 50 milligrams (mg) oxytetracycline hydrochloride.

* * * * *

(3) * * *

(i) * * *

(D) Treatment must be discontinued at least 22 days prior to slaughter. Not for use in lactating dairy animals. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(ii) * * *

(C) Treatment must be discontinued at least 22 days prior to slaughter. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(iii) * * *

(D) Do not administer to laying hens unless the eggs are used for hatching only. Treatment must be discontinued at least 5 days prior to slaughter. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

* * * * *

■ 14. In § 522.2471, revise paragraph (e)(2)(iii) to read as follows:

§ 522.2471 Tilmicosin.

* * * * *

(e) * * *

(2) * * *

(iii) *Limitations.* Animals intended for human consumption must not be slaughtered within 42 days of the last treatment. Not for use in lactating ewes producing milk for human consumption.

§ 522.2690 [Amended]

■ 15. In 522.2690, in paragraph (b), remove ''076175'' and in its place add ''011788''.

PART 528—INTENTIONAL GENOMIC ALTERATIONS IN ANIMALS

■ 16. The authority citation for part 528 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 17. Revise the heading for part 528 to read as set forth above.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 18. The authority citation for part 558 continues to read as follows:

Authority: 21 U.S.C. 354, 360b, 360ccc, 360ccc–1, 371.

■ 19. In § 558.95, revise paragraphs (e)(4)(i) and (ii) to read as follows:

§ 558.95 Bambermycins.

* * * * *

(e) * * *

(4) * * *

Bambermycins in grams/ton	Indications for use	Limitations	Sponsors
(i) 1 to 4	Growing beef steers and heifers fed in confinement for slaughter: For increased rate of weight gain and improved feed efficiency.	Feed continuously at a rate of 10 to 20 milligrams per head per day.	016592
(ii) 2 to 80	Growing beef steers and heifers on pasture (stocker, feeder, and slaughter), and replacement beef and dairy heifers on pasture: For increased rate of weight gain.	Feed continuously on a hand-fed basis at a rate of 10 to 40 milligrams per head per day in 1 to 10 pounds of supplemental Type C medicated feed.	016592

* * * * *

■ 20. In § 558.128, revise paragraphs (e)(4)(x), (xi), (xiii), (xxx), and (xxxi) to read as follows:

§ 558.128 Chlortetracycline.

* * * * *

(e) * * *

(4) * * *

Chlortetracycline amount	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	*	*	*
(x) 500 to 2,000 g/ton to provide 10 mg/lb of body weight daily.	Laidlomycin, 5	Cattle fed in confinement for slaughter: For treatment of bacterial enteritis caused by *Escherichia coli* and bacterial pneumonia caused by *Pasteurella multocida* organisms susceptible to chlortetracycline; and for increased rate of weight gain and improved feed efficiency.	Feed continuously at a rate of 30 to 75 mg laidlomycin propionate potassium per head per day for not more than 5 days. A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal. See § 558.305(d) of this chapter. Laidlomycin as provided by No. 054771 in § 510.600(c) of this chapter.	054771
(xi) 500 to 4,000 g/ton to provide 10 mg/lb of body weight daily.	Laidlomycin, 5 to 10	Cattle fed in confinement for slaughter: For treatment of bacterial enteritis caused by *Escherichia coli* and bacterial pneumonia caused by *Pasteurella multocida* organisms susceptible to chlortetracycline; and for improved feed efficiency.	Feed continuously at a rate of 30 to 75 mg laidlomycin propionate potassium per head per day for not more than 5 days. A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal. See § 558.305(d) of this chapter. Laidlomycin as provided by No. 054771 in § 510.600(c) of this chapter.	054771
*	*	*	*	*
(xiii) 500 to 1,200 g/ton to provide 10 mg/lb of body weight daily.	Lasalocid, 25 to 30 ..	Cattle fed in confinement for slaughter: For treatment of bacterial enteritis caused by *Escherichia coli* and bacterial pneumonia caused by *Pasteurella multocida* organisms susceptible to chlortetracycline; and for increased rate of weight gain and improved feed efficiency.	Feed continuously in complete feed to provide 10 mg chlortetracycline per lb body weight and not less than 250 mg or more than 360 mg lasalocid per head per day. Do not allow horses or other equines access to feeds containing lasalocid. A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal. See § 558.311(d) of this chapter. Lasalocid as provided by No. 054771 in § 510.600(c) of this chapter.	054771
*	*	*	*	*
(xxx) 23.3 to 58.3 g/ton to provide 350 mg/head/day.	Laidlomycin, 5	Cattle fed in confinement for slaughter: For control of bacterial pneumonia associated with shipping fever complex caused by *Pasteurella* spp. susceptible to chlortetracycline; and for increased rate of weight gain and improved feed efficiency.	Feed continuously at a rate of 30 to 75 mg laidlomycin propionate potassium per head per day. A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal. See § 558.305(d) of this chapter. Laidlomycin as provided by No. 054771 in § 510.600(c) of this chapter.	054771

Chlortetracycline amount	Combination in grams/ton	Indications for use	Limitations	Sponsor
(xxxi) 14.6 to 116.7 g/ton to provide 350 mg/head/day.	Laidlomycin, 5 to 10	Cattle fed in confinement for slaughter: For control of bacterial pneumonia associated with shipping fever complex caused by *Pasteurella* spp. susceptible to chlortetracycline; and for improved feed efficiency.	Feed continuously at a rate of 30 to 75 mg laidlomycin propionate potassium per head per day. A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal. See § 558.305(d) of this chapter. Laidlomycin as provided by No. 054771 in § 510.600(c) of this chapter.	054771
*	*	*	*	*	*	*

* * * * *

■ 21. In § 558.342, revise paragraph (e)(1)(ii) to read as follows:

§ 558.342 Melengestrol.

* * * * *

(e) * * *

(1) * * *

Melengestrol acetate in mg/head/day	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	*	*	*	*	*
(ii) 0.5	.....	Heifers intended for breeding: For suppression of estrus (heat).	Administer 0.5 to 2.0 lb/head/day of Type C feed containing 0.25 to 1.0 mg melengestrol acetate/lb to provide 0.5 mg melengestrol acetate/head/day. Do not exceed 24 days of feeding.	016592 054771 058198
*	*	*	*	*	*	*

* * * * *

■ 22. In § 558.450:

■ a. Revise paragraph (e)(4)(i);

■ b. Redesignate paragraphs (e)(4)(ii) through (v) as paragraphs (e)(4)(iii) through (vi);

■ c. Add new paragraph (e)(4)(ii); and

■ d. Revise newly redesignated paragraphs (e)(4)(iii) and (vi).

The addition and revisions read as follows:

§ 558.450 Oxytetracycline.

* * * * *

(e) * * *

(4) * * *

Oxytetracycline amount	Combination in grams/ton	Indications for use	Limitations	Sponsor
(i) 10 mg/lb of body weight daily.	.....	Calves and beef and nonlactating dairy cattle: For treatment of bacterial enteritis caused by *Escherichia coli* and bacterial pneumonia (shipping fever complex) caused by *Pasteurella multocida* susceptible to oxytetracycline.	Feed continuously for 7 to 14 days. This drug product is not approved for use in female dairy cattle 20 months of age or older, including dry dairy cows. Use in these cattle may cause drug residues in milk and/or in calves born to these cows. For No. 069254, withdraw 5 days before slaughter. For No. 066104, zero-day withdrawal period.	066104 069254
(ii) 10 mg/lb of body weight daily.	.....	Calves: For treatment of bacterial enteritis caused by *E. coli* susceptible to oxytetracycline.	Feed continuously for 7 to 14 days in milk replacer or starter feed. This drug product is not approved for use in female dairy cattle 20 months of age or older, including dry dairy cows. Use in these cattle may cause drug residues in milk and/or in calves born to these cows. For No. 069254, withdraw 5 days before slaughter. For No. 066104, zero-day withdrawal period.	066104 069254
(iii) 75 mg/head/day.	.....	Growing cattle (over 400 lb): For reduction of incidence of liver abscesses.	Feed continuously. This drug product is not approved for use in female dairy cattle 20 months of age or older, including dry dairy cows. Use in these cattle may cause drug residues in milk and/or in calves born to these cows.	066104 069254
*	*	*	*	*	*	*
(vi) 0.5 to 2.0 g/head/day.	.....	Cattle: For prevention and treatment of the early stages of shipping fever complex.	Feed 3 to 5 days before and after arrival in feedlots. This drug product is not approved for use in female dairy cattle 20 months of age or older, including dry dairy cows. Use in these cattle may cause drug residues in milk and/or in calves born to these cows.	066104 069254

* * * * *

■ 23. In § 558.455:

■ a. Redesignate paragraphs (e)(1)(ii) through (iv) as paragraphs (e)(1)(i) through (iii);

■ b. Redesignate paragraphs (e)(2)(ii) through (iv) as paragraphs (e)(2)(i) through (iii);

■ c. Revise paragraphs (e)(3) and (4); and

■ d. Add paragraph (e)(5).

The revisions and addition read as follows:

§ 558.455 Oxytetracycline and neomycin.

* * * * *

(e) * * *

(3) *Swine.* It is used in feed as follows:

Oxytetracycline and neomycin sulfate amount		Limitations	Sponsors
(i) To provide 10 mg/lb of body weight daily.	Swine: For treatment of bacterial enteritis caused by *E. coli* and *Salmonella choleraesuis* and treatment of bacterial pneumonia caused by *P. multocida* susceptible to oxytetracycline; treatment and control of colibacillosis (bacterial enteritis) caused by *E. coli* susceptible to neomycin.	Feed continuously for 7 to 14 d; withdraw 5 d before slaughter.	066104 069254
(ii) To provide 10 mg/lb of body weight daily.	Breeding swine: For control and treatment of leptospirosis (reducing the incidence of abortion and shedding of leptospirae) caused by *Leptospira pomona* susceptible to oxytetracycline.	Feed continuously for not more than 14 d; withdraw 5 d before slaughter.	066104 069254

(4) *Cattle.* It is used in feed as follows:

Oxytetracycline and neomycin sulfate amount	Indications for use	Limitations	Sponsors
(i) To provide 10 mg/lb of body weight daily.	Calves and beef and nonlactating dairy cattle: For treatment of bacterial enteritis caused by *E. coli* and bacterial pneumonia (shipping fever complex) caused by *P. multocida* susceptible to oxytetracycline; treatment and control of colibacillosis (bacterial enteritis) caused by *E. coli* susceptible to neomycin.	Feed continuously for 7 to 14 d; in feed or milk replacers. Treatment should continue 24 to 48 hours beyond remission of disease symptoms. A withdrawal period has not been established for use in preruminating calves. Do not use in calves to be processed for veal. A milk discard time has not been established for use in lactating dairy cattle. Do not use in female dairy cattle 20 months of age or older. Withdraw 5 d before slaughter.	066104 069254
(ii) To provide 10 mg/lb of body weight daily.	Calves (up to 250 lb): For treatment of bacterial enteritis caused by *E. coli* susceptible to oxytetracycline; treatment and control of colibacillosis (bacterial enteritis) caused by *E. coli* susceptible to neomycin.	Feed continuously for 7 to 14 d; in milk replacers or starter feed. Treatment should continue 24 to 48 hours beyond remission of disease symptoms. A withdrawal period has not been established for use in preruminating calves. Do not use in calves to be processed for veal. A milk discard time has not been established for use in lactating dairy cattle. Do not use in female dairy cattle 20 months of age or older. Withdraw 5 d before slaughter.	066104 069254
(iii) To provide 75 mg/head/day.	Growing cattle (over 400 lb): For the reduction of the incidence of liver abscesses.	Feed continuously	066104 069254
(iv) To provide 0.5 to 2.0 g/head/ day.	Cattle: For prevention and treatment of the early stages of shipping fever complex.	Feed 3 to 5 d before and after arrival in feedlots. A withdrawal period has not been established for use in preruminating calves. Do not use in calves to be processed for veal. A milk discard time has not been established for use in lactating dairy cattle. Do not use in female dairy cattle 20 months of age or older.	066104 069254

(5) *S.* It is used in feed as follows:

Oxytetracycline and neomycin sulfate amount	Indications for use	Limitations	Sponsors
(i) To provide 10 mg/lb of body weight daily.	Sheep: For treatment of bacterial enteritis caused by *E. coli* and bacterial pneumonia caused by *P. multocida* susceptible to oxytetracycline; treatment and control of colibacillosis (bacterial enteritis) caused by *E. coli* susceptible to neomycin.	Feed continuously for 7 to 14 d. If symptoms persist after using for 2 or 3 days, consult a veterinarian. Treatment should continue 24 to 48 hours beyond remission of disease symptoms. Withdraw 5 d before slaughter.	66104, 069254
(ii) [Reserved].			

■ 24. In § 558.575, revise paragraphs (e)(3)(iv) and (v) to read as follows:

§ 558.575 Sulfadimethoxine and ormetoprim.

* * * * *

(e) * * *

(3) * * *

Sulfadimethoxine and ormetoprim amount	Indications for use	Limitations	Sponsors
* *	* *	* * *	
(iv) 630 to 3780 g/ton sulfadimethoxine and 126 to 756 g/ton ormetoprim to provide 50 milligrams (mg) of active ingredients per kilogram of body per day.	Salmonids: For the control of furunculosis in salmonids (trout and salmon) caused by *Aeromonas salmonicida* strains susceptible to sulfadimethoxine and ormetoprim combination.	Administer for 5 consecutive days. Withdraw 42 days before release as stocker fish or slaughter.	015331
(v) 630 to 3780 g/ton sulfadimethoxine and 126 to 756 g/ton ormetoprim to provide 50 mg of active ingredients per kilogram of body per day.	Catfish: For control of enteric septicemia of catfish caused by *Edwardsiella ictaluri* strains susceptible to sulfadimethoxine and ormetoprim combination.	Administer for 5 consecutive days. Withdraw 3 days before slaughter or release as stocker fish.	015331

Dated: November 1, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–24106 Filed 12–13–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 516

[Docket No. FDA–2022–N–1128]

Defining Small Number of Animals for Minor Use Determination; Periodic Reassessment; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of December 14, 2022, for the final rule that appeared in the **Federal Register** of September 15, 2022. The direct final rule revises the ''small number of animals'' definition for dogs and cats in our existing regulation for new animal drugs for minor use or minor species. This document confirms the effective date of the direct final rule.

DATES: The effective date of December 14, 2022, for the direct final rule published September 15, 2022 (87 FR 56583) is confirmed.

FOR FURTHER INFORMATION CONTACT: Janah Maresca, Center for Veterinary Medicine (HVF–50), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–796–5079, email: *janah.maresca@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 15, 2022 (87 FR 56583), FDA solicited comments concerning the direct final rule for a 60-day period ending November 14, 2022. FDA stated that the effective date of the direct final rule would be on December 14, 2022, 30 days after the end of the comment period, unless any significant adverse comment was submitted to FDA during the comment period. FDA did not receive any significant adverse comments.

Authority: 21 U.S.C. 360ccc–1, 360ccc–2, 371. Accordingly, the amendments issued thereby are effective.

Dated: December 9, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–27147 Filed 12–13–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2022–0899]

Safety Zones; Fireworks Displays in the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Delaware River, Philadelphia, PA; Safety Zone from 5:45 p.m. through 6:30 p.m. on December 31, 2022, and from 11:45 p.m. on December 31, 2022, through 12:30 a.m. on January 1, 2023, to provide for the safety of life on navigable waterways during two barge-based fireworks displays. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event in Philadelphia, PA. During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulation 33 CFR 165.506 will be enforced for the location identified in entry 10 of table 1 to paragraph (h)(1) from 5:45 p.m. through 6:30 p.m. on December 31, 2022, and from 11:45 p.m. on December 31, 2022, through 12:30 a.m. on January 1, 2023.

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

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in table 1 to paragraph (h)(1) to 33 CFR 165.506, entry No. 10 for two barge-based fireworks displays from 5:45 p.m. through 6:30 p.m. on December 31, 2022, and from 11:45 p.m. on December 31, 2022, through 12:30 a.m. on January 1, 2023. This action is necessary to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after fireworks displays. Our regulation for safety zones of fireworks displays within the Fifth Coast Guard District, table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 10 specifies the location of the regulated area as all waters of the Delaware River, adjacent to Penn's Landing, Philadelphia, PA, within a 500-yard radius of the fireworks barge position. The approximate position for the display is latitude 39°56′52″ N, longitude 075°8′9.28″ W. During the enforcement period, as reflected in § 165.506(d), vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on-scene.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via broadcast notice to mariners.

Dated: December 7, 2022.

Jonathan D. Theel,

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

[FR Doc. 2022–27042 Filed 12–13–22; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 02–278; FCC 22–85; FRID 116788]

Telephone Consumer Protection Act of 1991; Petition for Declaratory Ruling of All About the Message, LLC

AGENCY: Federal Communications Commission.

ACTION: Declaratory ruling and order.

SUMMARY: In this document, the Federal Communications Commission (Commission) finds that ''ringless voicemail'' to wireless phones requires consumer consent because it is a ''call'' made using an artificial or prerecorded voice and thus is covered by of the 1991 Telephone Consumer Protection Act (TCPA). The Commission denies a request from All About the Message, LLC (AATM) to declare that ringless voicemail is not subject to of the TCPA and the Commission's implementing rules. The Commission also denies AATM's alternative request for a retroactive waiver of the Commission's rules.

DATES: The Declaratory Ruling and Order was effective November 21, 2022.

FOR FURTHER INFORMATION CONTACT: Mika Savir of the Consumer Policy Division, Consumer and Governmental Affairs Bureau, at *mika.savir@fcc.gov* or (202) 418–0384.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Declaratory Ruling and Order, FCC 22–85, CG Docket No. 02–278, adopted on November 14, 2022, and released on November 21, 2022. The full text of this document is available online at *https://*

www.fcc.gov/document/fcc-declares-ringless-voicemails-are-subject-robocalling-rules. To request this document in accessible formats for people with disabilities (*e.g.,* Braille, large print, electronic files, audio format) or to request reasonable accommodations (*e.g.,* accessible format documents, sign language interpreters, CART), send an email to *fcc504@fcc.gov* or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice).

Synopsis

1. In this document, the Commission finds that ''ringless voicemail'' to wireless phones requires consumer consent because it is a ''call'' made using an artificial or prerecorded voice and thus is covered by the 1991 Telephone Consumer Protection Act (TCPA). The Commission therefore denies a request from All About the Message, LLC (AATM) to declare that ringless voicemail is not subject to the TCPA and the Commission's implementing rules. The Commission also denies AATM's alternative request for a retroactive waiver of the rules.

2. AATM filed its petition for a declaratory ruling on March 31, 2017, asking the Commission to find that delivery of a voicemail message directly to a consumer's cell phone voicemail is not covered by the TCPA and therefore that AATM does not need consumer consent for the ringless voicemail messages. AATM argued that its ringless voicemail message is not a ''call'' and therefore the TCPA should not apply. AATM's position was that the ringless voicemail service, and the process by which the ringless voicemail is deposited on a carrier's platform, is neither a call made to a mobile telephone number nor a call for which a consumer is charged and, therefore, is a service that is not regulated.

3. The Commission found that AATM's ringless voicemail message is a call to the consumer's wireless number and prerecorded voice messages sent via this technology are, therefore, subject to the TCPA. The Commission first found that AATM's ringless voicemail constitutes a ''call'' subject to the TCPA's protections for the same reasons the Commission previously found computer-generated text messages sent to a carrier's text server to be calls for purposes of the TCPA.

4. The Commission concluded previously that text messaging is a call for TCPA purposes when initiated with an autodialer, stating that the TCPA ''encompasses both voice calls and text calls to wireless numbers including, for example, short message service (SMS) calls, provided the call is made to a telephone number assigned to such service.'' In 2015, the Commission reiterated that finding and found that internet-to-phone text messages, which are sent to a carrier's server then routed to a consumer's phone, are calls for purposes of the TCPA because callers address these computer-generated text messages to a consumer's wireless telephone number.

5. The Commission concluded that use of the wireless phone number (either as part of an email string or by entering the phone number on a web portal) satisfied the TCPA's requirement that the call be ''to any telephone number assigned to a [wireless] service'' because the wireless telephone number is a necessary and unique identifier for the consumer. The Commission concluded that ''by addressing a message using the consumer's wireless telephone number . . . and sending a text message to the consumer's wireless telephone number, the equipment dials a telephone number and the user of such technology thereby makes a telephone call to a number assigned to a wireless service as contemplated in section 227(b)(1) of the Act.''

6. The Commission stressed that, ''[f]rom the recipient's perspective, internet-to-phone text messaging is functionally equivalent to phone-to-phone text messaging,'' and that, ''the potential harm is identical to consumers; unwanted text messages pose the same cost and annoyance to consumers, regardless of whether they originate from a phone or the internet.'' The Commission reasoned that the mere fact that an extra step was involved in dialing a call—in that case merely adding a domain to the telephone number—was not enough to deprive mobile customers of the TCPA's protections as ''the effect on the recipient is identical.'' To hold otherwise ''would elevate form over substance, thwart Congressional intent that evolving technologies not deprive mobile consumers of the TCPA's protections, and potentially open a floodgate of unwanted text messages to wireless consumers.''

7. AATM's ringless voicemail is identical in function to the internet-to-phone texting the Commission previously found subject to the TCPA. In the case of internet-to phone text messaging, the telephone number assigned to the consumer serves as a necessary and unique identifier. Similarly, the telephone number assigned to a consumer's wireless phone and associated with the voicemail account is a necessary and unique identifier for the consumer in the ringless voicemail context. One expert states that the ''steps involved in sending a [ringless voicemail] message are substantially the same as the technology used and steps involved in sending both mass text messages and text to email addresses text messages'' and that ''[f]rom an engineering and technical perspective, this software delivery model that enables multiple remote customers to deliver [ringless voicemail] voice messages en masse to cellular subscribers is precisely the identical software delivery model that mobile messaging companies use to enable their customers to deliver text messages en masse to cellular subscribers.'' Neither AATM nor any other commenter challenges the description of the technology used to deliver the ringless voicemail messages or the assertion that it is essentially identical to the technology used to deliver internet-to-phone text messages.

8. This finding is consistent with the ordinary meaning of ''call.'' The TCPA does not define ''call'' and courts have turned to dictionary definitions to determine its meaning, *e.g.,* Webster's Third New International Dictionary defines a call as ''to communicate with or try to get into communication with a person by a telephone.'' Ringless voicemails meet this definition by directing the messages by means of a wireless phone number and by depending on the transmission of a voicemail notification alert to the consumer's phone (causing the consumer to retrieve the voicemail message). This finding is also consistent with the legislative history and purpose of the TCPA.

9. The Commission also rejected AATM's argument that ringless voicemail is non-invasive. Consumers cannot block these messages and they experience an intrusion on their time and their privacy by being forced to spend time reviewing unwanted messages in order to delete them. The consumer's phone may signal that there is a voicemail message and may ring once before the message is delivered, which is another means of intrusion. Consumers must also contend with their voicemail box filling with unwanted messages, which may prevent other callers from leaving important wanted messages. By contending that it is not placing calls, AATM would deny consumers the protection of the TCPA's consent requirement. The Commission found that, as a matter of both statutory interpretation and policy, such ringless voicemail calls are subject to the TCPA.

10. The TCPA contains ''unique protections'' for wireless consumers. The Commission was unconvinced that

it should undermine the protections against robocalls that the statute provides to consumers by granting a waiver to AATM. AATM has not demonstrated any special circumstances that warrant a waiver or that a waiver of the Commission's rules is in the public interest. AATM is not precluded from using its ringless voicemail service, but it must do so in accordance with the TCPA.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2022–26673 Filed 12–13–22; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 25

[FAC 2023–01; FAR Case 2020–014; Item III; Docket No. FAR–2020–0014, Sequence No. 1]

RIN 9000–AO14

Federal Acquisition Regulation: United States-Mexico-Canada Agreement; Correction

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule; correction.

SUMMARY: DoD, GSA, and NASA published a final rule amending the Federal Acquisition Regulation (FAR) to implement the United States-Mexico-Canada Agreement Implementation Act in the **Federal Register** of December 1, 2022. This document corrects an erroneous instruction in that rule.

DATES: Effective December 30, 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, at 202–208–4949 or by email at *michaelo.jackson@gsa.gov,* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.* Please cite FAC 2023–01, FAR Case 2020–014.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA are correcting an amendatory instruction under part 25, section 25.1101.

In FR Doc. 2022–25960 appearing on pages 73890–73894 in the issue of December 1, 2022, make the following correction:

25.1101 [Corrected]

■ 1. On page 73892, starting in the first column, Instruction 12a, paragraph a. for 25.1101, is corrected to read: ''a. Removing ''$25,000'' from paragraphs (a)(1)(i) introductory text and (b)(1)(i)(A) and adding ''$50,000'' in its place, wherever it appears;''.

William F. Clark,

Director, Office of Government-Wide Acquisition Policy, Office of Acquisition Policy, Office of Government-Wide Policy.

[FR Doc. 2022–27005 Filed 12–13–22; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 220523–0019; RTID 0648–XC573]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Closure of the General Category December Fishery for 2022

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes the General category fishery for large medium and giant (*i.e.,* measuring 73 inches (185 centimeters) curved fork length or greater) Atlantic bluefin tuna (BFT) for the December subquota time period, and thus for the remainder of 2022. This action applies to Atlantic Tunas General category (commercial) permitted vessels and highly migratory species (HMS) Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT. Fishermen aboard General category permitted vessels and HMS Charter/Headboat permitted vessels may tag-and-release BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs. On January 1, 2023, the fishery will reopen automatically.

DATES: Effective 11:30 p.m., local time, December 10, 2022, through December 31, 2022.

FOR FURTHER INFORMATION CONTACT: Erianna Hammond, *erianna.hammond@noaa.gov,* 301–427–8503, Larry Redd, Jr., *larry.redd@noaa.gov,* 301–427–8503, or Nicholas Velseboer, *nicholas.velseboer@noaa.gov,* 978–281–9260.

SUPPLEMENTARY INFORMATION: Atlantic HMS fisheries, including BFT fisheries, are managed under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27 divides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

Under § 635.28(a)(1), NMFS files a closure action with the Office of the Federal Register for publication when a BFT quota (or subquota) is reached or is projected to be reached. Retaining, possessing, or landing BFT under that quota category is prohibited on or after the effective date and time of a closure notice for that category until the opening of the relevant subsequent quota period or until such date as specified.

The current baseline quota for the General category is 587.9 metric tons (mt). The General category baseline quota is suballocated to different time periods. Relevant to this action, the baseline subquota for the December time period is 30.6 mt. To date for 2022, NMFS has published several actions that adjusted the General category December 2022 time period quota (86 FR 72857, December 23, 2021; 87 FR 33049, June 1, 2022). Most recently, NMFS increased the December subquota to 50.1 mt through an inseason quota transfer (87 FR 73504, November 30, 2022).

Closure of the December 2022 General Category Fishery

To date, reported landings for the General category December subquota time period total approximately 38.5 mt. Based on these landings, NMFS has determined that the adjusted 2022 subquota of 50.1 mt is projected to be reached shortly. Therefore, retaining,

possessing, or landing large medium or giant (*i.e.,* measuring 73 inches (185 cm) curved fork length or greater) BFT by persons aboard vessels permitted in the Atlantic Tunas General category and HMS Charter/Headboat permitted vessels (while fishing commercially) must cease at 11:30 p.m. local time on December 10, 2022. This action applies to Atlantic Tunas General category (commercial) permitted vessels and HMS Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT and is taken consistent with the regulations at § 635.28(a)(1). The General category will automatically reopen January 1, 2023, for the January through March 2023 subquota time period.

Fishermen aboard General category permitted vessels and HMS Charter/Headboat permitted vessels may catch-and-release and tag-and-release BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. All BFT that are released must be handled in a manner that will maximize their survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the ''Careful Catch and Release'' brochure available at *https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure/.*

Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries closely. Dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. Late reporting by dealers' compromises NMFS' ability to timely implement actions such as quota and retention limit adjustment, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, General and HMS Charter/Headboat category vessel owners are required to report the catch of all BFT retained or discarded dead within 24 hours of the landing(s) or end of each trip, by accessing *www.hmspermits.noaa.gov,* using the HMS Catch Reporting app, or calling 888–872–8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

After the fishery reopens on January 1, depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional adjustments are necessary to ensure available subquotas are not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at 978–281–9260, or access *www.hmspermits.noaa.gov,* for updates on quota monitoring and inseason adjustments.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act and regulations at 50 CFR part 635 and is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons. Specifically, the regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing for prior notice and an opportunity to comment is impracticable and contrary to the public interest. This fishery is currently underway and, based on landings information, delaying this action could result in BFT landings exceeding the adjusted December 2022 General category subquota. Taking this action does not raise conservation and management concerns. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment criteria.

For all of the above reasons, the AA also finds that pursuant to 5 U.S.C. 553(d), there is good cause to waive the 30-day delay in effectiveness.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: December 8, 2022.

Jennifer M. Wallace,

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

[FR Doc. 2022–27073 Filed 12–9–22; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 87, No. 239
Wednesday, December 14, 2022

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–1440; Airspace Docket No. 21–AWP–44]

RIN 2120–AA66

Proposed Establishment of Class E Airspace; New Coalinga Municipal Airport, CA

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at New Coalinga Municipal Airport, CA. This action will support the airport's transition from visual flight rules (VFR) to instrument flight rules (IFR) at the airport.

DATES: Comments must be received on or before January 30, 2023.

ADDRESSES: Send comments on this proposal to the U.S. DOT, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527, or (202) 366–9826. You must identify ''FAA Docket No. FAA–2022–1440; Airspace Docket No. 21–AWP–44,'' at the beginning of your comments. You may also submit comments through the internet at *www.regulations.gov.*

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

FOR FURTHER INFORMATION CONTACT: Raphell P. Taylor, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198; telephone (405) 666–1176.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code (U.S.C.). Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would establish Class E airspace at New Coalinga Municipal Airport, CA, to support IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2022–1440; Airspace Docket No. 21–AWP–44.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

This action proposes to establish Class E airspace extending upward from 700 feet above the surface at New Coalinga Municipal Airport to contain departing aircraft until reaching 1,200 feet above the surface and arriving aircraft below 1,500 feet above the surface.

The Class E5 airspace designation is published in paragraph 6005 of FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in FAA Order JO 7400.11, which is published annually and becomes effective on September 15.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, incorporation by reference, navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AWP CA E5 Coalinga, CA [New]

New Coalinga Municipal Airport, CA

(Lat. 36°09′44″ N, long. 120°17′41″ W).

That airspace extending upward from 700 feet above the surface within a 3.7-mile radius of the airport, and within 1.9 miles each side of the 134° bearing from the airport extending from the 3.7-mile radius to 9.4 miles southeast of the airport, and within 3.4 miles each side of the 346°bearing from the airport, extending from the 3.7-mile radius to 7.7 miles northwest of the airport.

Issued in Des Moines, Washington, on December 7, 2022.

B.G. Chew,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2022–27013 Filed 12–13–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–113839–22]

RIN 1545–BQ51

Single-Entity Treatment of Consolidated Groups for Specific Purposes

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations that treat members of a consolidated group as a single United States shareholder in certain cases for purposes of section 951(a)(2)(B) of the Internal Revenue Code (the ''Code''). The proposed regulations affect consolidated groups that own stock of foreign corporations.

DATES: Written or electronic comments and requests for a public hearing must be received by January 18, 2023. Requests for a public hearing must be submitted as prescribed in the ''Comments and Requests for a Public Hearing'' section.

ADDRESSES: Commenters are strongly encouraged to submit public comments electronically. Submit electronic submissions via the Federal eRulemaking Portal at *www.regulations.gov* (indicate IRS and REG–113839–22) by following the online instructions for submitting comments. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. The Department of the Treasury (''Treasury Department'') and the IRS will publish for public availability any comment submitted electronically or on paper to its public docket. Send paper submissions to: CC:PA:LPD:PR (REG–113839–22), Room 5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Austin Diamond-Jones, (202) 317–5085 (Corporate) and Julie T. Wang, (202) 317–6975 (Corporate) regarding section 1502 and the proposed amendments to § 1.1502–80, and Joshua P. Roffenbender, (202) 317–6934 (International) regarding sections 951, 951A, and 959; concerning submissions of comments and requests for a public hearing, Vivian Hayes at (202) 317–6901 (not toll-free numbers) or by email to *publichearings@irs.gov* (preferred).

SUPPLEMENTARY INFORMATION:

Background

I. Overview

This document contains proposed amendments to 26 CFR part 1 under sections 1502 and 7805(a) of the Code (the ''proposed regulations'').

II. Sections 1501 and 1502

Pursuant to section 1501, an affiliated group of corporations may elect to file a U.S. Federal income tax (''U.S. tax'') return on a consolidated basis (such return, a ''consolidated return''). Groups electing to file consolidated returns include all members' income items on a single return, in lieu of filing separate returns for each member.

Section 1502 authorizes the Secretary of the Treasury or their delegate (''Secretary'') to prescribe regulations for an affiliated group of corporations that join in filing (or that are required to join in filing) a consolidated return (such a group, a ''consolidated group,'' as defined in § 1.1502–1(h)) to clearly reflect the U.S. tax liability of the consolidated group and to prevent avoidance of such tax liability. For purposes of carrying out those objectives, section 1502 also permits the Secretary to prescribe rules that may be different from the provisions of chapter 1 of subtitle A of the Code that would apply if the corporations composing the consolidated group filed separate returns. Terms used in the consolidated return regulations generally are defined in § 1.1502–1.

III. Sections 951(a)(1)(A), 951A(a), and 959

Sections 951(a)(1)(A) and 951A(a) subject each United States shareholder (within the meaning of section 951(b) or section 953(c)(1)(A), if applicable) (each shareholder, a ''U.S. shareholder'') of a controlled foreign corporation (within the meaning of section 957 or section 953(c)(1)(B), if applicable) (a ''CFC'') to

U.S. tax on certain income of the CFC, regardless of whether the CFC distributes the earnings and profits (''E&P'') attributable to such income. To avoid double taxation, a corresponding amount of the CFC's E&P is designated as previously taxed earnings and profits (''PTEP'') under section 959 and generally is not subject to U.S. tax at the U.S. shareholder level when distributed, whether to a U.S. shareholder or to an upper-tier CFC (such a distribution to a U.S. shareholder or an upper-tier CFC, a ''section 959(a) distribution'' or a ''section 959(b) distribution,'' respectively). *See* section 959. Generally, PTEP is treated as distributed before E&P that is not PTEP (''non-PTEP''), and a section 959(a) distribution is treated as not a dividend. *See* section 959(c) and (d).

Under section 951(a)(1)(A), a U.S. shareholder of a CFC must include in gross income its pro rata share of the CFC's subpart F income (as defined in section 952) if the U.S. shareholder owns (within the meaning of section 958(a)) stock of the CFC on the last day of the CFC's taxable year on which it is a CFC (the ''last relevant day''). Ownership of stock within the meaning of section 958(a) means stock owned directly and stock owned indirectly through foreign corporations and other foreign entities (including certain domestic entities to the extent treated as foreign entities under § 1.958–1(d)(1)). For purposes of the remainder of this preamble, a reference to stock ownership means stock owned within the meaning of section 958(a).

A U.S. shareholder's pro rata share of a CFC's subpart F income for a taxable year of the CFC is calculated by first determining the amount described in section 951(a)(2)(A). This amount, which is determined based on the U.S. shareholder's proportionate share of a hypothetical distribution by the CFC, represents subpart F income (unreduced by distributions during the taxable year) allocable to stock of the CFC that the U.S. shareholder owns on the last relevant day. *See* section 951(a)(2)(A); § 1.951–1(b) and (e). That amount is then reduced by the amount described in section 951(a)(2)(B) to arrive at the U.S. shareholder's pro rata share of the CFC's subpart F income. For a discussion of section 951(a)(2)(B), see part IV of this Background section.

Section 951A(a) requires a U.S. shareholder of a CFC to include in gross income its GILTI inclusion amount. *See* § 1.951A–1(b). A U.S. shareholder's GILTI inclusion amount is determined by taking into account the U.S. shareholder's pro rata share of tested items (as defined in § 1.951A–1(f)(5)) of certain CFCs in which the U.S. shareholder owns stock, such as tested income, tested loss, and qualified business asset investment. A U.S. shareholder's pro rata share of a CFC's tested items is determined in the same manner as a U.S. shareholder's pro rata share of a CFC's subpart F income under section 951(a)(2), subject to certain modifications. *See* section 951A(e)(1) and § 1.951A–1(d).

In many cases, a significant portion of a CFC's income has been (or will be) subject to U.S. tax under section 951(a)(1)(A) or 951A(a), including by reason of the transition tax imposed under section 965, which taxed non-PTEP of certain foreign corporations under section 951(a)(1)(A). As a result, there is (and will continue to be) a substantial amount of PTEP in the U.S. tax system.

IV. Section 951(a)(2)(B)

Section 951(a)(2)(B) addresses cases in which stock of a CFC owned by a U.S. shareholder on the last relevant day was acquired by the U.S. shareholder during the CFC's taxable year. In these cases, section 951(a)(2)(B) generally reduces the U.S. shareholder's pro rata share of the CFC's subpart F income or tested income by the amount of distributions received by any other person during the taxable year as a dividend with respect to the acquired stock. However, the reduction is limited to the amount of the dividend that would have been received with respect to the acquired stock if the CFC had distributed an amount equal to its subpart F income for the taxable year multiplied by a fraction, the numerator of which is the number of days during the taxable year on which the U.S. shareholder did not own the acquired stock, and the denominator of which is the number of days during the taxable year (such fraction, the ''section 951(a)(2)(B) fraction'').

The reduction, as so limited, represents an amount of distributed income of the CFC on which the U.S. shareholder otherwise would be subject to U.S. tax under section 951(a)(1)(A) or 951A(a) by reason of owning the acquired stock on the last relevant day, but that is not allocable to the period during which the U.S. shareholder owned the acquired stock. The reduction is intended to prevent double taxation of subpart F income or tested income of the CFC that is distributed during the taxable year. In turn, the limitation on the reduction is intended to ensure that income allocable to the U.S. shareholder's ownership period with respect to the acquired stock is included in the U.S. shareholder's pro rata share. *See generally* Technical Explanation of the Revenue Act of 1962, S. Rep. No. 87–1881, at 239 (1962).

V. Application of Sections 951(a)(1)(A) and 951A(a) to Consolidated Groups

A consolidated group member's inclusion under section 951(a)(1)(A) is determined at the member level in the same manner as the inclusion is determined for any domestic corporation that is a U.S. shareholder of a foreign corporation.

A member's GILTI inclusion amount is determined by taking into account the aggregate of its pro rata share of the tested income of each tested income CFC (as defined in § 1.951A–2(b)(1)) and its allocable share of the group's aggregate amount of other tested items. *See* § 1.1502–51. As explained in the preamble to the final regulations in § 1.1502–51, determining a member's GILTI inclusion amount entirely on a separate-entity basis would undermine the clear reflection of the U.S. tax liability of the consolidated group as a whole. In contrast, the adopted approach creates ''consistent results regardless of which member of a consolidated group owns the stock of the CFCs[,] . . . removes incentives for inappropriate planning, and also eliminates traps for the unwary.'' *See* TD 9866, 84 FR 29288, 29318.

Explanation of Provisions

I. In General

The Treasury Department and the IRS are aware that some consolidated groups are taking the position that the group's aggregate inclusions under sections 951(a)(1)(A) and 951A(a) are reduced by changing the location of ownership of stock of a CFC within the group. Specifically, taxpayers are taking the position that a group's aggregate pro rata share of a lower-tier CFC's subpart F income or tested income is reduced under section 951(a)(2)(B) by reason of a section 959(b) distribution made by the lower-tier CFC, together with a direct or indirect acquisition of stock of the lower-tier CFC by a member from another member. Given the substantial amount of PTEP in the U.S. tax system following the enactment of sections 951A and 965, the Treasury Department and the IRS understand that taxpayers are taking this position with increasing frequency in an attempt to significantly reduce their income inclusions under sections 951(a)(1)(A) and 951A(a).

For example, assume that M1 and M2 are members of a consolidated group (the ''P group''). M1 directly owns all the stock of an upper-tier CFC (''CFC1''), which directly owns all the stock of a

lower-tier CFC (''CFC2''). M2 directly owns all the stock of another CFC (''CFC3''). During a taxable year of CFC2, CFC2 makes a section 959(b) distribution to CFC1. On a day other than the last day of the same taxable year, CFC1 transfers all the stock of CFC2 to CFC3 in a transaction that qualifies as a reorganization described in section 368(a)(1)(B). As a result, M2 indirectly acquires stock of CFC2, which M2 continues to own throughout the rest of the taxable year.

The Treasury Department and the IRS understand that some consolidated groups are taking the position that section 951(a)(2)(B) reduces M2's pro rata share of CFC2's subpart F income or tested income. This position is based in part on the assertion that, for purposes of the section 951(a)(2)(B) fraction, M2 is not treated as owning stock of CFC2 on days on which the stock is owned by M1 (or another member of the group).

This position does not clearly reflect a consolidated group's U.S. tax liability. The group's aggregate pro rata shares of subpart F income and tested income of a CFC—and thus the group's aggregate inclusions under sections 951(a)(1)(A) and 951A(a), respectively—should not be affected when ownership of stock of the CFC moves within the group.

In addition, this position is inconsistent with section 951(a)(2)(B) and the purposes of that provision. The amount described in section 951(a)(2)(B) represents certain distributed income of a CFC on which a U.S. shareholder otherwise would be subject to U.S. tax under section 951(a)(1)(A) or 951A(a) by reason of owning stock of the CFC on the last relevant day. E&P that already has been subject to U.S. tax, such as E&P comprising a section 959(b) distribution, cannot represent such income. A position treating such E&P as giving rise to a section 951(a)(2)(B) reduction inappropriately reduces U.S. taxation of a CFC's subpart F income or tested income. Furthermore, the reduction to U.S. tax could be permanent to the extent that a deduction under section 245A(a) is allowed when E&P corresponding to the untaxed income ultimately is distributed to a U.S. shareholder.

To address the inappropriate outcomes claimed under this position and to clearly reflect a consolidated group's U.S. tax liability, the proposed regulations treat members of a consolidated group as a single U.S. shareholder for certain purposes, as described in part II of this Explanation of Provisions section. As described in part IV of this Explanation of Provisions, the Treasury Department and the IRS are further considering the interaction of sections 951(a)(2)(B) and 959(b).

II. Consolidated Groups Treated as a Single U.S. Shareholder for Purposes of Applying Section 951(a)(2)(B) With Respect to Section 959(b) Distributions

The proposed regulations treat members of a consolidated group as a single U.S. shareholder for purposes of applying section 951(a)(2)(B) in the context of section 959(b) distributions. *See* proposed § 1.1502–80(j)(1). When members are treated as a single U.S. shareholder, direct or indirect acquisitions of stock of a CFC by one member from another member do not give rise to a section 951(a)(2)(B) reduction, because the numerator of the section 951(a)(2)(B) fraction reflects the period that both members owned stock of the CFC. As a result, the group's aggregate inclusions under sections 951(a)(1)(A) and 951A(a) with respect to a CFC are not reduced under section 951(a)(2)(B) by reason of a section 959(b) distribution made by the CFC and changes in the location of ownership of stock of the CFC within the group. *See* proposed § 1.1502–80(j)(2), *Example 1* and *Example 2.* The Treasury Department and the IRS have determined that this outcome facilitates the clear reflection of the U.S. tax liability of a consolidated group.

The proposed regulations do not apply in the context of dividends composed of non-PTEP. When such a dividend gives rise to a reduction under section 951(a)(2)(B), other rules may result in the dividend being (directly or indirectly) included in the gross income of a U.S. shareholder. *See, e.g.,* § 1.245A–5 (limiting the deduction under section 245A(a) and the look-through exception to subpart F income under section 954(c)(6)).

In addition to the proposed regulations, other authorities or common law doctrines may apply to recast a transaction or otherwise affect the tax treatment of a transaction. *See, e.g.,* sections 482 and 7701(o) and §§ 1.701–2 and 1.1502–13(h).

III. Applicability Date

The proposed regulations are proposed to apply to taxable years for which the original consolidated return is due (without extensions) after the date of publication in the **Federal Register** of a Treasury Decision adopting these rules as final regulations. *See* section 1503(a).

IV. No Inference

No inference is intended with regard to the treatment of transactions involving a consolidated group before the applicability date of the proposed regulations, including under § 1.1502–13. Additionally, no inference is intended with regard to the treatment of similar transactions not involving a consolidated group, or with regard to whether section 959(b) distributions are taken into account under section 951(a)(2)(B). The Treasury Department and the IRS are further considering the interaction of sections 951(a)(2)(B) and 959(b), and any additional guidance issued relating to those sections, including guidance to prevent abuse, may be retroactive.

Special Analyses

I. Regulatory Planning and Review—Economic Analysis

The Administrator of the Office of Information and Regulatory Affairs (''OIRA''), Office of Management and Budget, has determined that this proposed rule is not a significant regulatory action, as that term is defined in section 3(f) of Executive Order 12866. Therefore, OIRA has not reviewed this proposed rule pursuant to section 6(a)(3)(A) of Executive Order 12866 and the April 11, 2018, Memorandum of Agreement between the Treasury Department and the Office of Management and Budget (''OMB'').

II. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is hereby certified that these proposed regulations will not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that these proposed regulations apply only to corporations that file consolidated Federal income tax returns, and that such corporations almost exclusively consist of larger businesses. Specifically, based on data available to the IRS, corporations that file consolidated Federal income tax returns represent only approximately two percent of all filers of Forms 1120 (U.S. Corporation Income Tax Return). However, these consolidated Federal income tax returns account for approximately 95 percent of the aggregate amount of receipts provided on all Forms 1120. Therefore, these proposed regulations would not create additional obligations for, or impose an economic impact on, small entities. Accordingly, the Secretary certifies that the proposed regulations will not have a significant economic impact on a substantial number of small entities.

III. Section 7805(f)

Pursuant to section 7805(f), this notice of proposed rulemaking has been

submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

IV. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a state, local, or tribal government, in the aggregate, or by the private sector, of $100 million in 1995 dollars, updated annually for inflation. In 2022, that threshold is approximately $165 million. These proposed regulations do not include any Federal mandate that may result in expenditures by state, local, or tribal governments, or by the private sector in excess of that threshold.

V. Executive Order 13132: Federalism

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

Comments and Requests for a Public Hearing

Before the proposed regulations are adopted as final regulations, consideration will be given to comments that are submitted timely to the IRS as prescribed in the preamble under the **ADDRESSES** section. The Treasury Department and the IRS request comments on all aspects of the proposed regulations. In addition, the Treasury Department and the IRS continue to study different applications of section 951(a)(2)(B) when CFC interests have been transferred in intercompany transactions and request comments on the interaction of section 951(a)(2)(B) and § 1.1502–13. Any comments submitted will be made available at *www.regulations.gov* or upon request.

A public hearing will be scheduled if requested in writing by any person who timely submits electronic or written comments. Requests for a public hearing are encouraged to be made electronically. If a public hearing is scheduled, notice of the date and time for the public hearing will be published in the **Federal Register**. Announcement 2020–4, 2020–17 IRB 1, provides that until further notice, public hearings conducted by the IRS will be held telephonically. Any telephonic hearing will be made accessible to people with disabilities.

Statement of Availability of IRS Documents

Any IRS Revenue Procedures, Revenue Rulings, Notices, or other guidance cited in this document are published in the Internal Revenue Bulletin (or Cumulative Bulletin) and are available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, or by visiting the IRS website at *www.irs.gov.*

Drafting Information

The principal authors of these regulations are Joshua P. Roffenbender, Office of Associate Chief Counsel (International), and Jeremy Aron-Dine and Gregory J. Galvin, Office of Associate Chief Counsel (Corporate). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income Taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, the Treasury Department and the IRS propose to amend 26 CFR part 1 as follows:

PART 1—INCOME TAXES

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

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

■ **Par. 2.** In § 1.1502–80, paragraphs (i) and (j) are added to read as follows:

§ 1.1502–80 Applicability of other provisions of law.

* * * * *

(i) [Reserved]

(j) *Special rules for application of section 951(a)(2)(B) to distributions to which section 959(b) applies*—(1) *Single United States shareholder treatment.* In determining the amount described in section 951(a)(2)(B) that is attributable to distributions to which section 959(b) applies, members of a group are treated as a single United States shareholder (within the meaning of section 951(b) (or section 953(c)(1)(A), if applicable)) for purposes of determining the part of the year during which such shareholder did not own (within the meaning of section 958(a)) the stock described in section 951(a)(2)(A). The purpose of this paragraph (j) is to facilitate the clear reflection of income of a consolidated group by ensuring that the location of ownership of stock of a foreign corporation within the group does not affect the amount of the group's income by reason of sections 951(a)(1)(A) and 951A(a).

(2) *Examples.* The following examples illustrate the application of paragraph (j)(1) of this section. For purposes of the examples in this paragraph (j)(2): M1 and M2 are members of a consolidated group of which P is the common parent (P group); each of CFC1, CFC2, and CFC3 is a controlled foreign corporation (within the meaning of section 957(a)) with the U.S. dollar as its functional currency (within the meaning of section 985); the taxable year of all entities is the calendar year for Federal income tax purposes; and a reference to stock owned means stock owned within the meaning of section 958(a). These examples do not address common law doctrines or other authorities that might apply to recast a transaction or to otherwise affect the tax treatment of a transaction.

(i) *Example 1. Intercompany transfer of stock of a controlled foreign corporation—(A) Facts.* Throughout Year 1, M1 directly owns all the stock of CFC1, which directly owns all the stock of CFC2. In Year 1, CFC2 has $100x of subpart F income (as defined in section 952). M1's pro rata share of CFC2's subpart F income for Year 1 is $100x, which M1 includes in its gross income under section 951(a)(1)(A). In Year 2, CFC2 has $80x of subpart F income and distributes $80x to CFC1 (the CFC2 Distribution). Section 959(b) applies to the entire CFC2 Distribution. On December 29, Year 2, M1 transfers all of its CFC1 stock to M2 in an exchange described in section 351(a). As a result, on December 31, Year 2 (the last day of Year 2 on which CFC2 is a controlled foreign corporation), M2 owns 100% of the stock of CFC1, which owns 100% of the stock of CFC2.

(B) *Analysis.* Under paragraph (j)(1) of this section, in determining the amount described in section 951(a)(2)(B) that is attributable to the CFC2 Distribution, all members of the P group are treated as a single United States shareholder for purposes of determining the part of Year 2 during which such shareholder did not own the stock of CFC2. Thus, the ratio of the number of days in Year 2 that such United States shareholder did not own the stock of CFC2 to the total number of days in Year 2 is 0/365. The

amount described in section 951(a)(2)(B) is $0, M2's pro rata share of CFC2's subpart F income for Year 2 is $80x ($80x—$0), and M2 must include $80x in its gross income under section 951(a)(1)(A).

(ii) *Example 2. Transfer of stock of a controlled foreign corporation between controlled foreign corporations*—(A) *Facts.* The facts are the same as the facts of Example 1, except that M1 does not transfer its CFC1 stock to M2. Additionally, throughout Year 1 and from January 1, Year 2, to December 29, Year 2, M2 directly owns all 90 shares of the only class of stock of CFC3. Further, on December 29, Year 2, CFC3 acquires all the CFC2 stock from CFC1 in exchange for 10 newly issued shares of the same class of CFC3 stock in a transaction described in section 368(a)(1)(B). As a result, on December 31, Year 2, M1 owns 10% of the stock of CFC2, and M2 owns 90% of the stock of CFC2.

(B) *Analysis.* Under paragraph (j)(1) of this section, in determining the amount described in section 951(a)(2)(B) that is attributable to the portion of the CFC2 Distribution with respect to each of the CFC2 stock that M1 owns on December 31, Year 2, and the CFC2 stock that M2 owns on that day, all members of the P group are treated as a single United States shareholder for purposes of determining the part of Year 2 during which such shareholder did not own such stock. In each case, the ratio of the number of days in Year 2 that such United States shareholder did not own such stock to the total number of days in Year 2 is 0/365, and the amount described in section 951(a)(2)(B) is $0. M1's and M2's pro rata shares of CFC2's subpart F income for Year 2 are $8x ($8x − $0) and $72x ($72x − $0), respectively, and M1 and M2 must include $8x and $72x in gross income under section 951(a)(1)(A), respectively.

(3) *Applicability date.* This paragraph (j) applies to taxable years for which the original consolidated Federal income tax return is due (without extensions) after the date a Treasury decision adopting these rules as final regulations is published in the **Federal Register**.

Melanie R. Krause,

Acting Deputy Commissioner for Services and Enforcement.

[FR Doc. 2022–27055 Filed 12–9–22; 11:15 am]

BILLING CODE 4830–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 22–420; RM–11937; DA 22–1247; FR ID 117267]

Television Broadcasting Services Yuma, Arizona

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by Gray Television Licensee, LLC (Petitioner), the holder of a construction permit for channel 11 at Yuma, Arizona. The Petitioner requests the substitution of channel 27 for channel 11 at Yuma in the Table of Allotments.

DATES: Comments must be filed on or before January 13, 2023 and reply comments on or before January 30, 2023.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the Petitioner as follows: Joan Stewart, Esq., Wiley Rein, 2050 M Street NW, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647; or Joyce Bernstein, Media Bureau, at *Joyce.Bernstein@fcc.gov.*

SUPPLEMENTARY INFORMATION: In support, the Petitioner states that grant of the proposed channel substitution serves the public interest because it will provide a robust signal for over-the-air reception while avoiding the well-documented indoor reception issues with digital VHF stations. According to the Petitioner, the Commission has recognized the deleterious effects manmade noise has on the reception of digital VHF signals, and that the propagation characteristics of these channels allow undesired signals and noise to be receivable at relatively farther distances compared to UHF channels, and nearby electrical devices can cause interference. The Engineering Statement submitted with the Petition demonstrates that the proposal complies with all relevant technical requirements for amendment of the Table of TV Allotments, including the interference protection requirements of section 73.616 of the Commission's rules, and further demonstrates that the proposed channel 27 facility will provide full principal community coverage to Yuma, Arizona. Additionally, no change in transmitting location is proposed from that in the construction permit. This channel substitution must be coordinated with Mexico.

This is a synopsis of the Commission's *Notice of Proposed Rulemaking,* MB Docket No. 22–420; RM–11937; DA 22–1247, adopted December 2, 2022, and released December 2, 2022. The full text of this document is available for download at *https://www.fcc.gov/edocs.* To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to *FCC504@fcc.gov* or call the Consumer & Government Affairs Bureau at (202) 418–0530 (VOICE), (202) 418–0432 (TTY).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

Members of the public should note that all *ex parte* contacts are prohibited from the time a Notice of Proposed Rulemaking is issued to the time the matter is no longer subject to Commission consideration or court review, *see* 47 CFR 1.1208. There are, however, exceptions to this prohibition, which can be found in Section 1.1204(a) of the Commission's rules, 47 CFR 1.1204(a).

See Sections 1.415 and 1.420 of the Commission's rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Proposed Rule

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

PART 73—RADIO BROADCAST SERVICE

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

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

§ 73.622 [Amended]

■ 2. In § 73.622 in paragraph (j), amend the Table of Allotments under Arizona by revising the entry for Yuma to read as follows:

§ 73.622 Table of allotments.

* * * * *

(j) * * *

Community	Channel No.
* * * * *	
ARIZONA	
* * * * *	
Yuma	27
* * * * *	

[FR Doc. 2022–27037 Filed 12–13–22; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 221208–0262; RTID 0648–XC365]

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Proposed 2023 and 2024 Harvest Specifications for Groundfish

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

ACTION: Proposed rule; harvest specifications and request for comments.

SUMMARY: NMFS proposes 2023 and 2024 harvest specifications, apportionments, and prohibited species catch allowances for the groundfish fisheries of the Bering Sea and Aleutian Islands (BSAI) management area. This action is necessary to establish harvest limits for groundfish during the 2023 and 2024 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The 2023 harvest specifications supersede those previously set in the final 2022 and 2023 harvest specifications, and the 2024 harvest specifications will be superseded in early 2024 when the final 2024 and 2025 harvest specifications are published. The intended effect of this action is to conserve and manage the groundfish resources in the BSAI in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Comments must be received by January 13, 2023.

ADDRESSES: Submit your comments, identified by NOAA–NMFS–2022–013, by either of the following methods:

- *Federal e-Rulemaking Portal:* Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2022-0094,* click the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Records Office. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record, and NMFS will post the comments for public viewing on *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 is publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (Final EIS), Record of Decision (ROD) for the Final EIS, and the annual Supplementary Information Reports (SIRs) to the Final EIS prepared for this action are available from *https://www.regulations.gov.* An updated 2023 SIR for the final 2023 and 2024 harvest specifications will be available from the same source. The final 2021 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the BSAI, dated November 2021, is available from the North Pacific Fishery Management Council (Council) at 1007 West 3rd Ave., Suite 400, Anchorage, Alaska 99501, phone 907–271–2809, or from the Council's website at *https://www.npfmc.org/.* The 2022 SAFE report for the BSAI will be available from the same source.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: Federal regulations at 50 CFR part 679 implement the FMP and govern the groundfish fisheries in the BSAI. The Council prepared the FMP, and NMFS approved it, under the Magnuson-Stevens Act. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The FMP and its implementing regulations require that NMFS, after consultation with the Council, specify annually the total allowable catch (TAC) for each target species category. The sum of TACs for all groundfish species in the BSAI must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (see §§ 679.20(a)(1)(i)(A) and 679.20(a)(2)). Section 679.20(c)(1) further requires that NMFS publish proposed harvest specifications in the **Federal Register** and solicit public comments on proposed annual TACs and apportionments thereof; prohibited species catch (PSC) allowances; prohibited species quota (PSQ) reserves established by § 679.21; seasonal allowances of pollock, Pacific cod, and Atka mackerel TAC; American Fisheries Act allocations; Amendment 80 allocations; Community Development Quota (CDQ) reserve amounts established by § 679.20(b)(1)(ii); and acceptable biological catch (ABC) surpluses and reserves for CDQ groups and Amendment 80 cooperatives for flathead sole, rock sole, and yellowfin sole. The proposed harvest specifications set forth in Tables 1 through 15 of this action satisfy these requirements.

Under § 679.20(c)(3), NMFS will publish the final 2023 and 2024 harvest specifications after (1) considering comments received within the comment period (see **DATES**), (2) consulting with the Council at its December 2022 meeting, (3) considering information presented in the 2023 SIR to the Final EIS that assesses the need to prepare a Supplemental EIS (see **ADDRESSES**), and (4) considering information presented in the final 2022 SAFE report prepared for the 2023 and 2024 groundfish fisheries.

Other Actions Affecting or Potentially Affecting the 2023 and 2024 Harvest Specifications

Halibut Abundance-Based Management for the Amendment 80 Program PSC Limit

In December 2021, the Council recommended Amendment 123 to the FMP, which if approved would establish abundance-based management of Amendment 80 Program PSC for Pacific halibut. The proposed action would replace the current Amendment 80 sector static halibut PSC limit (1,745 mt) with a process for annually setting

the Amendment 80 sector halibut PSC limit based on the most recent halibut abundance estimates from the International Pacific Halibut Commission setline survey index and the NMFS Alaska Fisheries Science Center Eastern Bering Sea shelf trawl survey index. The annual process would be based on a table with pre-established halibut abundance ranges from those surveys. The annual Amendment 80 sector halibut PSC limit would be set at the value found at the intercept of the results from the most recent survey indices. Further details will be available on publication of the proposed rule to implement Amendment 123. If the FMP amendment and its implementing regulations are approved by the Secretary of Commerce, the action is anticipated to be effective in 2024. Until effective, NMFS will continue to use the current Amendment 80 halibut PSC limit listed at § 679.21(b)(1) and published in the harvest specifications.

Pacific Cod Trawl Cooperative Limited Access Privilege Program

In October 2021, the Council recommended Amendment 122 to the FMP, which if approved would implement a limited access privilege program called the Pacific cod Trawl Cooperative (PCTC) Program. The PCTC Program would allocate quota share (QS) to groundfish License Limitation Program license holders and to processors based on history during the qualifying years. Under this program, QS holders would be required to join cooperatives annually. Cooperatives would be allocated the BSAI trawl catcher vessel sector's A and B season Pacific cod allocations as an exclusive harvest privilege in the form of cooperative quota, equivalent to the aggregate QS of all cooperative members. NMFS anticipates that the regulations at § 679.20(a)(7)(viii) will be removed through implementation of the PCTC Program, if approved. Further details will be available on publication of the proposed rule to implement Amendment 122. If the FMP amendment and its implementing regulations are approved by the Secretary of Commerce, the action is anticipated to be effective in 2024. Until effective, NMFS will continue the current management of the BSAI trawl catcher vessel Pacific cod allocation.

State of Alaska Guideline Harvest Levels

For 2023 and 2024, the Board of Fisheries (BOF) for the State of Alaska (State) established the guideline harvest level (GHL) for vessels using pot, longline, jig, and hand troll gear in State waters in the State's Aleutian Islands (AI) State waters sablefish registration area that includes all State waters west of Scotch Cap Light (164° 44.72′ W longitude) and south of Cape Sarichef (54° 36′ N latitude). The 2023 AI GHL is set at 5 percent of the combined 2023 BS and AI ABC (716 mt). The State's AI sablefish registration area includes areas adjacent to parts of the Federal Bering Sea subarea (BS). Since most of the State's 2023 and 2024 GHL sablefish fishery is expected to occur in State waters adjacent to the BS, the Council and its BSAI Groundfish Plan Team (Plan Team), Scientific and Statistical Committee (SSC), and Advisory Panel (AP) recommended that the sum of all State and Federal waters sablefish removals from the BS not exceed the proposed ABC recommendations for sablefish in the BS. Accordingly, the Council recommended, and NMFS proposes, that the 2023 and 2024 sablefish TACs in the BS account for the State's GHLs for sablefish caught in State waters.

For 2023 and 2024, the BOF for the State established the GHL for vessels using pot gear in State waters in the BS. The 2022 BS GHL was set at 11 percent of the 2022 BS ABC (87 FR 11626, March 2, 2022). The State's pot gear BS GHL will increase 1 percent annually up to 15 percent of the BS ABC, if at least 90 percent of the GHL is harvested by November 15 of the preceding year. In 2022, 90 percent of the GHL was harvested by November 15, 2022, which triggers a 1 percent increase in the GHL in 2023 and results in a 2023 GHL of 12 percent of the proposed Pacific cod BS ABC. If at least 90 percent of the 2023 BS GHL is not harvested by November 15, 2023, then the 2024 BS GHL will remain at the same percent (12 percent) as the 2023 BS GHL. If 90 percent of the 2023 BS GHL is harvested by November 15, 2023, then the 2024 BS GHL will increase by 1 percent and the 2024 BS TAC will be set to account for the increased BS GHL. Also, for 2023 and 2024, the BOF established an additional GHL for vessels using jig gear in State waters in the BS equal to 45 mt of Pacific cod. The Council and its BSAI Plan Team, SSC, and AP recommended that the sum of all State and Federal waters Pacific cod removals from the BS not exceed the proposed ABC recommendations for Pacific cod in the BS. Accordingly, the Council recommended, and NMFS proposes, that the 2023 and 2024 Pacific cod TACs in the BS account for the State's GHLs for Pacific cod caught in State waters.

For 2023 and 2024, the BOF for the State established the GHL in State waters in the Aleutian Islands subarea (AI). In 2022, 90 percent of the GHL has been harvested by November 15, 2022, and results in a 2023 GHL of 39 percent of the proposed Pacific cod AI ABC. The AI GHL may not exceed 39 percent of the AI ABC or 15 million pounds (6,804 mt). In 2023, 39 percent of the proposed 2023 and 2024 AI ABC is 8,034 mt, which exceeds the AI GHL limit of 6,804 mt. The Council and its Plan Team, SSC, and AP recommended that the sum of all State and Federal waters Pacific cod removals from the AI not exceed the proposed ABC recommendations for Pacific cod in the AI. Accordingly, the Council recommended, and NMFS proposes, that the 2023 and 2024 Pacific cod TACs in the AI account for the State's GHL of 6,804 mt for Pacific cod caught in State waters. This change results in a total TAC for the proposed 2023 and 2024 harvest specifications of 1,999,284 mt.

Proposed ABC and TAC Harvest Specifications

In October 2022, the Council's SSC, its AP, and the Council reviewed the most recent biological and harvest information on the condition of the BSAI groundfish stocks. The Plan Team compiled and presented this information in the final 2021 SAFE report for the BSAI groundfish fisheries, dated November 2021 (see **ADDRESSES**). The final 2022 SAFE report, including individual stock assessments, will be available from the same source (see **ADDRESSES**) and from *https://www.fisheries.noaa.gov/alaska/population-assessments/north-pacific-groundfish-stock-assessment-and-fishery-evaluation.*

The proposed 2023 and 2024 harvest specifications are based on the final 2023 harvest specifications published in March 2022 (87 FR 11626, March 2, 2022), which were set after consideration of the most recent 2021 SAFE report, and are partially updated with initial survey data that were presented at the September 2022 Plan Team meeting. The proposed 2023 and 2024 harvest specifications in this action are subject to change in the final harvest specifications to be published by NMFS following the Council's December 2022 meeting.

In November 2022, the Plan Team will update the 2021 SAFE report to include new information collected during 2022, such as NMFS stock surveys, revised stock assessments, and catch data. The Plan Team will compile this information and present the draft 2022 SAFE report at the December 2022 Council meeting. At that meeting, the SSC and the Council will review the 2022 SAFE report, and the Council will approve the 2022 SAFE report. The

Council will consider information in the 2022 SAFE report, recommendations from the November 2022 Plan Team meeting and December 2022 SSC and AP meetings, public testimony, and relevant written comments in making its recommendations for the final 2023 and 2024 harvest specifications. Pursuant to § 679.20(a)(2) and (3), the Council could recommend adjusting the final TACs if warranted based on the biological condition of groundfish stocks or a variety of socioeconomic considerations, or if required to cause the sum of TACs to fall within the OY range.

Expectation for Potential Changes Between What Is in These Proposed Specifications and What Will Be in the Final Specifications

In previous years, the most significant changes (relative to the amount of assessed tonnage of fish) to the Overfishing Levels (OFLs) and ABCs from the proposed to the final harvest specifications have been based on the most recent NMFS stock surveys. These surveys provide updated estimates of stock biomass and spatial distribution, and inform changes to the models or the models' results used for producing stock assessments. Any changes to models used in stock assessments will be recommended by the Plan Team in November 2022, reviewed by the SSC in December 2022, and then included in the final 2022 SAFE report. Model changes can result in changes to final OFLs, ABCs, and TACs. The final 2022 SAFE report will include the most recent information, such as catch data.

The final harvest specification amounts for these stocks are not expected to vary greatly from these proposed harvest specification amounts. If the 2022 SAFE report indicates that the stock biomass trend is increasing for a species, then the final 2023 and 2024 harvest specifications may reflect an increase from the proposed harvest specifications. Conversely, if the 2022 SAFE report indicates that the stock biomass trend is decreasing for a species, then the final 2023 and 2024 harvest specifications may reflect a decrease from the proposed harvest specifications. In addition to changes driven by biomass trends, there may be changes in TACs due to the sum of ABCs exceeding 2 million mt. Since the regulations require TACs to be set to an OY between 1.4 and 2 million mt, the Council may be required to recommend TACs that are lower than the ABCs recommended by the Plan Team and the SSC, if setting all TACs equal to ABCs would cause the sum of TACs to exceed an OY of 2 million mt. Generally, total ABCs greatly exceed 2 million mt in years with a large pollock biomass. For both 2023 and 2024, NMFS anticipates that the sum of the final ABCs will exceed 2 million mt. NMFS expects that the final TACs for the BSAI for both 2023 and 2024 will be close to or equal 2 million mt each year.

The proposed 2023 and 2024 OFLs and ABCs are based on the best available biological and scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. The FMP specifies a series of six tiers to define OFLs and ABCs based on the level of reliable information available to fishery scientists. Tier 1 represents the highest level of information quality available, while Tier 6 represents the lowest. The proposed 2023 and 2024 TACs are based on the best available biological and socioeconomic information.

In October 2022, the SSC adopted the proposed 2023 and 2024 OFLs and ABCs recommended by the Plan Team for all groundfish. The Council adopted the SSC's OFL and ABC recommendations. The OFL and ABC amounts are unchanged from the final 2023 harvest specifications published in the **Federal Register** on March 2, 2022 (87 FR 11626). The sum of the proposed 2023 and 2024 ABCs for all assessed groundfish is 2,626,251 mt. The sum of the proposed TACs is 1,999,284 mt.

Specification and Apportionment of TAC Amounts

The Council recommended proposed 2023 and 2024 TACs that are equal to the proposed ABCs for 2023 and 2024 BS pollock, AI sablefish, BS and AI Greenland turbot, BSAI Kamchatka flounder, Central AI Atka mackerel, BS and Eastern AI Atka mackerel, BS Pacific ocean perch, Central AI Pacific ocean perch, Eastern AI Pacific ocean perch, BS and Eastern AI blackspotted and rougheye rockfish, Central AI and Western AI blackspotted and rougheye rockfish, BSAI shortraker rockfish, and BS and AI ''other rockfish.'' The Council recommended proposed TACs less than the respective proposed ABCs for all other species. Section 679.20(a)(5)(iii)(B)(*1*) requires the AI pollock TAC to be set at 19,000 mt when the AI pollock ABC equals or exceeds 19,000 mt. The Bogoslof pollock TAC is set to accommodate incidental catch amounts. TACs are set so that the sum of the overall TAC does not exceed the BSAI OY.

The proposed groundfish OFLs, ABCs, and TACs are subject to change pending the completion of the final 2022 SAFE report, public comment, and the Council's recommendations for the final 2023 and 2024 harvest specifications during its December 2022 meeting. These proposed amounts are consistent with the biological condition of groundfish stocks as described in the 2021 SAFE report. The proposed ABCs reflect harvest amounts that are less than the specified overfishing levels. The proposed TACs have been adjusted for other biological information and socioeconomic considerations, including maintaining the entire TAC within the required OY range. Pursuant to Section 3.2.3.4.1 of the FMP, the Council could recommend adjusting the final TACs ''if warranted on the basis of bycatch considerations, management uncertainty, or socioeconomic considerations; or if required in order to cause the sum of the TACs to fall within the OY range.'' Table 1 lists the proposed 2023 and 2024 OFL, ABC, TAC, initial TAC (ITAC), and CDQ amounts for groundfish for the BSAI. The proposed apportionment of TAC amounts among fisheries and seasons is discussed below.

TABLE 1—PROPOSED 2023 AND 2024 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUNDFISH IN THE BSAI [1]

[Amounts are in metric tons]

Species	Area	Proposed 2023 and 2024					
		OFL	ABC	TAC	ITAC [2]	CDQ [3 4]	Nonspecified reserves
Pollock [4]	BS	1,704,000	1,289,000	1,289,000	1,160,100	128,900	
	AI	61,379	50,825	19,000	17,100	1,900	
	Bogoslof	113,479	85,109	250	250		
Pacific cod [5]	BS	180,909	151,709	133,459	119,179	14,280	
	AI	27,400	20,600	13,796	12,320	1,476	

TABLE 1—PROPOSED 2023 AND 2024 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUNDFISH IN THE BSAI [1]—Continued

[Amounts are in metric tons]

Species	Area	Proposed 2023 and 2024					
		OFL	ABC	TAC	ITAC [2]	CDQ [3 4]	Nonspecified reserves
Sablefish	Alaska-wide	42,520	36,318	n/a	n/a	n/a	
	BS	n/a	6,529	5,813	2,471	218	218
	AI	n/a	7,786	7,786	1,655	146	146
Yellowfin sole	BSAI	382,035	358,675	230,000	205,390	24,610	
Greenland turbot	BSAI	6,698	5,724	5,724	4,865	n/a	
	BS	n/a	4,825	4,825	4,101	516	207
	AI	n/a	899	899	764		135
Arrowtooth flounder	BSAI	97,944	83,389	20,000	17,000	2,140	860
Kamchatka flounder	BSAI	11,115	9,393	9,393	7,984		1,409
Rock sole [6]	BSAI	280,621	271,199	55,000	49,115	5,885	
Flathead sole [7]	BSAI	80,034	65,988	25,500	22,772	2,729	
Alaska plaice	BSAI	39,685	32,998	29,082	24,720		4,362
Other flatfish [8]	BSAI	22,919	17,189	10,000	8,500		1,500
Pacific Ocean perch	BSAI	40,977	34,322	33,952	29,891	n/a	
	BS	n/a	9,956	9,956	8,463		1,493
	EAI	n/a	7,774	7,774	6,942	832	
	CAI	n/a	5,722	5,722	5,110	612	
	WAI	n/a	10,870	10,500	9,377	1,124	
Northern rockfish	BSAI	22,594	18,538	17,000	14,450		2,550
Blackspotted/Rougheye rockfish [9]	BSAI	615	517	517	439		78
	BS/EAI	n/a	334	334	284		50
	CAI/WAI	n/a	183	183	156		27
Shortraker rockfish	BSAI	722	541	541	460		81
Other rockfish [10]	BSAI	1,751	1,313	1,313	1,116		197
	BS	n/a	919	919	781		138
	AI	n/a	394	394	335		59
Atka mackerel	BSAI	84,440	71,990	60,958	54,435	6,523	
	EAI/BS	n/a	25,000	25,000	22,325	2,675	
	CAI	n/a	15,470	15,470	13,815	1,655	
	WAI	n/a	31,520	20,488	18,296	2,192	
Skates	BSAI	46,475	38,824	30,000	25,500		4,500
Sharks	BSAI	689	517	500	425		75
Octopuses	BSAI	4,769	3,576	700	595		105
Total		3,253,770	2,626,251	1,999,284	1,780,731	191,890	17,917

Note: Regulatory areas and districts are defined at § 679.2 (BSAI=Bering Sea and Aleutian Islands management area, BS=Bering Sea subarea, AI=Aleutian Islands subarea, EAI=Eastern Aleutian district, CAI=Central Aleutian district, WAI=Western Aleutian district).

[1] These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, the Bering Sea subarea (BS) includes the Bogoslof District.

[2] Except for pollock, the portion of the sablefish TAC allocated to hook-and-line and pot gear, and the Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and Aleutian Islands Pacific ocean perch), 15 percent of each TAC is put into a nonspecified reserve. The ITAC for these species is the remainder of the TAC after subtraction of the reserves. For pollock and Amendment 80 species, ITAC is the non-CDQ allocation of TAC (see footnote 3 and 4).

[3] For the Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and Aleutian Islands Pacific ocean perch), 10.7 percent of the TAC is reserved for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31). 20 percent of the sablefish TAC allocated to hook-and-line gear or pot gear, 7.5 percent of the sablefish TAC allocated to trawl gear, and 10.7 percent of the TACs for Bering Sea Greenland turbot and BSAI arrowtooth flounder are reserved for use by CDQ participants (see § 679.20(b)(1)(ii)(B) and (D)). The 2024 hook-and-line or pot gear portion of the sablefish ITAC and CDQ reserve will not be specified until the final 2024 and 2025 harvest specifications. Aleutian Islands Greenland turbot, ''other flatfish,'' Alaska plaice, Bering Sea Pacific ocean perch, Kamchatka flounder, northern rockfish, shortraker rockfish, blackspotted and rougheye rockfish, ''other rockfish,'' skates, sharks, and octopuses are not allocated to the CDQ Program.

[4] Under § 679.20(a)(5)(i)(A), the annual BS pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (4.27 percent), is further allocated by sector for a pollock directed fishery as follows: inshore—50 percent; catcher/processor—40 percent; and motherships—10 percent. Under § 679.20(a)(5)(iii)(B)(*2*), the annual Aleutian Islands (AI) pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (2,500 mt), is allocated to the Aleut Corporation for a pollock directed fishery.

[5] The proposed BS Pacific cod TAC is set to account for the 12 percent, plus 45 mt, of the BS ABC for the State of Alaska's (State) guideline harvest level in State waters of the BS. The proposed AI Pacific cod TAC is set to account for 39 percent of the AI ABC for the State guideline harvest level in State waters of the AI, unless the State guideline harvest level would exceed 15 million pounds (6,804 mt), in which case the TAC is set to account for the maximum authorized State guideline harvest level of 6,804 mt.

[6] The sablefish OFL and ABC are Alaska-wide and include the Gulf of Alaska.

[7] ''Rock sole'' includes *Lepidopsetta polyxystra* (Northern rock sole) and *Lepidopsetta bilineata* (Southern rock sole).

[8] ''Flathead sole'' includes *Hippoglossoides elassodon* (flathead sole) and *Hippoglossoides robustus* (Bering flounder).

[9] ''Other flatfish'' includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

[10] ''Blackspotted/Rougheye rockfish'' includes *Sebastes melanostictus* (blackspotted) and *Sebastes aleutianu*s (rougheye).

[11] ''Other rockfish'' includes all *Sebastes* and *Sebastolobus* species except for dark rockfish, Pacific ocean perch, northern rockfish, blackspotted/rougheye rockfish, and shortraker rockfish.

Groundfish Reserves and the Incidental Catch Allowance (ICA) for Pollock, Atka Mackerel, Flathead Sole, Rock Sole, Yellowfin Sole, and AI Pacific Ocean Perch

Section 679.20(b)(1)(i) requires NMFS to reserve 15 percent of the TAC for each target species category (except for pollock, hook-and-line and pot gear allocation of sablefish, and Amendment 80 species) in a nonspecified reserve. Section 679.20(b)(1)(ii)(B) requires that NMFS allocate 20 percent of the hook-and-line or pot gear allocation of sablefish to the fixed gear sablefish CDQ reserve for each subarea. Section 679.20(b)(1)(ii)(D) requires that NMFS allocate 7.5 percent of the trawl gear allocation of sablefish and 10.7 percent of BS Greenland turbot and BSAI arrowtooth flounder TACs to the respective CDQ reserves. Section 679.20(b)(1)(ii)(C) requires that NMFS

allocate 10.7 percent of the TACs for Atka mackerel, AI Pacific ocean perch, yellowfin sole, rock sole, flathead sole, and Pacific cod to the respective CDQ reserves.

Sections 679.20(a)(5)(i)(A) and 679.31(a) require allocation of 10 percent of the BS pollock TAC to the pollock CDQ directed fishing allowance (DFA). Sections 679.20(a)(5)(iii)(B)(*2*)(*i*) and 679.31(a) require 10 percent of the AI pollock TAC be allocated to the pollock CDQ DFA. The entire Bogoslof District pollock TAC is allocated as an ICA pursuant to § 679.20(a)(5)(ii) because the Bogoslof District is closed to directed fishing for pollock by regulation (§ 679.22(a)(7)(B)). With the exception of the hook-and-line or pot gear sablefish CDQ reserve, the regulations do not further apportion the CDQ reserves by gear.

Pursuant to § 679.20(a)(5)(i)(A)(*1*), NMFS proposes a pollock ICA of 4.27 percent of the BS pollock TAC after subtracting the 10 percent CDQ DFA. This allowance is based on NMFS's examination of the pollock incidentally retained and discarded catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 2000 through 2022. During this 23-year period, the pollock incidental catch ranged from a low of 2.2 percent in 2006 to a high of 4.6 percent in 2014, with a 23-year average of 3 percent. Pursuant to § 679.20(a)(5)(iii)(B)(*2*)(*i*) and (*ii*), NMFS proposes a pollock ICA of 15 percent or 2,500 mt of the AI pollock TAC after subtracting the 10 percent CDQ DFA. This allowance is based on NMFS's examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 2003 through 2022. During this 20-year period, the incidental catch of pollock ranged from a low of 5 percent in 2006 to a high of 17 percent in 2014, with a 20-year average of 9 percent.

After subtracting the 10.7 percent CDQ reserve and pursuant to § 679.20(a)(8) and (10), NMFS proposes ICAs of 3,000 mt of flathead sole, 6,000 mt of rock sole, 4,000 mt of yellowfin sole, 10 mt of Western Aleutian District Pacific ocean perch, 60 mt of Central Aleutian District Pacific ocean perch, 100 mt of Eastern Aleutian District Pacific ocean perch, 20 mt of Western Aleutian District Atka mackerel, 75 mt of Central Aleutian District Atka mackerel, and 800 mt of Eastern Aleutian District and BS Atka mackerel. These ICAs are based on NMFS's examination of the incidental catch in other target fisheries from 2003 through 2022.

The regulations do not designate the remainder of the nonspecified reserve by species or species group. Any amount of the reserve may be apportioned to a target species that contributed to the nonspecified reserve during the year, provided that such apportionments are consistent with § 679.20(a)(3) and do not result in overfishing (see § 679.20(b)(1)(i)). In the final 2023 and 2024 harvest specifications, NMFS will evaluate whether any apportionments are necessary and may apportion from the nonspecified reserve to increase the ITAC for any target species that contributed to the reserve.

Allocations of Pollock TAC Under the American Fisheries Act (AFA)

Section 679.20(a)(5)(i)(A) requires that BS pollock TAC be apportioned as a DFA, after subtracting 10 percent for the CDQ Program and 4.27 percent for the ICA, as follows: 50 percent to the inshore sector, 40 percent to the catcher/processor (CP) sector, and 10 percent to the mothership sector. In the BS, 45 percent of the DFAs are allocated to the A season (January 20 to June 10), and 55 percent of the DFAs are allocated to the B season (June 10 to November 1) (§§ 679.20(a)(5)(i)(B)(*1*) and 679.23(e)(2)). The AI directed pollock fishery allocation to the Aleut Corporation is the amount of pollock TAC remaining in the AI after subtracting 1,900 mt for the CDQ DFA (10 percent), and 2,500 mt for the ICA (§ 679.20(a)(5)(iii)(B)(*2*)). In the AI, the total A season apportionment of the pollock TAC (including the AI directed fishery allocation, the CDQ DFA, and the ICA) may not exceed 40 percent of the ABC for AI pollock, and the remainder of the pollock TAC is allocated to the B season (§ 679.20(a)(5)(iii)(B)(*3*)). Table 2 lists these proposed 2023 and 2024 amounts. Within any fishing year, any under harvest or over harvest of a seasonal allowance may be added to or subtracted from a subsequent seasonal allowance (§§ 679.20(a)(5)(i)(B)(*2*) and 679.20(a)(5)(iii)(B)(*3*)(iii)).

Section 679.20(a)(5)(iii)(B)(*6*) sets harvest limits for pollock in the A season (January 20 to June 10) in Areas 543, 542, and 541. In Area 543, the A season pollock harvest limit is no more than 5 percent of the AI pollock ABC. In Area 542, the A season pollock harvest limit is no more than 15 percent of the AI pollock ABC. In Area 541, the A season pollock harvest limit is no more than 30 percent of the AI pollock ABC.

Section 679.20(a)(5)(i)(A)(*4*) includes several specific requirements regarding BS pollock allocations. First, it requires that 8.5 percent of the pollock allocated to the CP sector be available for harvest by AFA catcher vessels (CVs) with CP sector endorsements, unless the Regional Administrator receives a cooperative contract that allows the distribution of harvest among AFA CPs and AFA CVs in a manner agreed to by all members. Second, AFA CPs not listed in the AFA are limited to harvesting no more than 0.5 percent of the pollock allocated to the CP sector. Table 2 lists the proposed 2023 and 2024 allocations of pollock TAC. Tables 13, 14, and 15 list the AFA CP and CV harvesting sideboard limits. The BS inshore pollock cooperative and open access sector allocations are based on the submission of AFA inshore cooperative applications due to NMFS on December 1 of each calendar year. Because AFA inshore cooperative applications for 2023 have not been submitted to NMFS, and NMFS therefore cannot calculate 2023 allocations, NMFS has not included inshore cooperative tables in these proposed harvest specifications. NMFS will post the 2023 AFA inshore pollock cooperative and open access sector allocations on the Alaska Region website at *https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/alaska-fisheries-management-reports* prior to the start of the fishing year on January 1, 2023, based on the harvest specifications effective on that date.

Table 2 also lists proposed seasonal apportionments of pollock and harvest limits within the Steller Sea Lion Conservation Area (SCA). The harvest of pollock within the SCA, as defined at § 679.22(a)(7)(vii), is limited to no more than 28 percent of the annual pollock DFA before 12 p.m. (noon), April 1, as provided in § 679.20(a)(5)(i)(C). The A season pollock SCA harvest limit will be apportioned to each sector in proportion to each sector's allocated percentage of the DFA.

TABLE 2—PROPOSED 2023 AND 2024 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]

[Amounts are in metric tons]

Area and sector	2023 and 2024 allocations	A season [1]		
		A season DFA	SCA harvest limit [2]	B season DFA
Bering Sea subarea TAC	1,289,000	n/a	n/a	n/a
CDQ DFA	128,900	58,005	36,092	70,895
ICA [1]	49,500	n/a	n/a	n/a
Total Bering Sea DFA (non-CDQ)	1,110,600	499,770	310,968	610,830
AFA Inshore	555,300	249,885	155,484	305,415
AFA Catcher/Processors [3]	444,240	199,908	124,387	244,332
Catch by CPs	406,480	182,916	n/a	223,564
Catch by CVs [3]	37,760	16,992	n/a	20,768
Unlisted CP Limit [4]	2,221	1,000	n/a	1,222
AFA Motherships	111,060	49,977	31,097	61,083
Excessive Harvesting Limit [5]	194,355	n/a	n/a	n/a
Excessive Processing Limit [6]	333,180	n/a	n/a	n/a
Aleutian Islands subarea ABC	50,825	n/a	n/a	n/a
Aleutian Islands subarea TAC	19,000	n/a	n/a	n/a
CDQ DFA	1,900	760	n/a	1,140
ICA	2,500	1,250	n/a	1,250
Aleut Corporation	14,600	14,600	n/a	.....
Area harvest limit [7]	n/a	n/a	n/a	n/a
541	15,248	n/a	n/a	n/a
542	7,624	n/a	n/a	n/a
543	2,541	n/a	n/a	n/a
Bogoslof District ICA [8]	250	n/a	n/a	n/a

[1] Pursuant to § 679.20(a)(5)(i)(A), the annual Bering Sea subarea pollock TAC, after subtracting the CDQ DFA (10 percent) and the ICA (4.27 percent), is allocated as a DFA as follows: inshore sector—50 percent, catcher/processor sector (CPs)—40 percent, and mothership sector—10 percent. In the Bering Sea subarea, 45 percent of the DFAs are allocated to the A season (January 20–June 10) and 55 percent of the DFAs are allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(*2*), the annual AI pollock TAC, after subtracting first for the CDQ DFA (10 percent) and second for the ICA (2,500 mt), is allocated to the Aleut Corporation for a directed pollock fishery. In the AI subarea, the A season is allocated no more than 40 percent of the AI pollock ABC.

[2] In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector's annual DFA may be taken from the SCA before noon, April 1.

[3] Pursuant to § 679.20(a)(5)(i)(A)(*4*), 8.5 percent of the allocation to listed CPs shall be available for harvest only by eligible catcher vessels with a CP endorsement delivering to listed CPs, unless there is a CP sector cooperative for the year.

[4] Pursuant to § 679.20(a)(5)(i)(A)(*4*)(*iii*), the AFA unlisted CPs are limited to harvesting no more than 0.5 percent of the C/P sector's allocation of pollock.

[5] Pursuant to § 679.20(a)(5)(i)(A)(*6*), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

[6] Pursuant to § 679.20(a)(5)(i)(A)(*7*), NMFS establishes an excessive processing share limit equal to 30 percent of the sum of the non-CDQ pollock DFAs.

[7] Pursuant to § 679.20(a)(5)(iii)(B)(*6*), NMFS establishes harvest limits for pollock in the A season in Area 541 no more than 30 percent, in Area 542 no more than 15 percent, and in Area 543 no more than 5 percent of the Aleutian Islands pollock ABC.

[8] Pursuant to § 679.22(a)(7)(B), the Bogoslof District is closed to directed fishing for pollock. The amounts specified are for incidental catch only and are not apportioned by season or sector.

Allocation of the Atka Mackerel TACs

Section 679.20(a)(8) allocates the Atka mackerel TACs to the Amendment 80 and BSAI trawl limited access sectors, after subtracting the CDQ reserves, ICAs for the BSAI trawl limited access sector and non-trawl gear sectors, and the jig gear allocation (Table 3). The percentage of the ITAC for Atka mackerel allocated to the Amendment 80 and BSAI trawl limited access sectors is listed in Table 33 to 50 CFR part 679 and in § 679.91. Pursuant to § 679.20(a)(8)(i), up to 2 percent of the Eastern Aleutian District and Bering Sea subarea Atka mackerel TAC may be allocated to vessels using jig gear. The percentage of this allocation is recommended annually by the Council based on several criteria, including the anticipated harvest capacity of the jig gear fleet. The Council recommended, and NMFS proposes, a 0.5 percent allocation of the Atka mackerel TAC in the Eastern Aleutian District and Bering Sea subarea to jig gear in 2023 and 2024.

Section 679.20(a)(8)(ii)(A) apportions the Atka mackerel TAC into two equal seasonal allowances. Section 679.23(e)(3) sets the first seasonal allowance for directed fishing with trawl gear from January 20 through June 10 (A season), and the second seasonal allowance from June 10 through December 31 (B season). Section 679.23(e)(4)(iii) applies Atka mackerel seasons to trawl CDQ Atka mackerel fishing. Within any fishing year, any under harvest or over harvest of a seasonal allowance may be added to or subtracted from a subsequent seasonal allowance (§ 679.20(a)(8)(ii)(B)). The ICA and jig gear allocations are not apportioned by season.

Section 679.20(a)(8)(ii)(C)(*1*)(*i*) and (*ii*) limits Atka mackerel catch within waters 0 nautical miles (nmi) to 20 nmi of Steller sea lion sites listed in Table 6 to 50 CFR part 679 and located west of 178° W longitude to no more than 60 percent of the annual TACs in Areas 542 and 543, and equally divides the annual TAC between the A and B seasons as defined at § 679.23(e)(3). Section 679.20(a)(8)(ii)(C)(*2*) requires that the annual TAC in Area 543 will be no more than 65 percent of the ABC in Area 543. Section 679.20(a)(8)(ii)(D) requires that any unharvested Atka mackerel A season allowance that is added to the B season be prohibited from being harvested within waters 0 nm to 20 nmi of Steller sea lion sites listed in Table

6 to 50 CFR part 679 and located in Areas 541, 542, and 543.

Table 3 below lists the proposed 2023 and 2024 Atka mackerel season allowances, area allowances, and the sector allocations. One Amendment 80 cooperative has formed for the 2023 fishing year. Because all Amendment 80 vessels are part of the cooperative, no allocation to the Amendment 80 limited access sector is required for 2023. The 2024 allocations for Atka mackerel between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2023. NMFS will post the 2024 Amendment 80 cooperatives and Amendment 80 limited access sector allocations on the Alaska Region website at *https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/sustainable-fisheries-alaska* prior to the start of the fishing year on January 1, 2024, based on the harvest specifications effective on that date.

TABLE 3—PROPOSED 2023 AND 2024 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE (ICA), AND AMENDMENT 80 ALLOCATIONS OF THE BSAI ATKA MACKEREL TAC

[Amounts are in metric tons]

Sector [1]	Season [2 3 4]	2023 and 2024 allocation by area		
		Eastern Aleutian District/Bering Sea	Central Aleutian District [5]	Western Aleutian District [5]
TAC	n/a	25,000	15,470	20,488
CDQ reserve	Total	2,675	1,655	2,192
	A	1,338	828	1,096
	Critical habitat [5]	n/a	497	658
	B	1,338	828	1,096
	Critical habitat [5]	n/a	497	658
non-CDQ TAC	n/a	22,325	13,815	18,296
ICA	Total	800	75	20
Jig [6]	Total	108	.....	.....
BSAI trawl limited access	Total	2,142	1,374	.....
	A	1,071	687	.....
	Critical habitat [5]	n/a	412	.....
	B	1,071	687	.....
	Critical habitat [5]	n/a	412	.....
Amendment 80 [7]	Total	19,276	12,366	18,276
	A	9,638	6,183	9,138
	Critical habitat [5]	n/a	3,710	5,483
	B	9,638	6,183	9,138
	Critical habitat [5]	n/a	3,710	5,483

[1] Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtracting the CDQ reserves, ICAs, and the jig gear allocation, to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to 50 CFR part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31).

[2] Sections 679.20(a)(8)(ii)(A) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

[3] The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

[4] Section 679.23(e)(3) authorizes directed fishing for Atka mackerel with trawl gear during the A season from January 20 to June 10, and the B season from June 10 to December 31.

[5] Section 679.20(a)(8)(ii)(C)(*1*)(*i*) limits no more than 60 percent of the annual TACs in Areas 542 and 543 to be caught inside of Steller sea lion protection areas; § 679.20(a)(8)(ii)(C)(*1*)(*ii*) equally divides the annual TACs between the A and B seasons as defined at § 679.23(e)(3) and § 679.20(a)(8)(ii)(C)(*2*) requires that the TAC in Area 543 shall be no more than 65 percent of ABC in Area 543.

[6] Sections 679.2 and 679.20(a)(8)(i) requires that up to 2 percent of the Eastern Aleutian District and Bering Sea subarea TAC be allocated to jig gear after subtraction of the CDQ reserves and ICAs. The proposed amount of this allocation is 0.5 percent. The jig gear allocation is not apportioned by season.

[7] The 2024 allocations for Atka mackerel between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2023.

Allocation of the Pacific Cod TAC

The Council separated BS and AI subarea OFLs, ABCs, and TACs for Pacific cod in 2014 (79 FR 12108, March 4, 2014). Section 679.20(b)(1)(ii)(C) allocates 10.7 percent of the BS TAC and the AI TAC to the CDQ Program. After CDQ allocations have been deducted from the respective BS and AI Pacific cod TACs, the remaining BS and AI Pacific cod TACs are combined for calculating further BSAI Pacific cod sector allocations. If the non-CDQ Pacific cod TAC is or will be reached in either the BS or the AI subareas, NMFS will prohibit directed fishing for non-CDQ Pacific cod in that subarea, as provided in § 679.20(d)(1)(iii).

Section 679.20(a)(7)(ii) allocates to the non-CDQ sectors the combined BSAI Pacific cod TAC, after subtracting 10.7 percent for the CDQ Program, as follows: 1.4 percent to vessels using jig gear, 2.0 percent to hook-and-line or pot CVs less than 60 ft (18.3 m) length overall (LOA), 0.2 percent to hook-and-line CVs greater than or equal to 60 ft (18.3 m) LOA, 48.7 percent to hook-and-line CPs, 8.4 percent to pot CVs greater than or equal to 60 ft (18.3 m) LOA, 1.5 percent to pot CPs, 2.3 percent to AFA trawl CPs, 13.4 percent to the Amendment 80 sector, and 22.1 percent to trawl CVs. During the fishing year, NMFS may reallocate unharvested Pacific cod among sectors, consistent with the reallocation hierarchy set forth at § 679.20(a)(7)(iii). The BSAI ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of BSAI Pacific cod TAC allocated to the hook-and-line and pot sectors. For 2023 and 2024, the Regional Administrator proposes a BSAI ICA of 400 mt, based on anticipated incidental catch by these sectors in other fisheries.

The BSAI ITAC allocation of Pacific cod to the Amendment 80 sector is established in Table 33 to 50 CFR part 679 and § 679.91. One Amendment 80 cooperative has formed for the 2023 fishing year. Because all Amendment 80 vessels are part of the cooperative, no allocation to the Amendment 80 limited access sector is required for 2023. The 2024 allocations for Pacific cod between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2023. NMFS will post the 2024 Amendment 80 cooperatives and Amendment 80 limited access allocations on the Alaska Region website at *https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/sustainable-fisheries-alaska* prior to the start of the fishing year on January 1, 2024, based on the harvest specifications effective on that date.

The sector allocations of Pacific cod are apportioned into seasonal allowances to disperse the Pacific cod fisheries over the fishing year (see §§ 679.20(a)(7)(i)(B), 679.20(a)(7)(iv)(A), and 679.23(e)(5)). Table 4 lists the non-CDQ sector and seasonal allowances. In accordance with § 679.20(a)(7)(iv)(B) and (C), any unused portion of a non-CDQ Pacific cod seasonal allowance for any sector, except the jig sector, will become available at the beginning of that sector's next seasonal allowance. Section 679.20(a)(7)(i)(B) sets forth the CDQ Pacific cod gear allowances by season, and CDQ groups are prohibited from exceeding those seasonal allowances (§ 679.7(d)(6)).

Section 679.20(a)(7)(vii) requires that the Regional Administrator establish an Area 543 Pacific cod harvest limit based on Pacific cod abundance in Area 543 as determined by the annual stock assessment process. Based on the 2021 stock assessment, the Regional Administrator has preliminarily determined for 2023 and 2024 that the estimated amount of Pacific cod abundance in Area 543 is 15.7 percent of total AI abundance. NMFS will first subtract the State GHL Pacific cod amount from the AI Pacific cod ABC. Then NMFS will determine the harvest limit in Area 543 by multiplying the percentage of Pacific cod estimated in Area 543 (15.7 percent) by the remaining ABC for AI Pacific cod. Based on these calculations, which rely on the 2021 stock assessment, the proposed Area 543 harvest limit is 2,166 mt. However, the final Area 543 harvest limit could change if the Pacific cod abundance in Area 543 changes based on the stock assessment in the final 2022 SAFE report.

On March 21, 2019, the final rule adopting Amendment 113 to the FMP (81 FR 84434, November 23, 2016) was vacated by the U.S. District Court for the District of Columbia (*Groundfish Forum* v. *Ross, No. 16–2495* (D.D.C. March 21, 2019)), and the corresponding regulations implementing Amendment 113 are no longer in effect. Therefore, this proposed rule is not specifying amounts for the AI Pacific Cod Catcher Vessel Harvest Set-Aside Program (see § 679.20(a)(7)(viii)). NMFS anticipates that in 2024 the regulations at § 679.20(a)(7)(viii) will be removed through implementation of the PCTC Program in a proposed rule to implement Amendment 122, if that action is approved by the Secretary (described above in Other Actions Affecting or Potentially Affecting the 2023 and 2024 Harvest Specifications).

Based on the proposed 2023 and 2024 Pacific cod TACs, Table 4 lists the CDQ and non-CDQ TAC amounts; non-CDQ seasonal allowances by gear; the sector allocations of Pacific cod; and the seasons set forth at § 679.23(e)(5).

TABLE 4—PROPOSED 2023 AND 2024 SECTOR ALLOCATIONS AND SEASONAL ALLOWANCES OF THE BSAI[1] PACIFIC COD TAC

[Amounts are in metric tons]

Sector	Percent	2023 and 2024 share of gear sector total	2023 and 2024 share of sector total	2023 and 2024 seasonal apportionment	
				Season	Amount
Total Bering Sea TAC	n/a	133,459	n/a	n/a	n/a
Bering Sea CDQ	n/a	14,280	n/a	See § 679.20(a)(7)(i)(B)	n/a
Bering Sea non-CDQ TAC	n/a	119,179	n/a	n/a	n/a
Total Aleutian Islands TAC	n/a	13,796	n/a	n/a	n/a
Aleutian Islands CDQ	n/a	1,476	n/a	See § 679.20(a)(7)(i)(B)	n/a
Aleutian Islands non-CDQ TAC	n/a	12,320	n/a	n/a	n/a
Western Aleutians Islands Limit	n/a	2,166	n/a	n/a	n/a
Total BSAI non-CDQ TAC[1]	100.0	131,499	n/a	n/a	n/a
Total hook-and-line/pot gear	60.8	79,951	n/a	n/a	n/a
Hook-and-line/pot ICA[2]	n/a	n/a	400	n/a	n/a
Hook-and-line/pot sub-total	n/a	79,551	n/a	n/a	n/a
Hook-and-line catcher/processors	48.7	n/a	63,719	Jan-1–Jun 10	32,497
				Jun 10–Dec 31	31,223
Hook-and-line catcher vessels ≤60 ft LOA	0.2	n/a	262	Jan 1–Jun 10	133
				Jun 10–Dec 31	128
Pot catcher/processors	1.5	n/a	1,963	Jan 1–Jun 10	1,001
				Sept 1–Dec 31	962
Pot catcher vessels ≥60 ft LOA	8.4	n/a	10,991	Jan 1–Jun 10	5,605
				Sept-1–Dec 31	5,385
Catcher vessels <60 ft LOA using hook-and-line or pot gear.	2.0	n/a	2,617	n/a	n/a
Trawl catcher vessels	22.1	29,061	n/a	Jan 20–Apr 1	21,505
				Apr 1–Jun 10	3,197
				Jun 10–Nov 1	4,359
AFA trawl catcher/processors	2.3	3,024	n/a	Jan 20–Apr 1	2,268
				Apr 1–Jun 10	756
				Jun 10–Nov 1	
Amendment 80	13.4	17,621	n/a	Jan 20–Apr 1	13,216
				Apr 1–Jun 10	4,405

TABLE 4—PROPOSED 2023 AND 2024 SECTOR ALLOCATIONS AND SEASONAL ALLOWANCES OF THE BSAI1 PACIFIC COD TAC—Continued

[Amounts are in metric tons]

Sector	Percent	2023 and 2024 share of gear sector total	2023 and 2024 share of sector total	2023 and 2024 seasonal apportionment	
				Season	Amount
Jig	1.4	1,841	n/a	Jun 10–Dec 31	
				Jan 1–Apr 30	1,105
				Apr 30–Aug 31	368
				Aug 31–Dec 31	368

Note: Seasonal or sector apportionments may not total precisely due to rounding.

[1] The sector allocations and seasonal allowances for BSAI Pacific cod TAC are based on the sum of the BS and AI Pacific cod TACs, after subtraction of the reserve for the CDQ Program. If the TAC for Pacific cod in either the BS or AI is or will be reached, then directed fishing will be prohibited for non-CDQ Pacific cod in that subarea, even if a BSAI allowance remains (§ 679.20(d)(1)(iii)).

[2] The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. The Regional Administrator proposes an ICA of 400 mt based on anticipated incidental catch by these sectors in other fisheries.

Sablefish Gear Allocation

Section 679.20(a)(4)(iii) and (iv) require allocation of sablefish TAC for the BS and AI between trawl gear and hook-and-line or pot gear. Gear allocations of the sablefish TAC for the BS are 50 percent for trawl gear and 50 percent for hook-and-line or pot gear. Gear allocations of the TAC for the AI are 25 percent for trawl gear and 75 percent for hook-and-line or pot gear. Section 679.20(b)(1)(ii)(B) requires that NMFS apportion 20 percent of the hook-and-line or pot gear allocation of sablefish TAC to the CDQ reserve for each subarea. Also, § 679.20(b)(1)(ii)(D)(*1*) requires that 7.5 percent of the trawl gear allocation of sablefish TAC from the nonspecified reserve, established under § 679.20(b)(1)(i), be apportioned to the CDQ reserve. The Council recommended that only trawl sablefish TAC be established biennially. The harvest specifications for the hook-and-line or pot gear sablefish Individual Fishing Quota (IFQ) fisheries are limited to the 2023 fishing year to ensure those fisheries are conducted concurrently with the halibut IFQ fishery. Concurrent sablefish and halibut IFQ fisheries reduce the potential for discards of halibut and sablefish in those fisheries. The sablefish IFQ fisheries remain closed at the beginning of each fishing year until the final harvest specifications for the sablefish IFQ fisheries are in effect. Table 5 lists the proposed 2023 and 2024 gear allocations of the sablefish TAC and CDQ reserve amounts.

TABLE 5—PROPOSED 2023 AND 2024 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS

[Amounts are in metric tons]

Subarea and gear	Percent of TAC	2023 Share of TAC	2023 ITAC [1]	2023 CDQ reserve	2024 Share of TAC	2024 ITAC	2024 CDQ reserve
Bering Sea:							
Trawl	50	2,907	2,471	218	2,907	2,471	218
Hook-and-line gear/pot [2]	50	2,907	n/a	581	n/a	n/a	n/a
Total	100	5,813	2,471	799	2,907	2,471	218
Aleutian Islands:							
Trawl	25	1,947	1,655	146	1,947	1,655	146
Hook-and-line gear/pot [2]	75	5,840	n/a	1,168	n/a	n/a	n/a
Total	100	7,786	1,655	1,314	1,947	1,655	146

Note: Seasonal or sector apportionments may not total precisely due to rounding.

[1] For the sablefish TAC allocated to vessels using trawl gear, 15 percent of TAC is apportioned to the nonspecified reserve (§ 679.20(b)(1)(i)). The ITAC is the remainder of the TAC after the subtraction of this reserve. In the BS and AI, 7.5 percent of the trawl gear allocation of TAC is assigned from the nonspecified reserve to the CDQ reserve (§ 679.20(b)(1)(ii)(D)(*1*)).

[2] For the sablefish TAC allocated to vessels using hook-and-line or pot gear, 20 percent of the allocated TAC is reserved for use by CDQ participants (§ 679.20(b)(1)(ii)(B)). The Council recommended that specifications for the hook-and-line and pot gear sablefish IFQ fisheries be limited to 1 year.

Allocation of the AI Pacific Ocean Perch, and BSAI Flathead Sole, Rock Sole, and Yellowfin Sole TACs

Section 679.20(a)(10)(i) and (ii) require that NMFS allocate AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole TACs between the Amendment 80 sector and the BSAI trawl limited access sector, after subtracting 10.7 percent for the CDQ reserves and amounts for ICAs for the BSAI trawl limited access sector and vessels using non-trawl gear. The allocation of the ITAC for AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole to the Amendment 80 sector is established in Tables 33 and 34 to 50 CFR part 679 and in § 679.91.

One Amendment 80 cooperative has formed for the 2023 fishing year. Because all Amendment 80 vessels are part of the cooperative, no allocation to the Amendment 80 limited access sector

is required for 2023. The 2024 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2023. NMFS will post the 2024 Amendment 80 cooperatives and Amendment 80 limited access sector allocations on the Alaska Region website at *https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/sustainable-fisheries-alaska* prior to the start of the fishing year on January 1, 2024, based on the harvest specifications effective on that date. Table 6 lists the proposed 2023 and 2024 allocations of the AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole TACs.

TABLE 6—PROPOSED 2023 AND 2024 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	2023 and 2024 allocations					
	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian District	Central Aleutian District	Western Aleutian District	BSAI	BSAI	BSAI
TAC	7774	5722	10,500	25,500	55,000	230,000
CDQ	832	612	1,124	2,729	5,885	24,610
ICA	100	60	10	3,000	6,000	4,000
BSAI trawl limited access sector	684	505	187	.....	.....	45,498
Amendment 80 [1]	6,158	4,545	9,179	19,772	43,115	155,892

[1] The 2024 allocations between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2023.

Section 679.2 defines the ABC surplus for flathead sole, rock sole, and yellowfin sole as the difference between the annual ABC and TAC for each species. Section 679.20(b)(1)(iii) establishes ABC reserves for flathead sole, rock sole, and yellowfin sole. The ABC surpluses and the ABC reserves are necessary to mitigate the operational variability, environmental conditions, and economic factors that may constrain the CDQ groups and the Amendment 80 cooperatives from fully harvesting their allocations and to improve the likelihood of achieving and maintaining, on a continuing basis, the optimum yield in the BSAI groundfish fisheries. NMFS, after consultation with the Council, may set the ABC reserve at or below the ABC surplus for each species, thus maintaining the TAC at or below ABC limits. An amount equal to 10.7 percent of the ABC reserves will be allocated as CDQ ABC reserves for flathead sole, rock sole, and yellowfin sole. Section 679.31(b)(4) establishes the annual allocations of CDQ ABC reserves among the CDQ groups. The Amendment 80 ABC reserves are the ABC reserves minus the CDQ ABC reserves and are allocated to Amendment 80 cooperatives pursuant to § 679.91(i)(2), which establishes each Amendment 80 cooperative ABC reserve to be the ratio of each cooperatives' quota share units and the total Amendment 80 quota share units, multiplied by the Amendment 80 ABC reserve for each respective species. Table 7 lists the proposed 2023 and 2024 ABC surplus and ABC reserves for BSAI flathead sole, rock sole, and yellowfin sole.

TABLE 7—PROPOSED 2023 AND 2024 ABC SURPLUS, ABC RESERVES, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Amounts are in metric tons]

Sector	Flathead sole [1]	Rock sole [1]	Yellowfin sole [1]
ABC	65,988	271,199	358,675
TAC	25,500	55,000	230,000
ABC surplus	40,488	216,199	128,675
ABC reserve	40,488	216,199	128,675
CDQ ABC reserve	4,332	23,133	13,768
Amendment 80 ABC reserve	36,156	193,066	114,907

[1] The 2024 allocations between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2023.

Proposed PSC Limits for Halibut, Salmon, Crab, and Herring

Section 679.21(b), (e), (f), and (g) set forth the BSAI PSC limits. Pursuant to § 679.21(b)(1), the annual BSAI halibut PSC limits total 3,515 mt. Section 679.21(b)(1) allocates 315 mt of the halibut PSC limit as the PSQ reserve for use by the groundfish CDQ Program, 1,745 mt of the halibut PSC limit for the Amendment 80 sector, 745 mt of the halibut PSC limit for the BSAI trawl limited access sector, and 710 mt of the halibut PSC limit for the BSAI non-trawl sector.

Section 679.21(b)(1)(iii)(A) and (B) require apportionment of the BSAI non-trawl halibut PSC limit into PSC allowances among six fishery categories, and § 679.21(b)(1)(ii)(A) and (B), (e)(3)(i)(B), and (e)(3)(iv) require apportionment of the BSAI trawl limited access sector's halibut and crab PSC

limits into PSC allowances among seven fishery categories. Table 10 lists the proposed fishery PSC allowances for the BSAI trawl limited access sector fisheries, and Table 11 lists the proposed fishery PSC allowances for the non-trawl fisheries.

Pursuant to Section 3.6 of the FMP, the Council recommends, and NMFS proposes, that certain specified non-trawl fisheries be exempt from the halibut PSC limit. As in past years, after consultation with the Council, NMFS proposes to exempt the pot gear fishery, the jig gear fishery, and the sablefish IFQ hook-and-line gear fishery categories from halibut bycatch restrictions for the following reasons: (1) the pot gear fisheries have low halibut bycatch mortality; (2) NMFS estimates halibut mortality for the jig gear fleet to be negligible because of the small size of the fishery and the selectivity of the gear; and (3) the sablefish and halibut IFQ fisheries have low halibut bycatch mortality because the IFQ Program requires legal-size halibut to be retained by vessels using fixed gear if a halibut IFQ permit holder or a hired master is aboard and is holding unused halibut IFQ for that vessel category and the IFQ regulatory area in which the vessel is operating (§ 679.7(f)(11)).

As of November 9, 2022, total groundfish catch for the pot gear fishery in the BSAI was 21,177 mt, with an associated halibut bycatch mortality of 25 mt. The 2022 jig gear fishery harvested about 0 mt of groundfish. Most vessels in the jig gear fleet are exempt from observer coverage requirements. As a result, observer data are not available on halibut bycatch in the jig gear fishery. As mentioned above, NMFS estimates a negligible amount of halibut bycatch mortality because of the selective nature of jig gear and the low mortality rate of halibut caught with jig gear and released.

Under § 679.21(f)(2), NMFS annually allocates portions of either 33,318, 45,000, 47,591, or 60,000 Chinook salmon PSC limits among the AFA sectors, depending on past bycatch performance, on whether Chinook salmon bycatch incentive plan agreements (IPAs) are formed, and on whether NMFS determines it is a low Chinook salmon abundance year. NMFS will determine that it is a low Chinook salmon abundance year when abundance of Chinook salmon in western Alaska is less than or equal to 250,000 Chinook salmon. The State provides to NMFS an estimate of Chinook salmon abundance using the 3-System Index for western Alaska, based on the Kuskokwim, Unalakleet, and Upper Yukon aggregate stock grouping.

If an AFA sector participates in an approved IPA and has not exceeded its performance standard under § 679.21(f)(6), and if it is not a low Chinook salmon abundance year, then NMFS will allocate a portion of the 60,000 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(A). If no IPA is approved, or if the sector has exceeded its performance standard under § 679.21(f)(6), and if it is not a low abundance year, then NMFS will allocate a portion of the 47,591 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(C). If an AFA sector participates in an approved IPA and has not exceeded its performance standard under § 679.21(f)(6) in a low abundance year, then NMFS will allocate a portion of the 45,000 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(B). If no IPA is approved, or if the sector has exceeded its performance standard under § 679.21(f)(6), and if in a low abundance year, then NMFS will allocate a portion of the 33,318 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(D).

NMFS has determined that 2022 was a low Chinook salmon abundance year, based on the State's estimate that Chinook salmon abundance in western Alaska is less than 250,000 Chinook salmon. Therefore, in 2023, the Chinook salmon PSC limit is 45,000 Chinook salmon, allocated to each sector as specified in § 679.21(f)(3)(iii)(B). The AFA sector Chinook salmon PSC allocations are also seasonally apportioned with 70 percent of the allocation for the A season pollock fishery, and 30 percent of the allocation for the B season pollock fishery (§§ 679.21(f)(3)(i) and 679.23(e)(2)). In 2023, the Chinook salmon bycatch performance standard under § 679.21(f)(6) is 33,318 Chinook salmon, allocated to each sector as specified in § 679.21(f)(3)(iii)(D). NMFS publishes the approved IPAs, allocations, and reports at *https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/sustainable-fisheries-alaska.*

Section 679.21(g)(2)(i) specifies 700 fish as the 2023 and 2024 Chinook salmon PSC limit for the AI pollock fishery. Section 679.21(g)(2)(ii) allocates 7.5 percent, or 53 Chinook salmon, as the AI PSQ reserve for the CDQ Program, and allocates the remaining 647 Chinook salmon to the non-CDQ fisheries.

Section 679.21(f)(14)(i) specifies 42,000 fish as the 2023 and 2024 non-Chinook salmon PSC limit for vessels using trawl gear from August 15 through October 14 in the Catcher Vessel Operational Area (CVOA). Section 679.21(f)(14)(ii) allocates 10.7 percent, or 4,494 non-Chinook salmon, in the CVOA as the PSQ reserve for the CDQ Program, and allocates the remaining 37,506 non-Chinook salmon in the CVOA to the non-CDQ fisheries. Section 679.21(f)(14)(iv) exempts from closures in the Chum Salmon Savings Area trawl vessels participating in directed fishing for pollock and operating under an IPA approved by NMFS.

PSC limits for crab and herring are specified annually based on abundance and spawning biomass. Due to the lack of new information as of October 2022 regarding herring PSC limits and apportionments, the Council recommended, and NMFS proposes, basing the proposed 2023 and 2024 herring PSC limits and apportionments on the 2021 survey data. The Council will reconsider these amounts in December 2022. Section 679.21(e)(3)(i)(A)(*1*) allocates 10.7 percent of each trawl gear PSC limit specified for crab as a PSQ reserve for use by the groundfish CDQ Program.

Based on the most recent (2022) survey data, the red king crab mature female abundance is estimated at 8.004 million red king crabs, and the effective spawning biomass is estimated at 19.607 million lbs (8,894 mt). Based on the criteria set out at § 679.21(e)(1)(i), the proposed 2023 and 2024 PSC limit of red king crab in Zone 1 for trawl gear is 32,000 animals. This limit derives from the mature female abundance estimate, which is below 8.4 million mature red king crab.

Section 679.21(e)(3)(ii)(B)(*2*) establishes criteria under which NMFS must specify an annual red king crab bycatch limit for the Red King Crab Savings Subarea (RKCSS) if the State has established a GHL fishery for red king crab in the Bristol Bay area in the previous year. The Alaska Department of Fish and Game and NMFS have reviewed the final 2022 NMFS trawl survey data for the Bristol Bay red king crab stock. The stock is estimated to be below the regulatory threshold for opening a fishery. Therefore, the State did not establish a GHL for the Bristol Bay red king crab fishery, and the fishery will remain closed for the 2022/2023 crab season. Since the State did not establish a GHL, NMFS and the Council will not specify an amount of the red king crab bycatch limit, annually established under § 679.21(e)(1)(i), for the RKCSS. Also, NMFS will close directed fishing for groundfish for vessels using non-pelagic trawl gear in the RKCSS for 2023. NMFS and the

Council will assess the RKCSS closure for 2024 if the Alaska Department of Fish and Game establishes a GHL for the 2023/2024 red king crab fishery in the Bristol Bay area. Based on the most recent (2022) survey data from the NMFS annual bottom trawl survey, Tanner crab (*Chionoecetes bairdi,* or *C. bairdi*) abundance is estimated at 381 million animals. Pursuant to criteria set out at § 679.21(e)(1)(ii), the calculated 2023 and 2024 *C. bairdi* crab PSC limit for trawl gear is 830,000 animals in Zone 1, and 2,520,000 animals in Zone 2. The limit in Zone 1 is based on the abundance of *C. bairdi* (estimated at 381 million animals), which is greater than 270 million but less than 400 million animals. The limit in Zone 2 is based on the abundance of *C. bairdi* (estimated at 381 million animals), which is greater than 290 million but less than 400 million animals.

Pursuant to § 679.21(e)(1)(iii), the PSC limit for trawl gear for snow crab (*C. opilio*) is based on total abundance as indicated by the NMFS annual bottom trawl survey. The *C. opilio* crab PSC limit in the *C. opilio* bycatch limitation zone (COBLZ) is set at 0.1133 percent of the Bering Sea abundance index minus 150,000 crabs, unless a minimum or maximum PSC limit applies. Based on the most recent (2022) survey estimate of 2.584 billion animals, the calculated *C. opilio* crab PSC limit is 2,927,672 animals. Because 0.1133 percent multiplied by the total abundance is less than 4.5 million, the minimum PSC limit applies and the PSC limit will be 4.350 million animals.

Pursuant to § 679.21(e)(1)(v), the PSC limit of Pacific herring caught while conducting any trawl operation for BSAI groundfish is 1 percent of the annual eastern Bering Sea herring biomass. The best current estimate of 2023 and 2024 herring biomass is 381,876 mt. This amount was developed by the Alaska Department of Fish and Game based on biomass for spawning aggregations. Therefore, the herring PSC limit proposed for 2023 and 2024 is 3,819 mt for all trawl gear as listed in Tables 8 and 9. The Council and NMFS will reconsider the proposed herring PSC limit if updated information on biomass becomes available.

Section 679.21(e)(3)(i)(A) requires that crab PSQ reserves be subtracted from the total trawl PSC limits. The 2023 crab and halibut PSC limits assigned to the Amendment 80 and BSAI trawl limited access sectors are listed in Table 35 to 50 CFR part 679. The resulting proposed 2023 and 2024 allocations of crab and halibut PSC limits to CDQ PSQ, the Amendment 80 sector, and the BSAI trawl limited access sector are listed in Table 8. Pursuant to §§ 679.21(b)(1)(i), 679.21(e)(3)(vi), and 679.91(d) through (f), crab and halibut trawl PSC limits assigned to the Amendment 80 sector are then further allocated to Amendment 80 cooperatives as cooperative quotas. Crab and halibut PSC cooperative quotas assigned to Amendment 80 cooperatives are not allocated to specific fishery categories.

One Amendment 80 cooperative has formed for the 2023 fishing year. Because all Amendment 80 vessels are part of the cooperative, no PSC limit allocation to the Amendment 80 limited access sector is required for 2023. The 2024 PSC limit allocations between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2023. NMFS will post the 2024 Amendment 80 cooperatives and Amendment 80 limited access sector allocations on the Alaska Region website at *https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/sustainable-fisheries-alaska* prior to the start of the fishing year on January 1, 2024, based on the harvest specifications effective on that date.

Section 679.21(b)(2) and (e)(5) authorize NMFS, after consulting with the Council, to establish seasonal apportionments of halibut and crab PSC amounts for the BSAI non-trawl, BSAI trawl limited access, and Amendment 80 limited access sectors to maximize the ability of the fleet to harvest the available groundfish TAC and to minimize bycatch. The factors considered are (1) seasonal distribution of prohibited species, (2) seasonal distribution of target groundfish species relative to prohibited species distribution, (3) prohibited species bycatch needs on a seasonal basis relevant to prohibited species biomass and expected catches of target groundfish species, (4) expected variations in bycatch rates throughout the year, (5) expected changes in directed groundfish fishing seasons, (6) expected start date for the fishing effort, and (7) economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry. Based on these criteria, the Council recommended, and NMFS proposes, the seasonal PSC apportionments in Tables 10 and 11 to maximize harvest among gear types, fisheries, and seasons, while minimizing bycatch of PSC.

TABLE 8—PROPOSED 2023 AND 2024 APPORTIONMENT OF PROHIBITED SPECIES CATCH ALLOWANCES TO NON-TRAWL GEAR, THE CDQ PROGRAM, AMENDMENT 80, AND THE BSAI TRAWL LIMITED ACCESS SECTORS

PSC species and area [1]	Total PSC	Non-trawl PSC	CDQ PSQ reserve [2]	Trawl PSC remaining after CDQ PSQ	Amendment 80 sector [3]	BSAI trawl limited access sector	BSAI PSC limits not allocated [2]
Halibut mortality (mt)							
BSAI	3,515	710	315	n/a	1,745	745	n/a
Herring (mt) BSAI	3,819	n/a	n/a	n/a	n/a	n/a	n/a
Red king crab (animals)							
Zone 1	32,000	n/a	3,424	28,576	14,282	8,739	5,555
C. opilio (animals)							
COBLZ	4,350,000	n/a	465,450	3,884,550	1,909,256	1,248,494	726,799
C. bairdi crab (animals)							
Zone 1	830,000	n/a	88,810	741,190	312,115	348,285	80,790
C. bairdi crab (animals)							
Zone 2	2,520,000	n/a	269,640	2,250,360	532,660	1,053,394	664,306

[1] Refer to § 679.2 for definitions of zones.

[2] The CDQ PSQ reserve for crab species is 10.7 percent of each crab PSC limit.

[3] The Amendment 80 program reduced apportionment of the trawl PSC limits for crab below the total PSC limit. These reductions are not apportioned to other gear types or sectors.

TABLE 9—PROPOSED 2023 AND 2024 HERRING AND RED KING CRAB SAVINGS SUBAREA (RKCSS) PROHIBITED SPECIES CATCH ALLOWANCES FOR ALL TRAWL SECTORS

Fishery categories	Herring (mt) BSAI	Red king crab (animals) Zone 1
Yellowfin sole	222	n/a
Rock sole/flathead sole/Alaska plaice/other flatfish [1]	110	n/a
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	11	n/a
Rockfish	11	n/a
Pacific cod	20	n/a
Midwater trawl pollock	2,400	n/a
Pollock/Atka mackerel/other species [2 3]	45	n/a
2023 Red king crab savings subarea non-pelagic trawl gear [4]	n/a	
2024 Red king crab savings subarea non-pelagic trawl gear [5]	n/a	8,000
Total trawl PSC	3,819	32,000

Note: Species apportionments may not total precisely due to rounding.
[1] "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.
[2] Pollock other than midwater trawl pollock, Atka mackerel, and "other species" fishery category.
[3] "Other species" for PSC monitoring includes skates, sharks, and octopuses.
[4] Section 679.21(e)(3)(ii)(B) establishes criteria under which an annual red king crab bycatch limit must be specified for the Red King Crab Savings Subarea (RKCSS) if the State has established a GHL fishery for red king crab in the Bristol Bay area in the previous year. Based on the final 2022 NMFS trawl survey data for the Bristol Bay red king crab stock, the State of Alaska closed the Bristol Bay red king crab fishery for the 2022/2023 crab season. NMFS and the Council will not specify the red king crab bycatch limit for the RKCSS in 2023, and pursuant to § 679.21(e)(3)(ii)(B)(*1*) directed fishing for groundfish is prohibited for vessels using non-pelagic trawl gear in the RKCSS for 2023.
[5] If the Bristol Bay red king crab fishery remains closed in the 2023/2024 crab season, the RKCSS specification will be zero. If the Bristol Bay red king crab fishery is open in the 2023/2024 crab season, NMFS, after consultation with the Council, will specify an annual red king crab by-catch limit for the RKCSS, which is limited by regulation to up to 25 percent of the red king crab PSC allowance (§ 679.21(e)(3)(ii)(B)(*2*)).

TABLE 10—PROPOSED 2023 AND 2024 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL LIMITED ACCESS SECTOR

BSAI trawl limited access sector fisheries	Prohibited species and area [1]				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	*C. opilio* (animals) COBLZ	*C. bairdi* (animals)	
				Zone 1	Zone 2
Yellowfin sole	265	7,700	1,192,179	293,234	1,005,879
Rock sole/flathead sole/Alaska plaice/other flatfish [2]					
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish					
Rockfish April 15–December 31	5		1,006		849
Pacific cod	300	975	50,281	50,816	42,424
Pollock/Atka mackerel/other species [3]	175	65	5,028	4,235	4,243
Total BSAI trawl limited access sector PSC	745	8,739	1,248,494	348,285	1,053,394

Note:–Species apportionments may not total precisely due to rounding.
[1] Refer to § 679.2 for definitions of areas and zones.
[2] "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.
[3] "Other species" for PSC monitoring includes skates, sharks, and octopuses.

TABLE 11—PROPOSED 2023 AND 2024 HALIBUT PROHIBITED SPECIES BYCATCH ALLOWANCES FOR NON-TRAWL FISHERIES

		Halibut mortality (mt) BSAI		
Non-trawl fisheries	Seasons	Catcher/processor	Catcher vessel	All Non-Trawl
Pacific cod	Annual Pacific cod	648	13	661
	January 1–June 10	388	9	n/a
	June 10–August 15	162	2	n/a
	August 15–December 31	98	2	n/a
Non-Pacific cod non-trawl-Total	May 1–December 31	n/a	n/a	49
Groundfish pot and jig	n/a	n/a	n/a	Exempt
Sablefish hook-and-line	n/a	n/a	n/a	Exempt
Total for all non-trawl PSC	n/a	n/a	n/a	710

Halibut Discard Mortality Rates

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut incidental catch rates, halibut discard mortality rates (DMRs), and estimates of groundfish catch to project when a fishery's halibut bycatch mortality allowance or seasonal apportionment is reached. Halibut incidental catch rates are based on observed estimates of halibut incidental catch in the groundfish fishery. DMRs are estimates of the proportion of incidentally caught halibut that do not survive after being returned to the sea. The cumulative halibut mortality that accrues to a particular halibut PSC limit is the product of a DMR multiplied by the estimated halibut PSC. DMRs are estimated using the best scientific information available in conjunction with the annual BSAI stock assessment process. The DMR methodology and findings are included as an appendix to the annual BSAI groundfish SAFE report.

In 2016, the DMR estimation methodology underwent revisions per the Council's directive. An interagency halibut working group (International Pacific Halibut Commission, Council, and NMFS staff) developed improved estimation methods that have undergone review by the Plan Team, SSC, and the Council. A summary of the revised methodology is included in the BSAI proposed 2017 and 2018 harvest specifications (81 FR 87863, December 6, 2016), and the comprehensive discussion of the working group's statistical methodology is available from the Council (see **ADDRESSES**). The DMR working group's revised methodology is intended to improve estimation accuracy, transparency, and transferability used for calculating DMRs. The working group will continue to consider improvements to the methodology used to calculate halibut mortality, including potential changes to the reference period (the period of data used for calculating the DMRs). Future DMRs may change based on additional years of observer sampling, which could provide more recent and accurate data and which, in turn, could improve the accuracy of estimation and contribute to improvements in methodology. The methodology will continue to ensure that NMFS is using DMRs that more accurately reflect halibut mortality. This is important because the DMRs inform the different sectors of their estimated halibut mortality and allow specific sectors to respond with methods that could reduce mortality and, eventually, the DMR for that sector.

In October 2022, the Council recommended halibut DMRs derived from the revised methodology for the proposed 2023 and 2024 DMRs. The proposed 2023 and 2024 DMRs use an updated 2-year reference period. Comparing the proposed 2023 and 2024 DMRs to the final DMRs from the 2022 and 2023 harvest specifications, the DMR for pelagic trawl gear remains at 100 percent, the DMR for motherships and CPs using non-pelagic trawl gear increases to 85 percent from 84 percent, the DMR for CVs using non-pelagic trawl gear remains at 62 percent, the DMR for CPs using hook-and-line gear decreases to 9 percent from 10 percent, the DMR for CVs using hook-and-line gear decreases to 9 percent from 10 percent, and the DMR for pot gear decreases to 26 percent from 33 percent. Table 12 lists the proposed 2023 and 2024 DMRs.

TABLE 12—PROPOSED 2023 AND 2024 PACIFIC HALIBUT DISCARD MORTALITY RATES (DMR) FOR THE BSAI

Gear	Sector	Halibut discard mortality rate (percent)
Pelagic trawl	All	100
Non-pelagic trawl	Mothership and catcher/processor	85
Non-pelagic trawl	Catcher vessel	62
Hook-and-line	Catcher vessel	9
Hook-and-line	Catcher/processor	9
Pot	All	26

Listed AFA CP Sideboard Limits

Pursuant to § 679.64(a), the Regional Administrator is responsible for restricting the ability of listed AFA CPs to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA fishery and from fishery cooperatives in the directed pollock fishery. These restrictions are set out as sideboard limits on catch. On February 8, 2019, NMFS published a final rule (84 FR 2723) that implemented regulations to prohibit non-exempt AFA CPs from directed fishing for all groundfish species or species groups subject to sideboard limits (see § 679.20(d)(1)(iv)(D) and Table 54 to 50 CFR part 679). NMFS proposes to exempt AFA CPs from a yellowfin sole sideboard limit pursuant to § 679.64(a)(1)(v) because the proposed 2023 and 2024 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt.

Section 679.64(a)(2) and Tables 40 and 41 to 50 CFR part 679 establish a formula for calculating PSC sideboard limits for halibut and crab caught by listed AFA CPs. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007). PSC species listed in Table 13 that are caught by listed AFA CPs participating in any groundfish fishery other than pollock will accrue against the proposed 2023 and 2024 PSC sideboard limits for the listed AFA CPs. Section 679.21(b)(4)(iii), (e)(3)(v), and (e)(7) authorize NMFS to close directed fishing for groundfish other than pollock for listed AFA CPs once a proposed 2023 or 2024 PSC sideboard limit listed in Table 13 is reached. Pursuant to § 679.21(b)(1)(ii)(C) and (e)(3)(ii)(C), halibut or crab PSC by listed AFA CPs while fishing for pollock will accrue against the PSC allowances annually specified for the pollock/Atka mackerel/''other species'' fishery categories, according to § 679.21(b)(1)(ii)(B) and (e)(3)(iv).

TABLE 13—PROPOSED 2023 AND 2024 BSAI AMERICAN FISHERIES ACT LISTED CATCHER/PROCESSOR (CP) PROHIBITED SPECIES SIDEBOARD LIMITS

PSC species and area [1]	Ratio of PSC to total PSC	Proposed 2023 and 2024 PSC available to trawl vessels after subtraction of PSQ [2]	Proposed 2023 and 2024 CP sideboard limit [2]
BSAI Halibut mortality	n/a	n/a	286
Red king crab Zone 1	0.007	28,576	200
C. opilio (COBLZ)	0.153	3,884,550	594,336
C. bairdi Zone 1	0.140	741,190	103,767
C. bairdi Zone 2	0.050	2,250,360	112,518

[1] Refer to § 679.2 for definitions of areas.
[2] Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

AFA CV Sideboard Limits

Pursuant to § 679.64(b), the Regional Administrator is responsible for restricting the ability of listed AFA CVs to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery cooperatives in the pollock directed fishery. These restrictions are set out as sideboard limits on catch. On February 8, 2019, NMFS published a final rule (84 FR 2723) that implemented regulations to prohibit non-exempt AFA CVs from directed fishing for a majority of the groundfish species or species groups subject to sideboard limits (see § 679.20(d)(1)(iv)(D) and Table 55 to 50 CFR part 679). The remainder of the sideboard limits for non-exempt AFA CVs are proposed in Table 14.

Section 679.64(b)(3) and (b)(4) and Tables 40 and 41 to 50 CFR part 679 establish formulas for setting AFA CV groundfish and halibut and crab PSC sideboard limits for the BSAI. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007). NMFS proposes to exempt AFA CVs from a yellowfin sole sideboard limit pursuant to § 679.64(b)(6) because the proposed 2023 and 2024 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt. Table 14 lists the proposed 2023 and 2024 AFA CV sideboard limits.

TABLE 14—PROPOSED 2023 AND 2024 BSAI PACIFIC COD SIDEBOARD LIMITS FOR AMERICAN FISHERIES ACT CATCHER VESSELS (CVS)

[Amounts are in metric tons]

Fishery by area/gear/season	Ratio of 1997 AFA CV catch to TAC	2023 and 2024 initial TAC	2023 and 2024 AFA CV sideboard limits
BSAI	n/a	n/a	n/a
Trawl gear CV	n/a	n/a	n/a
Jan 20–Apr 1	0.8609	21,505	18,514
Apr 1–Jun 10	0.8609	3,197	2,752
Jun 10–Nov 1	0.8609	4,359	3,753

Note: As proposed, § 679.64(b)(6) would exempt AFA CVs from a yellowfin sole sideboard limit because the proposed 2023 and 2024 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt.

Halibut and crab PSC limits listed in Table 15 that are caught by AFA CVs participating in any groundfish fishery other than pollock will accrue against the 2023 and 2024 PSC sideboard limits for the AFA CVs. Section 679.21(b)(4)(iii), (e)(3)(v), and (e)(7) authorize NMFS to close directed fishing for groundfish other than pollock for AFA CVs once a proposed 2023 or 2024 PSC sideboard limit listed in Table 15 is reached. Pursuant to § 679.21(b)(1)(ii)(C) and (e)(3)(ii)(C), halibut or crab PSC by AFA CVs while fishing for pollock will accrue against the PSC allowances annually specified for the pollock/Atka mackerel/''other species'' fishery categories under § 679.21(b)(1)(ii)(B) and (e)(3)(iv).

TABLE 15—PROPOSED 2023 AND 2024 AMERICAN FISHERIES ACT CATCHER VESSEL (CV) PROHIBITED SPECIES CATCH SIDEBOARD LIMITS FOR THE BSAI [1]

PSC species and area [1]	Target fishery category [2]	AFA CV PSC sideboard limit ratio	Proposed 2023 and 2024 PSC limit after subtraction of PSQ reserves [3]	Proposed 2023 and 2024 AFA CV PSC sideboard limit [3]
Halibut	Pacific cod trawl	n/a	n/a	887
	Pacific cod hook-and-line or pot	n/a	n/a	2
	Yellowfin sole total	n/a	n/a	101
	Rock sole/flathead sole/Alaska plaice/other flatfish [4].	n/a	n/a	228
	Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish.	n/a	n/a	-
	Rockfish	n/a	n/a	2
	Pollock/Atka mackerel/other species [5]	n/a	n/a	5
Red king crab Zone 1	n/a	0.2990	28,576	8,544
C. opilio COBLZ	n/a	0.1680	3,884,550	652,604
C. bairdi Zone 1	n/a	0.3300	741,190	244,593
C. bairdi Zone 2	n/a	0.1860	2,250,360	418,567

[1] Refer to § 679.2 for definitions of areas.
[2] Target fishery categories are defined at § 679.21(b)(1)(ii)(B) and (e)(3)(iv).
[3] Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.
[4] ''Other flatfish'' for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.
[5] ''Other species'' for PSC monitoring includes skates, sharks, and octopuses.

Classification

NMFS is issuing this proposed rule pursuant to section 305(d) of the Magnuson-Stevens Act. Through previous actions, the FMP and regulations are designed to authorize NMFS to take this action. See 50 CFR part 679. The NMFS Assistant Administrator has determined that the proposed harvest specifications are consistent with the FMP and preliminarily determined that the proposed harvest specifications are consistent with the Magnuson-Stevens Act and other applicable laws, subject to further review after public comment.

This action is authorized under 50 CFR 679.20 and is not subject to review under Executive Order 12866.

NMFS prepared an EIS for the Alaska groundfish harvest specifications and alternative harvest strategies (see **ADDRESSES**) and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the ROD for the Final EIS. A SIR is being prepared for the final 2023 and 2024 harvest specifications to provide a subsequent assessment of this action and to address the need to prepare a Supplemental EIS (40 CFR 1501.11(b) and 1502.9(d)(1)). Copies of the Final EIS, ROD, and annual SIRs for this action are available from NMFS (see **ADDRESSES**). The Final EIS analyzes the environmental, social, and economic consequences of the proposed groundfish harvest specifications and alternative harvest strategies for resources in the action area. Based on the analysis in the Final EIS, NMFS concluded that the preferred alternative (Alternative 2) provides the best balance among relevant environmental, social, and economic considerations and allows for continued management of the groundfish fisheries based on the most recent, best scientific information.

Adverse impacts on marine mammals or endangered or threatened species resulting from fishing activities conducted under these harvest specifications are discussed in the Final EIS and its accompanying annual SIRs (see **ADDRESSES**).

Initial Regulatory Flexibility Analysis

This Initial Regulatory Flexibility Analysis (IRFA) was prepared for this proposed rule, as required by Section 603 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 603), to describe the economic impact this proposed rule, if adopted, would have on small entities. This IRFA describes the action; the reasons why this proposed rule is proposed; the objectives and legal basis for this proposed rule; the estimated number and description of directly regulated small entities to which this proposed rule would apply; the recordkeeping, reporting, and other compliance requirements of this proposed rule; and the relevant Federal rules that may duplicate, overlap, or conflict with this proposed rule. This IRFA also describes significant alternatives to this proposed rule that would accomplish the stated objectives of the Magnuson-Stevens Act, and any other applicable statutes, and that would minimize any significant economic impact of this proposed rule on small entities. The description of this proposed action, its purpose, and the legal basis are explained earlier in the preamble and are not repeated here.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. A shoreside processor primarily involved in seafood processing (NAICS code 311710) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual employment, counting all individuals employed on a full-time, part-time, or other basis, not in excess of 750 employees for all its affiliated operations worldwide.

Number and Description of Small Entities Regulated by This Proposed Rule

The entities directly regulated by the groundfish harvest specifications include: (a) entities operating vessels with groundfish Federal fisheries permits (FFPs) catching FMP groundfish in Federal waters (including those

receiving direct allocations of groundfish); (b) all entities operating vessels, regardless of whether they hold groundfish FFPs, catching FMP groundfish in the State waters parallel fisheries; and (c) all entities operating vessels fishing for halibut inside 3 nautical miles of the shore (whether or not they have FFPs). In 2021 (the most recent year of complete data), there were 152 individual CVs and CPs, as well as 6 CDQ groups, all of which had gross revenues less than or equal to $11 million. This represents the potential suite of directly regulated small entities. This includes an estimated 146 small CV entities and 6 small CP entities remaining in the BSAI groundfish sector. The determination of entity size is based on vessel revenues and affiliated group revenues, as applicable. This determination also includes an assessment of fisheries cooperative affiliations, although actual vessel ownership affiliations have not been completely established. However, this estimate of 146 CVs may be an overstatement of the number of small entities. This latter group of vessels had average gross revenues that varied by gear type. Average gross revenues for hook-and-line CVs, pot gear CVs, and trawl gear CVs are estimated to be $700,000, $1.1 million, and $2.1 million, respectively. Average gross revenues for CP entities are confidential.

Description of Significant Alternatives That Minimize Adverse Impacts on Small Entities

The action under consideration and contained in this proposed rule is the proposed 2023 and 2024 harvest specifications, apportionments, and prohibited species catch limits for the groundfish fishery of the BSAI. This action is necessary to establish harvest limits for groundfish during the 2023 and 2024 fishing years and is taken in accordance with the FMP prepared by the Council pursuant to the Magnuson-Stevens Act. The establishment of the proposed harvest specifications is governed by the Council's harvest strategy to govern the catch of groundfish in the BSAI. This strategy was selected from among five alternatives, with the preferred alternative harvest strategy being one in which the TACs fall within the range of ABCs recommended by the SSC. Under the preferred harvest strategy, TACs are set to a level that falls within the range of ABCs recommended by the SSC; the sum of the TACs must achieve the OY specified in the FMP. While the specific numbers that the harvest strategy produces may vary from year to year, the methodology used for the preferred harvest strategy remains constant.

The TACs associated with the preferred harvest strategy are those recommended by the Council in October 2022. OFLs and ABCs for the species were based on recommendations prepared by the Council's Plan Team in September 2022, and reviewed by the Council's SSC in October 2022. The Council based its TAC recommendations on those of its AP, which were consistent with the SSC's OFL and ABC recommendations. The sum of all TACs remains within the OY for the BSAI consistent with § 679.20(a)(1)(i)(A). Because setting all TACs equal to ABCs would cause the sum of TACs to exceed an OY of 2 million mt, TACs for some species or species groups are lower than the ABCs recommended by the Plan Team and the SSC.

The proposed 2023 and 2024 OFLs and ABCs are based on the best available biological information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods to calculate stock biomass. The proposed 2023 and 2024 TACs are based on the best available biological and socioeconomic information. The proposed 2023 and 2024 OFLs, ABCs, and TACs are consistent with the biological condition of groundfish stocks as described in the 2021 SAFE report, which is the most recent, completed SAFE report.

Under this action, the proposed ABCs reflect harvest amounts that are less than the specified overfishing levels. The proposed TACs are within the range of proposed ABCs recommended by the SSC and do not exceed the biological limits recommended by the SSC (the ABCs and overfishing levels). For some species and species groups in the BSAI, the Council recommended, and NMFS proposes, proposed TACs equal to proposed ABCs, which is intended to maximize harvest opportunities in the BSAI.

However, NMFS cannot set TACs for all species in the BSAI equal to their ABCs due to the constraining OY limit of 2 million mt. For this reason, some proposed TACs are less than the proposed ABCs. The specific reductions were reviewed and recommended by the Council's AP, and the Council in turn adopted the AP's TAC recommendations for the proposed 2023 and 2024 TACs.

Based upon the best available scientific data, and in consideration of the Council's objectives of this action, it appears that there are no significant alternatives to the proposed rule that have the potential to accomplish the stated objectives of the Magnuson-Stevens Act and any other applicable statutes and that have the potential to minimize any significant adverse economic impact of the proposed rule on small entities. This action is economically beneficial to entities operating in the BSAI, including small entities. The action proposes TACs for commercially-valuable species in the BSAI and allows for the continued prosecution of the fishery, thereby creating the opportunity for fishery revenue. After public process during which the Council solicited input from stakeholders, the Council concluded that the proposed harvest specifications would best accomplish the stated objectives articulated in the preamble for this proposed rule, and in applicable statutes, and would minimize to the extent practicable adverse economic impacts on the universe of directly regulated small entities.

This action does not modify recordkeeping or reporting requirements, or duplicate, overlap, or conflict with any Federal rules.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

Authority: 16 U.S.C. 773 *et seq.;* 16 U.S.C. 1540(f); 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 3631 *et seq.;* Pub. L. 105–277; Pub. L. 106–31; Pub. L. 106–554; Pub. L. 108–199; Pub. L. 108–447; Pub. L. 109–241; Pub. L. 109–479.

Dated: December 8, 2022.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2022–27119 Filed 12–9–22; 4:15 pm]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 87, No. 239
Wednesday, December 14, 2022

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.

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Appellate Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Appellate Rules; Notice of open meeting.

SUMMARY: The Advisory Committee on Appellate Rules will hold a meeting in a hybrid format with remote attendance options on March 29, 2023 in West Palm Beach, FL. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *https://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: March 29, 2023.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: December 8, 2022.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2022–27101 Filed 12–13–22; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by January 13, 2023 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Generic Clearance to Conduct Formative Research or Development of Nutrition Education and Promotion Materials and Related Tools and Grants for FNS Population Groups.

OMB Control Number: 0584–0524.

Summary of Collection: This information collection is based on Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1787), Section 5 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1754) and Section 11(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020). This request for approval of information collection is necessary to obtain input into the development of nutrition education interventions for population groups served by the U.S. Department of Agriculture, Food and Nutrition Service (USDA–FNS). FNS also uses this collection to obtain input that can be used to develop and assess grants. Interventions need to be designed so that they can be delivered through different types of media and in a variety of formats for diverse audiences.

Need and Use of the Information: Obtaining formative input and feedback is fundamental to FNS' success in delivering science-based nutrition messages and reaching diverse segments of the population in ways that are meaningful and relevant. This includes conferring with the target audience, individuals who serve the target audience, and key stakeholders on the communication strategies and interventions that will be developed and on the delivery approaches that will be used to reach consumers. The formative research and testing activities described will help in the development of effective education and promotion tools and communication strategies. Collection of this information will increase FNS' ability to formulate nutrition education interventions that resonate with the intended target population, particularly low-income families.

FNS also uses formative input and feedback to determine how best to develop and assess grants so that grant recipients can successfully meet their goals under these grants. To do this, FNS confers with grant recipients to obtain input regarding their experiences, expectations, challenges, and lessons learned while implementing the grant.

Description of Respondents: Individuals and Households, Businesses and Organizations, State, Local and/or Tribal Government.

Number of Respondents: 120,710.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 46,823.

Food and Nutrition Service

Title: Seniors Farmers' Market Nutrition Program (SFMNP).

OMB Control Number: 0584–0541.

Summary of Collection: This submission is a revision of a currently approved collection which covers the reporting and recordkeeping burden associated with the Seniors Farmers'

Market Nutrition Program, OMB #0584–0541. The Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill), Public Law 107–171, authorized the SFMNP as a competitive grant program beginning Fiscal Year (FY) 2003 and gave USDA the authority to develop Federal regulations guiding the administration of the SFMNP. The Agriculture Improvement Act of 2018, Public Law 115–334 (the 2018 Farm Bill), provided continued funding for the SFMNP through FY 2023. Federal regulations governing the SFMNP (7 Code of Federal Regulations, part 249) require that certain program-related information be collected and that full and complete records concerning SFMNP operations are maintained. The information reporting and recordkeeping burdens are necessary to ensure appropriate and efficient management of the SFMNP.

Need and Use of the Information: The information collected is used by USDA to manage, plan, evaluate, make decisions, and report on SFMNP program operations. FNS uses the information collection to assess how each SFMNP State agency operates; to ensure regulatory compliance of State agencies, local agencies, and farmers/farmers' markets/roadside stands/CSA programs; to make program management decisions; and to report to Congress as needed.

Description of Respondents: State, Local, or Tribal Governments; Individuals and Households; Nonprofit Businesses and authorized outlets.

Number of Respondents: 746,264.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 1,137,363.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–27088 Filed 12–13–22; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by January 13, 2023 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Institute of Food and Agriculture

Title: Veterinary Medicine Loan Repayment Program (VMLRP).

OMB Control Number: 0524–0050.

Summary of Collection: In January 2003, the National Veterinary Medical Service Act (NVMSA) was passed into law adding section 1415A to the National Agricultural Research, Extension, and Teaching Policy Act of 1997. This law established a new Veterinary Medicine Loan Repayment Program (VMLRP) (7 U.S.C. 3151a) authorizing the Secretary of Agriculture to carry out a program of entering into agreements with veterinarians under which they agree to provide veterinary services in veterinarian shortage situations. The purpose of the program is to assure an adequate supply of trained food animal veterinarians in shortage situations and provide USDA with a pool of veterinary specialists to assist in the control and eradication of animal disease outbreaks. The National Institute of Food and Agriculture (NIFA) will designate geographic and practice areas that have a shortage of food supply veterinarians in order to carry out the VMLRP goals of strengthening the nation's animal health infrastructure and supplementing the Federal response during animal health emergencies. NIFA will carry out NVMSA by entering into educational loan repayment agreements with veterinarians who agree to provide veterinary services in veterinarian shortage situation for a determined period of time. NIFA will collect information using the Shortage Situation Nomination Form, Application Form, Records and Reports, and Surveys.

Need and Use of the Information: The information collected allows the National Institute of Food and Agriculture to request from VMLRP applicants' information related to eligibility, qualification, career interests, and recommendations necessary to evaluate their applications for repayment of educational indebtedness in return for agreeing to provide veterinary services in veterinarian shortage situations. The information will also be used to determine an applicant's eligibility for participation in the program. The information also allows the VMLRP to assess program processes and impact, make program improvements based on process feedback, and provide feedback to State Animal Health Officials on veterinarian shortage situations, which can aide them during the nomination process.

Description of Respondents: Individuals or households; Business or other for-profit.

Number of Respondents: 1,770.

Frequency of Responses: Reporting: Biennially.

Total Burden Hours: 16,798.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–27092 Filed 12–13–22; 8:45 am]

BILLING CODE 3410–09–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket No. NRCS–2022–0016]

Notice of Intent To Prepare an Environmental Impact Statement for the North Branch Park River Watershed Plan, North Dakota

AGENCY: Natural Resources Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS).

SUMMARY: The Natural Resources Conservation Service (NRCS) North Dakota State Office, announces its intent

to prepare an EIS for the North Branch Park River Watershed located within Pembina, Walsh, and Cavalier Counties, North Dakota. NRCS will examine alternative solutions through the EIS process to provide flood damage reduction and watershed protection. NRCS is requesting comments to identify significant issues, potential alternatives, information, and analyses relevant to the Proposed Action from all interested individuals, Federal and State Agencies and Tribes.

DATES: We will consider comments that we receive by January 13, 2023. Comments received after the 30-day comment period will be considered to the extent possible.

ADDRESSES: We invite you to submit comments in response to this notice. You may submit your comments through one of the methods below:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov* and search for docket ID NRCS–2022–0016. Follow the online instructions for submitting comments; or
- *Mail or Hand Delivery:* LuAnn Kemp, Park River Joint Water Resource District, National Resources Conservation Service, 308 Courthouse Drive #5, Cavalier, ND, 58220. In your comment, specify the docket ID NRCS–2022–02016.

All comments received will be posted and made publicly available on *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Christi Fisher; telephone: (701) 530–2012;2091; email: *christi.fisher@usda.gov*. Persons with disabilities who require alternative means of communication should contact USDA Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION:

Purpose and Need

The purposes of the proposed action are watershed protection and flood damage reduction. Watershed protection goals consist of reducing downstream nutrient loads, particularly phosphorus, and increasing quantity and quality of critical fish and wildlife habitats. The Watershed Project Plan is authorized under the authority of the Watershed Protection (XE ''Watershed Protection) and Flood Prevention Act of 1954 (Pub. L. 83–566) as amended and the Regional Conservation Partnership Program Project (16 U.S.C. Chapter 58, Subchapter VIII). This action is needed because the North Branch Park River Watershed incurs $1,733,000 in average annual flood damage as a result of 4,485 acres of cropland inundation and damage to roads, buildings, and other property. The 100-year flood inundates 136 structures, including the community of Crystal, ND. The watershed annually contributes 36,412 pounds of phosphorus and 197,533 pounds of nitrogen to the Red River. for which United States agreed to nutrient objectives at the international border have not been achieved. Historic loss of wetland and upland habitat within the Red River Basin also threatens multiple species.

Preliminary Proposed Action and Alternatives

NRCS will provide technical and financial assistance for the proposed project through the NRCS Watershed Protection and Flood Prevention Program. The EIS is expected to evaluate 2 alternatives: one action alternative or no action alternative. The alternatives we intend to carry forward to final analysis are:

Alternative 1—No Action: No federal action would be taken in the North Branch Park River Watershed and implementation of significant flood damage reduction or watershed protection projects is not expected to occur. The frequency and magnitude of flood damages in the watershed would remain at the current level, with average crop losses of $876,300 annually due to flooding. Flood damage to a total of 136 structures, including homes, schools, and businesses in the community of Crystal, ND, will continue to generate average losses of $770,800 annually. Road maintenance associated with overtopping during floods will continue to generate average costs of $79,500 annually. The watershed will continue to contribute 36,412 pounds of phosphorus and 197,533 pounds of nitrogen to the Park River as well as the Red River and Lake Winnipeg. Wetlands and wildlife habitat will remain unchanged, barring a significant change in federal conservation programs.

Alternative 2—Cart Creek Site 1: The preliminary proposed alternative under consideration at Cart Creek Site 1 is a multi-purpose, off-channel, dry dam (XE ''Preferred Alternative'') with a drainage area of 33.8 square miles, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam would provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway crest elevation and inundate 466-acres for a duration of less than a week during flood events. A diversion weir would be constructed in Cart Creek and existing road ditches would be enlarged to route flows above a 2-year flood flow to the dam from Cart Creek. Surface water runoff and existing road ditches south of Cart Creek and west of the dam would be re-routed into the dry dam site via construction of new inlet structures and culverts designed to recreate natural sheet flow conditions. (XE ''Flood Prevention'') Within the temporary flood pool, 134 acres of shallow retention cells would be constructed and managed via water control and biomass harvest for removal of incoming nutrient loads. Water would be held in those cells via closed control structures from spring through early fall, to allow growing vegetation to uptake dissolved phosphorus. Water would be drained through control structures and via a pumped subsurface drainage system to allow vegetation to be cut, baled, and removed from the site prior to the first frost in 2 out of each 3 years. The alternative would also result in restoration of 284 acres of wetlands, enhancement of 16 acres of existing wetlands, and enhancement of 52 acres of uplands which would be managed for high quality wildlife habitat via grazing as needed.

The two alternatives described above will be evaluated against each other in the EIS.

Summary of Expected Impacts

An NRCS evaluation of this federally assisted action indicates that the proposed alternative may have a significant local, regional, national, or international impact on the environment. Hydrologic impacts include peak flow reductions of 64 percent and 66 percent of the 10- and 100-year recurrence interval flood events immediately downstream of the retention site, and 20 percent and 28 percent of the 10- and 100-year recurrence interval flood events at the downstream community of Crystal, ND. Immediately downstream of the retention site, average annual loads of total phosphorus, total nitrogen, and total suspended solids are reduced by 60 percent, 66 percent, and 38 percent respectively. The proposed alternative would result in a total loss of 5.7 acres of wetlands through fill placement and excavation, which will be mitigated for via onsite wetland restoration. The project generates a net restoration of 284 acres of wetlands (total of 289.7 acres) and enhances 16 acres of existing wetlands as a result of restored hydrology and vegetative communities, enhancement of 18 acres of existing wetlands that are currently cropped, and enhancement of 52 acres upland wildlife habitat for the benefit of migratory birds and other wildlife species. Short term negative impacts during construction are anticipated to be local only, and may occur in relation to soils, vegetation, noise, and traffic.

Anticipated Permits and Authorizations

The following permits and other authorizations are anticipated to be required:

- *CWA Section 404 permit.* Implementation of the proposed federal action would require a Clean Water Act (CWA) Section 404 permit from the U.S. Army Corps of Engineers, which is a cooperating federal agency on the planning effort. Consultation is ongoing and no significant challenges are anticipated given the overall environmental benefits of the project.
- *CWA Section 401 permit.* The project would also require water quality certification under Section 401 of the CWA and permitting under Section 402 of the CWA (National Pollutant Discharge Elimination Permit), both of which would be issued by the ND Department of Environmental Quality, a cooperating state agency on the planning effort. Consultation is ongoing and no significant challenges are anticipated given the overall environmental benefits of the project and the fact this is an off-channel retention structure.
- *Permit to Construct or Modify a Dam.* The project will require authorization from the North Dakota Department of Water Resources (ND DWR) for construction of a dam. ND DWR is a cooperating state agency on the plan and is assisting in funding for the project.
- *Water Appropriation Permit.* The project may require a conditional water use permit from ND DWR for construction of a dam. ND DWR is a cooperating state agency on the plan and is assisting in funding for the project.
- *Floodplain Permit.* The project will require a floodplain development permit from Pembina County. Pembina County is a cooperating local agency on the project.
- *NHPA Section 106 Consultation.* Consultation with Tribal Nations and interested parties is being conducted as required by the National Historic Preservation Act of 1966.

Schedule of Decision-Making Process

A draft (DEIS) will be prepared and circulated for review and comment by agencies and the public for at least 45 days per 40 CFR 1503.1, 1502.2, 1506.11, 1502.17, and 7 CFR 650.13. The DEIS is anticipated to be published in the **Federal Register** approximately 6 months after publication of this NOI. A final EIS is anticipated to be published within 6 months of completion of the public comment period for the DEIS. NRCS will then decide whether to implement one of the alternatives as evaluated in the EIS. A Record of Decision will be completed after the required 30-day waiting period and will be publicly available. The responsible federal official for the NRCS is Mary Podoll, North Dakota State Conservationist.

Public Scoping Process

Public scoping meetings will be held at the Cart Creek Site 1 Project to further develop the scope of the DEIS. A preliminary scoping meeting was held on February 17, 2016, in Mountain, ND. An additional scoping meeting will be held after the NOI is published. Comments received for both meetings, including names and addresses of those who comment, will be part of the public record. The date, time, and location for the second meeting will be provided on the ND NRCS website, the Pembina Water Resource District website, and published in the Cavalier Chronicle.

NRCS will coordinate the scoping process as provided in 36 CFR 800.2(d)(3) and 800.8 (54 U.S.C. 306108) to help fulfill the National Historic Preservation Act (NHPA), as amended, review process.

Identification of Potential Alternatives, Information, and Analyses

NRCS invites agencies, tribes, and individuals who have special expertise, legal jurisdiction, or interest in the Cart Creek Site 1 Project to provide comments concerning the scope of the analysis and identification of potential alternatives, information, and analyses relevant to the Proposed Action.

Authorities

This document is published in line with the National Environmental Policy Act (NEPA) regulations regarding publication of a notice of intent to issue an environmental impact statement (40 CFR 1501.9(d)). The EIS will be prepared to evaluate potential environmental impacts as required by section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA, the Council on Environmental Quality regulations (40 CFR parts 1500–1508) and NRCS regulations that implement NEPA in 7 CFR part 650. Watershed planning is authorized under the Watershed Protection and Flood Prevention Act of 1954, as amended, (Pub. L. 83–566) and the Flood Control Act of 1944 (Pub. L. 78–534).

Federal Assistance Program

The titles and numbers of the Federal Domestic Assistance Programs found in the Catalog of Federal Domestic Assistance to which Notice of Funding Availability applies is 10.904 Watershed Protection and Flood Prevention.

Executive Order 12372

Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' requires consultation with State and local officials that would be directly affected by proposed Federal financial assistance. The objectives of the Executive order are to foster an intergovernmental partnership and a strengthened federalism, by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance and direct Federal development. This program is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and 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 (voice) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone). 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-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: 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.* USDA is an equal opportunity provider, employer, and lender.

Mary Podoll,

North Dakota State Conservationist, Natural Resources Conservation Service.

[FR Doc. 2022–27077 Filed 12–13–22; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket No. NRCS–2022–0017]

Notice of Intent To Prepare an Environmental Impact Statement for the McGriff Lakes—Sutter Basin Watershed Flood Control and Flood Safety Project Sutter County, California

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement (EIS).

SUMMARY: The Natural Resources Conservation Service (NRCS) California State Office announces its intent to prepare an EIS for the McGriff Lakes—Sutter Basin Watershed Flood Control and Flood Safety Project, which is located approximately 30 miles northwest of Sacramento in the proximity of Knights Landing, California. NRCS is requesting comments to identify significant issues and alternatives to be addressed in the EIS from all interested individuals, Tribes, and Federal, State and local Agencies and jurisdictions. The EIS process will examine alternative solutions to modernize the existing Karnak Drainage Facility, portions of which are over 100 years old, to continue to provide reliable flood protection for the Reclamation District No. 1500 (RD 1500) service area. The Reclamation District service area includes over 60,000 acres of agricultural farmland, the community of Robbins and surrounding rural areas, and California State Route 113, a designated emergency route through the watershed. The primary purpose for this watershed plan is to provide reliable and long-term flood prevention and damage reduction to the RD 1500 service area and improve public safety and emergency access. Although the existing Karnak Drainage Facility has been well maintained, the required repairs for the pump stations are becoming more costly while the reliability of the facility is decreasing because parts needed for repair and continued operation are no longer available and must be custom fabricated. The aging infrastructure and lack of parts availability puts all land within the RD1500 service area at risk in the event of a significant rainfall event. Without adequate and reliable flood control, millions of dollars in agricultural products would be at risk, the designated emergency route would be in jeopardy of flood closures, and substantial property damage and potential loss of life are possible in the community of Robbins and surrounding areas.

DATES: We will consider comments that we receive within 30 days after date of publication of this notice in the **Federal Register**. Comments received after 30 days will be considered to the extent possible.

ADDRESSES: We invite you to submit comments in response to this notice. You may submit your comments through one of the methods below:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and search for docket ID NRCS–2022–0017. Follow the online instructions for submitting comments; or
- *Mail or Hand Delivery:* Mr. Roger Cornwell, RD 1500 General Manager, PO Box 96, Robbins, CA 95676; or
- *Email: commentsRD1500@gmail.com.*

For written comments, specify the docket ID NRCS–2022–0017. All comments received will be posted without change and made publicly available on *www.regulation.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Ernesto A. De La Riva, telephone: (530) 792–5680; email: *Ernesto.delariva@usda.gov.* In addition, for questions related to submitting comments via RD 1500 General Manager: Mr. Roger Cornwell at (530) 738–4423, Fax (530) 738–4327, *commentsRD1500@gmail.com,* or the project website at: *https://sutterbasinwater.com/flood-control-flood-safety-rehabilitation-project/.* 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).

SUPPLEMENTARY INFORMATION:

Purpose and Need

The watershed project would be implemented as flood protection, as authorized under sections 3 and 4 of Public Law 83–566. The primary purpose for this watershed plan is to provide reliable and long-term flood prevention and damage reduction to the RD 1500 service area and improve public safety and emergency access. Watershed planning was authorized under Public Law 83–566, the Watershed Protection and Flood Prevention Act of 1954, as amended, and Public Law 78–534, the Flood Control Act of 1944.

RD 1500, one of the largest reclamation districts in California, was created by special act of the State Legislature in 1913. It provides drainage and flood control to an area of approximately 67,850 acres within its service area, including protecting the community of Robbins and surrounding rural residential property from flood damage, protecting over 60,000 acres of rural farmland from flooding, and providing flood protection of SR 113 and other local emergency response roadways. The project will address issues at the Karnak Drainage Facility which was originally built in 1914 with two additional facilities added in 1929 and 1952. These facilities have continued to protect the RD1500 for over 100 years. However, they are all past their useful service life. While RD1500 has continued to maintain these facilities, it has become increasingly difficult to obtain parts and keep the facilities functional during storm events.

The Karnak Drainage Facilities provided flood protection for 70 Year-Level storm events from January to March of 2017, which were the second highest precipitation events in the last 144 years record in the northern California area. Uncharacteristically of the facilities, all pumping stations were operational at the time. The Karnak Drainage Facility was able to provide flood reduction to approximately 31,200 acres of prime farmland within the Sutter Basin and the community of Robbins would have been under 5 to 6 feet of water, completely cutting off access to SR 113, which at the time was being use by residence of Oroville, California as an evacuation route from the Orville Dam crisis of February 2017.

To meet the purpose of continuing flood protection for the Sutter Basin, modernization of the existing Karnak Facilities will be necessary. A Preliminary Investigative Report (PIR), completed by RD1500 in 2021, investigated and studied possible solutions to address flood protection in the Sutter Basin. As a result of the new information obtained during an EA process, the level of analysis this watershed project needs is more extensive than anticipated during scoping in 2021. Estimated Federal funds required for the construction of the proposed action may exceed $25

million and the proposed action will therefore require congressional approval per the 2018 Agriculture Appropriations Act amended funding threshold. In accordance with 7 CFR 650.7(a)(2), an EIS is required for projects requiring congressional approval.

Preliminary Proposed Action and Alternatives, Including No Action

The objective of the EIS is to formulate and evaluate alternatives for flood prevention in the RD 1500 service area. Three Action Alternatives are expected to be evaluated in the EIS, given their anticipated viability of meeting the purpose and need of the Watershed Project.

— Proposed Action Alternative—Modernization. This alternative would evaluate rehabilitating the existing antiquated Karnak Facility by modernizing and repairing the facilities. The proposed action is to demolish two facilities on the west side of the levee and build a new facility. The district will install temporary cofferdams on the west side to remove these facilities and gain access to the existing outlets. The existing outlets will be reused to prevent need of disturbing the levee. A new facility will be built on the west side to replace the 1929 and 1952 facilities. The 1914 facility will remain and be rehabilitated with new systems/pumps. The existing outlet structures will be reused and relined at all three existing discharge culvert locations. This significantly reduces the environmental impacts from this project. Temporary cofferdams may need to be installed on the east side of the levee next to the East Canal depending on water level. This may be necessary to safely finish the installation of the liners and a fish barrier. No equipment will be driven into the East Canal and no permanent impacts will take place to habitat on the East Canal. Fill will be about 1,500 cubic yards on the west side for the new facility, but it will not change the existing footprint in the watercourse. This alternative will provide continued flood protection within the Sutter Basin and continually allow access to SR 113 for public emergencies.

—Flood Plain Restoration Alternative—Alternative 2. This alternative, a nonstructural alternative, would include purchasing land to restore the floodplain. This would include removing the town of Robbins and removing approximately 31,200 acres of prime farmland within the Sutter Basin. This alternative would not allow the continual use of SR 113 during emergencies.

—No Action. Taking no action alternative would consist of Karnak Drainage Facility continuing its current operations while the facility continually degrades until it becomes impossible to keep the facility operational during active storm events. The No Action Alternative is not expected to meet the project's purpose and need.

Summary of Expected Impacts

Initial cost estimates of the proposed actions have determined that the Federal contribution to construction will exceed $25 million, requiring congressional approval. Per 7 CFR 650.7, an EIS is required when projects require congressional action. The NRCS California State Conservationist, has determined that the preparation of an EIS is required for this watershed project. This EIS will be prepared as required by section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality Regulations (40 CFR parts 1500–1508); and NRCS regulations that implement NEPA in 7 CFR part 650.

Resource concerns for scoping were identified and categorized as relevant or not relevant to the proposed Project action. RD 1500 and NRCS evaluated the current Karnak Drainage Facility infrastructure along with relevant resource concerns for each proposed solution. Environmental resources in the project area consist of the natural and man-made environment. Resource concerns to be identified and addressed in the Watershed Plan-EIS include Cultural and Historic Resources; Land Resources/Prime Farmland; Geology and Soils; Public Safety; Socioeconomics/Environmental Justice; Water Resources; Vegetation/Invasive and Non-native Plant Species; Wetlands and Riparian Areas; Fish and Wildlife/Fish Habitat; and Special Status Species/Migratory Bird Treaty Act Species.

Anticipated Permits and Authorizations

The following permits and authorizations are anticipated to be required:

- Clean Water Act (CWA) Section 404 Permit: Proposed Action may require permit from the U.S. Army Corps of Engineers
- CWA Section 401 Permit: Project will require water quality certification
- CWA Section 402 Permit: Project may require National Pollutant Discharge Elimination System Permit
- Central Valley Flood Protection Board (CVFPB): A local dam safety and flood plain permit may be required
- U.S. Fish and Wildlife Service ESA Section 7 Consultation
- National Marine Fisheries Service ESA Section 7 Consultation
- National Historic Preservation Act (NHPA) section 106 Consultation with the State Historic Preservation Office (SHPO), Tribal Historic Preservation Office (THPO), and Tribes
- County—Permit: Implementation of the proposed Federal action may require permit from Sutter County

Schedule of Decision-Making Process

A Draft EIS (DEIS) will be prepared and circulated for review and comment by agencies, Tribes, consulting parties, and the public for 45 days per 40 CFR 1503.1, 1502.20, 1506.11, and 1502.17, and 7 CFR 650.13. The DEIS is anticipated to be published in the **Federal Register** in 2023, approximately 6 months after publication of this NOI. A Final EIS is anticipated to be published within 6 months of completion of the public comment period for the DEIS. NRCS invites agencies and individuals who have special expertise, legal jurisdiction, or interest in the McGriff lakes—Sutter Basin Watershed to participate and identify potential alternatives. The responsible Federal official and decision maker for the NRCS is the California NRCS State Conservationist.

Public Scoping Process

A public scoping meeting was held on March 30, 2021. Comments received, including the names and addresses of those who comment, will be part of the public record. Scoping meeting presentation materials are available on the project website: *https://sutterbasinwater.com/flood-control-flood-safety-rehabilitation-project/.* The date, time, and location for a second meeting will be announced on the project website.

Federal, State, Tribal, local agencies and representatives, and the public were invited to take part in this watershed plan scoping period. One public scoping meeting sought input on issues of economic, environmental, cultural, and social importance in the watershed. RD 1500 and NRCS organized the public scoping meeting to provide an opportunity to review and evaluate the Project alternatives, express concern or support, and gain further information regarding the Project. To determine the most viable alternatives to carry forward to the EIS, RD 1500 used input obtained during public scoping discussions to focus on relevant resource concerns and issues and eliminated those that were not relevant from further detailed study.

Identification of Potential Alternatives, Information, and Analyses

NRCS invites agencies, Tribes, consulting parties, and individuals who have special expertise, legal jurisdiction, or interest in the Watershed Project to provide comments concerning the scope of the analysis and identification of potential alternatives, information, and analyses relevant to the Proposed Action.

NRCS will coordinate the scoping process to correspond with any required NHPA processes, as allowed in 36 CFR 800.2(d)(3) and 800.8 (54 U.S.C. 306108). The information about historic and cultural resources within the area potentially affected by the proposed project will assist NRCS in identifying and evaluating impacts to such resources in the context of both NEPA and NHPA.

NRCS will consult with Native American tribes on a government-to-government basis in accordance with 36 CFR 800.2 and 800.3, Executive Order 13175, and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources and historic properties, will be given due consideration.

Authorities

This document is published pursuant to the NEPA regulations regarding publication of a notice of intent to issue an environmental impact statement (40 CFR 1501.9(d)). Watershed planning is authorized under the Watershed Protection and Flood Prevention Act of 1954, as amended, (Pub. L. 83–566) and the Flood Control Act of 1944 (Pub. L. 78–534).

Federal Assistance Programs

The title and number of the Federal assistance program as found in the Assistance Listing (formerly referred to as the Catalog of Federal Domestic Assistance) to which this document applies is 10.904 Watershed Protection and Flood Prevention.

Executive Order 12372

Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' requires consultation with State and local officials that would be directly affected by proposed Federal financial assistance. The objectives of the Executive order are to foster an intergovernmental partnership and a strengthened federalism, by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance and direct Federal development. This program is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and 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 (voice and TTY). 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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Carlos Suarez Oliva,

California State Conservationist, Natural Resources Conservation Service.

[FR Doc. 2022–27083 Filed 12–13–22; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–59–2022]

Foreign-Trade Zone (FTZ) 41—Milwaukee, Wisconsin; Notification of Proposed Production Activity; CNH Industrial America LLC (Tractor Component Parts and Axle Subassemblies), Sturtevant, Wisconsin

CNH Industrial America LLC submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Sturtevant, Wisconsin, within FTZ 41. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on December 7, 2022.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.* The proposed material(s)/component(s) would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed foreign-status materials and components include: transmission fluid; thread lockers; diesel exhaust fluid; vinyl chloride self-adhesive decals; steel components (tube nuts; locking tabs; cylindrical spacers); lanyards with steel clasps; Allen wrenches; hammers; door locks; iron, steel, aluminum, or zinc components (air and gas springs; brackets and bracket assemblies for motor vehicles; mounts and mounting plates; supports; latches, clamps, and handles); belt tensioners; oil drains; windshield washer components (spray nozzles; fluid tanks; motors); various assemblies (oil pan; tractor and sprayer cab video display; hitch; hydraulic arm; tractor hood securing); solenoid valves; tapered roller bearing cones; solenoids; antenna brackets; iron or steel components (hood support brackets; axle mounting plates; step risers; mounts and mount assemblies; valve spacer plates; supports); rubber straps; steel straps; iron counterweights; and, brake pedals (duty rate ranges from duty-free to 9.0% and 84¢/bbl). The request indicates that certain materials/components are subject to duties under section 232 of the Trade Expansion Act of 1962 (section 232) or Section 301 of the Trade

Act of 1974 (section 301), depending on the country of origin. The applicable section 232 and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is January 23, 2023.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Juanita Chen at *juanita.chen@trade.gov.*

Dated: December 8, 2022.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2022–27070 Filed 12–13–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–58–2022]

Foreign-Trade Zone (FTZ) 151—Findlay, Ohio; Notification of Proposed Production Activity; Procter & Gamble Manufacturing Company (Industrial Perfumes/Fragrance Mixtures); Lima, Ohio

Procter & Gamble Manufacturing Company submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Lima, Ohio within FTZ 151. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on December 2, 2022.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.*

The proposed finished products include industrial perfumes/fragrance mixtures used in the manufacture of home care, fabric care, skin care, hair care, shave care, baby care, and other personal care products (duty rate is duty-free).

The proposed foreign-status materials and components include: opoponax resinoid; oils (cinnamon bark; lime; grapefruit; olibanum resin; Peru balsam; sandalwood; cedarleaf; nutmeg; caraway; citronella; clove leaf rectified; coriander; elemi; guaiacwood; vetiver; juniper berry; thyme white blend; cardamom seed; clary sage; black pepper; ginger; artemisia herba-alba leaf; orange; pine); bisabolene; camphene; dipentene; caryophyllene extra; ambrocenide 10% in dipropylene glycol (90%); alpha pinene; beta pinene; p-mentha-1,4-diene; para cymene; proprietary mixtures (musk xylol modification; nerolidol; labdanum; blackberry flavor not for food industry; lime natural blend not for food industry); caprylic alcohol; tetra hydro linalool; dimethyl octanol; dimethyl-2 6-heptan-2-ol; tetra-hydro myrcenol; 2,6-dimethyl-octan-2-ol; citronellol; geraniol; linalool; nerolidol; ethyl linalool; dihydro myrcenol; nonadienol, 2-trans-6-cis; 3,6-nonadien-1-ol; cis-6-nonen-1-ol; beta gamma hexenol; 4-methyl-3-decen-5-ol; rosalva; 1,3-propanediol, 2,2-dimethyl-, 1,3-diacetate; hydroxycitronellol; nirvanol; l-menthol; 1-(2,2,6-trimethylcyclohexyl)-3-hexanol; cyclohexanepropanol, 2,2,6-trimethyl-alpha-propyl-; octalynol; 2-pentylcyclopentan-1-ol; l-borneol; cyclopropanemethanol, 1-methyl-2-[(1,2,2-trimethylbicyclo[3.1.0]hex-3-yl)methyl]-; ethyl trimethylcyclopentene butenol; 3-methyl-5-(2,2,3-trimethyl-3-cyclopenten-1-yl)pent-4-en-2-ol; cis-4-(isopropyl)cyclohexanemethanol; 3-cyclopentene-1-butanol, alpha,beta,2,2,3-pentamethyl-; ethyl trimethyl cyclopentene butenol; cyclopropanemethanol, 2-(1,4-dimethyl-3-penten-1-yl)-1-methyl-; alpha terpineol; isocyclogeraniol; terpineol; verdol; 3,3-dimethyl-5-(2,2,3-trimethyl-3-cyclopenten-1-yl)-4-penten-2-ol; isoborneol; hydroxyambran; 4-tert-butylcyclohexanol; cedrol; 4-terpineol; 2-methyl-4-(2,2,3-trimethyl-3-cyclopenten-1-yl)-2-buten-1-ol; santalol; 2-propen-1-ol, 2-methyl-3-(4-methylphenyl)-, (2E)-; benzyl alcohol; dimethyl benzyl carbinol; 1H-indende-2-methanol, 2,3-dihydro-2,5-dimethyl-; cinnamyl alcohol; phenyl ethyl alcohol; phenyl hexanol; phenyl ethyl dimethyl carbinol; β,β,3-trimethyl benzenepropanol; phenyl propyl alcohol; rosaphen; butylated hydroxy toluene; thymol; 3-hexene, 1-[(2-methyl-2-propenyl)oxy]- (3Z)-; cedryl methyl ether; terpinyl methyl ether; formaldehyde cyclododecyl ethyl acetal; dihydroanethole; methyl iso eugenol; dihydro eugenol; para cresyl methyl ether; benzene, 1-(cyclopropylmethyl)-4-methoxy; anethole; cyclohexyl phenethyl ether; methyl phenethyl ether; beta naphthol methyl ether; diphenyl oxide; phenyl ethyl isoamyl ether; dipropylene glycol; 1-propanol, 2-methyl-3-[(1,7,7-trimethylbicyclo[2.2.1]hept-2-yl)oxy]; 1-(2-tert-butyl cyclohexyloxy)-2-butanol; methyl vanillyl ether; eugenol; iso eugenol; phenoxyethanol; myroxide; citral dimethyl acetal; rosetal A; methyl nonyl acetaldehyde dimethyl acetal; 2,6-octadienal, 3,7-dimethyl-, reaction products with ethyl alcohol; phenyl acetaldehyde dimethyl acetal; methyl pamplemousse; pino acetaldehyde; citral; decyl aldehyde; octanal; undecanal, 2-methyl-; methyl octyl acetaldehyde; nonanal; 2,6,10-trimethyl-9-undecenal; trans-4-decenal; trans-2-hexenal; intreleven aldehyde; lauric aldehyde; undecyl aldehyde; undecylenic aldehyde; dihydrocitronellal; citronellal; floral super; α,α,6,6-tetramethylbicyclo[3.1.1]hept-2-ene-2-propionaldehyde; melonal; alkenes, C12–14; benzaldehyde; lily aldehyde; hexyl cinnamic aldehyde; (R)-3-phenylbutanal; 2,4-dimethyl-3-cyclohexene carboxaldehyde; 2,3-dihydro-1,1-dimethyl-1H-indene-ar-propanal; dupical; isopropylphenylbutanal; 1-formyl-1-methyl-4-(4-methyl-pentyl)-3-cyclohexene; benzenepropanal, 2-methyl-4-(2-methylpropyl); mefranal; dimethylcyclohex-3-ene-1-carbaldehyde; melafleur; 3-(o-ethylphenyl)-2,2-dimethylpropionaldehyde; isocyclocitral; cuminyl acetaldehyde; (4-methylphenoxy)acetaldehyde; melozone; 2-methyl-3-(p-isopropylphenyl)propionaldehyde; amyl cinnamal; cyclohexanepropanal, 4-(2-methylpropyl)-; vanillin; ethyl vanillin; anisic aldehyde; butanal, 4-(heptyloxy)-3-methyl; hydroxycitronellal; methoxy melonal; aldehyde mandarin 10% in triethyl citrate; methoxy dicyclopentadiene carboxaldehyde; vanillin methyl ether; 6-methoxy-2,6-dimethyloctanal; para-anisyl propanal; 3-(4-hydroxy-4-methylpentyl)cyclohex-3-ene-1-carbaldehyde; methyl n-amyl ketone; methyl heptenone; 3,5,6,6-tetramethyl-4-methyleneheptan-2-one; methyl nonyl ketone; florantone T; ionone beta; gamma methyl ionone; N-methyl ionone; methyl ionone; irone alpha refined; dihydro beta ionone; azurone 10% in triethyl citrate (90%); iso hexenyl cyclohexenyl carboxaldehyde; ionone alpha; hexalon; 2-cyclopentyl cyclopentanone; decen-1-yl-cyclopentanone; alpha damascone; damascone beta; delta damascone; delphone; muscone; delta muscenone; 2,2,5-trimethyl-5-pentylcyclopentanone;

octahydro-7-methyl-1,4-methanonaphtalen-6(2H)-one; galbascone; cis jasmone; l-carvone; iso menthone; (2R*,3S*)-2-acetyl-1,2,3,4,5,6,7,8-octahydro-2,3,8,8-tetramethylnaphthalene; diethyldimethylcyclohex-2-en-1-one; 5-cyclotetradecen-1-one, 3-methyl-,(5E)-; 4-penten-1-one, 1-spiro[4.5]dec-7-en-7-yl-; camphor gum; tetramethyl acetyloctahydronaphthalenes; 6,7-dihydro-1,1,2,3,3-pentamethyl-4(5H)-indanone; methyl cedrylone; 4-t-amylcyclohexanone; 1-(1,2,3,4,5,6,7,8-octahydro-2,3,8,8-tetramethyl-2-naphthalenyl)ethenone; isojasmone; 2-(p-menth-1-ene-10-yl)cyclopentanone; cyclohexadecenone; racemic menthone; 5-cyclohexadecen-1-one; laevo muscone; 2-sec-butyl cyclo hexanone; isolongifolanone; methyl beta-naphthyl ketone; 6-acetyl-1,1,2,4,4,7-hexamethyltetraline; benzyl acetone; para methyl acetophenone; acetophenone; methylcyclopentenolone; para hydroxy phenyl butanone; para methoxy acetophenone; 3,3,5,5-tetramethyl-4-ethoxyvinylcyclohexanone; musk ketone; cis-3-hexenyl formate; linalyl formate; aphermate; citronellyl formate; ethyl acetate; cyclohexyl ethyl acetate; citronellyl acetate; geranyl acetate; linalyl acetate; prenyl acetate; 4-tert-butylcyclohexyl acetate; isoamyl acetate; natural isobutyl acetate; tricyclodecenyl acetate; hexyl acetate; dihydro terpinyl acetate; nopyl acetate; tetrahydro linalyl acetate; anisyl acetate; (E)-6,10-dimethylundeca-5,9-dien-2-yl acetate; methyl phenyl carbinyl acetate; iso eugenol acetate; iso nonyl acetate; neryl acetate; terpinyl acetate; iso bornyl acetate; benzyl acetate; cis 3 hexenyl acetate; dimethyl benzyl carbinyl acetate; 4-tert butyl cyclohexyl acetate; 2-tert-butylcyclohexyl acetate; cinnamyl acetate; citryl acetate; menthyl acetate; neobergamate forte; phenyl ethyl acetate; iso bornyl propionate; 1,3-dimethylbut-3-enyl isobutyrate; 3a,4,5,6,7,7a-hexahydro-4,7-methano-1H-indenyl propionate; linalyl propionate; ethyl propionate; benzyl propionate; cyclabute; phenyl ethyl iso butyrate; linalyl iso butyrate; isoamyl butyrate; geranyl butyrate; dimethyl benzyl carbinyl butyrate; ethyl-2-methyl butyrate; ethyl-2-methyl pentanoate; iso propyl 2-methylbutyrate; benzyl butyrate; ethyl butyrate; phenoxy ethyl iso butyrate; vanillin isobutyrate; hexyl isobutyrate; pivacyclene; (E)-3,7-dimethyl-2,6-octadienyl-hexadecanoate; methyl palmitate; iso propyl myristate; allyl caproate; amyl propionate; ethyl oenanthate; ethyl caproate; allyl heptoate; ethyl isovalerate; ethyl 2,4-decadienoate; phenyl ethyl tiglate; cis-3-hexenyl cis-3-hexenoate; methyl octine carbonate; methyl-2-nonenoate; geranyl tiglate; strawberiff; 2-cyclohexene-1-carboxylic acid, 2,3,6,6-tetramethyl-, ethyl ester; ethyl safranate; cyclopropanecarboxylic acid, (3Z)-3-hexenyl ester; allyl cyclohexane propionate; cis-3-hexenyl benzoate; benzyl benzoate; linalyl benzoate; butyl benzoate; ethyl benzoate; methyl benzoate; 1-phenylvinyl acetate; phenyl ethyl phenyl acetate; methyl phenyl acetate; zenolide; ethylene brassylate; 1,4-cyclohexanedicarboxylic acid, diethyl ester; triethyl citrate; allyl amyl glycolate; benzyl salicylate; hexyl salicylate; amyl salicylate; cyclohexyl salicylate; cis-3-hexenyl salicylate; methyl salicylate; methyl atrarate; methyl dihydrojasmonate; dihydro iso jasmonate; ethyl acetoacetate; calyxol; butyl butyryl lactate; 2-(1-(3′,3′-dimethyl-1′-cyclohexyl)ethoxy)-2-methyl propyl propanoate; allyl phenoxy acetate; ethyl methyl phenyl glycidate; allyl (cyclohexyloxy)acetate; acetic acid, (1-oxopropoxy)-, 1-(3,3-dimethylcyclohexyl)ethyl ester; carbonic acid, 2-methoxy-4-methylphenyl methyl ester; cyclooct-4-en-1-yl methyl carbonate; cis-3-hexenyl methyl carbonate; 2,2′-methyliminodiethanol; methyl 2-[(2-methylundecylidene)amino]benzoate; methyl anthranilate; aurantiol; butanamide, 2-ethyl-N-methyl-N-(3-methylphenyl); citronellonitrile; 2-phenyl-hex-2-enenitrile; alpha-cyclohexylidene benzeneacetonitrile; alpha-cyclohexylidene benzeneacetonitrile; 3,7-dimethyl-2,6-nonadienenitrile; 2-methyldecanenitrile; dodecane nitrile; fleuranil; octanenitrile; acetic acid, cyano-, reaction products with 10-undecenal; leafy oxime; 4-methoxy-2-methyl-2-butanethiol; sauvignone 100; p-mentha-8-thiol-3-one, para (50%) in triethyl citrate (50%); 1-p-menthene-8-thiol 0.1% in triethyl citrate (99.9%); 2-butanone, 4-(dodecylthio)-4-[2,6,6-trimethyl-1(or 2)-cyclohexen-1-yl]; rhubafuran; linalool oxide; 4-hydroxy-2,5-dimethyl-3(2H)-furanone; 2-furancarboxylic acid, tetrahydro-, ethyl ester; gamma-octalactone; omega pentadecalactone; delta decalactone; delta-dodecalactone; oxacyclohexadec-12-en-2-one, (12E); tetrahydro-6-(3-pentenyl)-2H-pyran-2-one; ambrettolide; octahydro coumarin; coumarin; gamma decalactone; nonalactone; gamma-undecalactone; γ-methyldecalactone; (+/-) 3-methyl-γ-decalactone; heliotropin; pyranol; 2-isobutyl-4-methyltetrahydro-2H-pyran-4-ol; naphtho[2,1-b]furan, dodecahydro-3a,6,6,9a-tetramethyl; 3,6-dihydro-4-methyl-2-phenyl-2H-pyran; 2-(2,4-dimethyl-3-cyclohexen-1-yl)-5-methyl-5-(1-methylpropyl)-1,3-dioxane; ethyl maltol; 2-[8-isopropyl-6-methylbicyclo[2.2.2]oct-5-en-2-yl]-1,3-dioxolane; maltol; 2,4-dimethyl-2-(5,6,7,8-tetrahydro-5,5,8,8-tetramethyl-2-naphthalenyl)-1,3-dioxolane; methyl laitone 10% in triethyl citrate (90%); eucalyptol; hexamethylindanopyran; tobacarol; grisalva; pentamethyl octahydroindenodioxane; 2H-indeno[4,5b] furan, decahydro-2,2,6,6,7,8,8-heptamethyl; hexamethylindanopyran (50%) in dipropylene glycol (50%); heloional; rose oxide; nerolione; 2,4,6-trimethyl-4-phenyl-1,3-dioxane; indeno[1,2-d]-1,3-dioxin, 4,4a,5,9b-tetrahydro-2,4-dimethyl-; ambrocenide crystals; methyl dioxolan; 2,2,6-trimethyl-6-vinyltetrahydropyran; iso butyl quinoline; 7,7,8,9,9-pentamethyl-6,6a,7,8,9,9a-hexahydro-5H-cyclopenta[h]quinazoline; indole; 2-isopropyl-4-methyl thiazole; oils of industrial perfumes/fragrance mixtures not used in the food industry (orange; lemon; tangerine; cedarwood; lavender; patchouli; basil); terpenes (lemon oil; orange); myrcene; natural pineapple type flavor; industrial perfumes/fragrance mixtures used in the manufacture of home care, fabric care, skin care, hair care, shave care, baby care and other personal care products; hercolyn-D; and, geranyl formate (duty rate ranges from duty-free to 6.5%). The request indicates that certain materials/components are subject to duties under section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is January 23, 2023.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Juanita Chen at *juanita.chen@trade.gov.*

Dated: December 8, 2022.

Andrew McGilvray

Executive Secretary.

[FR Doc. 2022–27071 Filed 12–13–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2136]

Approval of Subzone Status; Boehringer Ingelheim Animal Health Puerto Rico LLC, Barceloneta, Puerto Rico

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, the Department of Economic Development and Commerce, grantee of Foreign-Trade Zone 61, has made application to the Board for the establishment of a subzone at the facility of Boehringer Ingelheim Animal Health Puerto Rico LLC, located in Barceloneta, Puerto Rico (FTZ Docket B–40–2022, docketed September 6, 2022);

Whereas, notice inviting public comment has been given in the **Federal Register** (87 FR 55780, September 12, 2022) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiners' memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby approves subzone status at the facility of Boehringer Ingelheim Animal Health Puerto Rico LLC, located in Barceloneta, Puerto Rico (Subzone 61AC), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Dated: December 8, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2022–27069 Filed 12–13–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Open Meeting of the Internet of Things Advisory Board

AGENCY: National Institute of Standards and Technology (NIST).

ACTION: Notice of open meeting.

SUMMARY: The Internet of Things (IoT) Advisory Board will meet Wednesday, January 18, 2023, and Thursday, January 19, 2023, from 11:00 a.m. until 5:00 p.m., Eastern Time. All sessions will be open to the public.

DATES: The meeting will be held on Wednesday, January 18, 2023, and Thursday, January 19, 2023, from 11:00 a.m. until 5:00 p.m., Eastern Time.

ADDRESSES: The meeting will be a virtual meeting via Webex webcast hosted by the National Cybersecurity Center of Excellence at NIST. Please note registration instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Barbara Cuthill, Information Technology Laboratory, National Institute of Standards and Technology, Telephone: (301) 975–3273, Email address: *barbara.cuthill@nist.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. app., notice is hereby given that the IoT Advisory Board will hold an open meeting Wednesday, January 18, 2023, and Thursday, January 19, 2023, from 11:00 a.m. until 5:00 p.m., Eastern Time. All sessions will be open to the public. The IoT Advisory Board is authorized by section 9204(b)(5) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116–283), and advises the IoT Federal Working Group convened by the Secretary by providing recommendations on overcoming barriers to adoption of and challenges to achieving the benefits from IoT technology. Details regarding the IoT Advisory Board's activities are available at *https://www.nist.gov/itl/applied-cybersecurity/nist-cybersecurity-iot-program/internet-things-advisory-board.*

The agenda is expected to include the following items:

—Board Introductions and Member Activities

—Overview of charter, scope, and expectations

—Overview of legislation creating the IoT Advisory Board

—Framework proposals for recommendations report

—Advisory Board member statements on challenges and barriers to IoT technology adoption

—Discussion of topics raised in member statements

—Outside speakers on challenges and barriers to IoT adoption

—Public Comment

—Board Discussion on Recommendations.

Note that agenda items may change without notice. The final agenda will be posted on the IoT Advisory Board event page at: *https://www.nist.gov/itl/applied-cybersecurity/nist-cybersecurity-iot-program/internet-things-advisory-board.*

Public Participation: Written comments from the public are invited and may be submitted electronically by email to Barbara Cuthill at the contact information indicated in the **FOR FURTHER INFORMATION CONTACT** section of this notice by 5 p.m. on Thursday, January 12, 2023.

The IoT Advisory Board agenda will include a period, not to exceed sixty minutes, for submitted comments from the public between 3:00 p.m. and 4:00 p.m. on Thursday, January 19, 2023. Submitted comments from the public will be selected on a first-come, first-served basis and limited to five minutes per person.

Members of the public who wish to expand upon their submitted statements, those who had wished to submit a comment but could not be accommodated on the agenda, and those who were unable to attend the meeting via webinar are invited to submit written statements. In addition, written statements are invited and may be submitted to the IoT Advisory Board at any time. All written statements should be directed to the IoT Advisory Board Secretariat, Information Technology Laboratory by email to: *Barbara.Cuthill@nist.gov.*

Admittance Instructions: Participants planning to attend via webinar, must register via the instructions found on the IoT Advisory Board's event page at: *https://www.nist.gov/itl/applied-cybersecurity/nist-cybersecurity-iot-program/internet-things-advisory-board.*

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2022–27131 Filed 12–13–22; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

NIST Safety Commission

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) Safety Commission (Commission) will meet on January 4, 2023, from 8:30 a.m. to 5:00 p.m. Eastern Time and January 5, 2023, from 8:30 a.m. to 5:00 p.m. Eastern Time. The purpose of this meeting is for the Commission to begin its assessment of the state of NIST's safety culture and how effectively the existing safety protocols and policies have been implemented across NIST. The agenda may change to accommodate Commission business. The final agenda will be posted on the NIST website at *https://www.nist.gov/document/nist-safety-commission-jan-2023-agenda.*

DATES: The Commission will meet on January 4, 2023, from 8:30 a.m. to 5:00 p.m. Eastern Time and January 5, 2023, from 8:30 a.m. to 5:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, Maryland 20899 for the NIST Safety Commission members and NIST Senior Leadership with an option to participate via webinar for NIST staff and public participants. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Corrine Lloyd, Special Programs Office, National Institute of Standards and Technology, at 301–975–8762 or *corrine.lloyd@nist.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the NIST Safety Commission will meet on January 4, 2023, from 8:30 a.m. to 5:00 p.m. Eastern Time and January 5, 2023, from 8:30 a.m. to 5:00 p.m. Eastern Time. The meeting will be open to the public. Members of the Commission are appointed by the Director of NIST. The Commission is composed of not more than seven members who are qualified to provide advice to the NIST Director on matters relating to safety policies; safety management system, practices, and performance; and safety culture. The primary purpose of this meeting is for the Commission to begin its assessment of the state of NIST's safety culture and how effectively the existing safety protocols and policies have been implemented across NIST. The agenda may change to accommodate Commission business. The final agenda will be posted on the NIST website at *https://www.nist.gov/document/nist-safety-commission-jan-2023-agenda.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Commission's business are invited to request a place on the agenda. Approximately 15 minutes will be reserved for public comments and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received but is likely to be about three minutes each. Questions from the public will not be considered during this period. Requests must be submitted by email to Corrine Lloyd at *corrine.lloyd@nist.gov* and must be received by 4:00 p.m. Eastern Time, December 28, 2022 to be considered. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to participate are invited to submit written statements by email to *corrine.lloyd@nist.gov.*

All NIST staff and public participants will be attending via webinar and must contact Corrine Lloyd at *corrine.lloyd@nist.gov* by 4:00 p.m. Eastern Time, December 28, 2022 for detailed instructions on how to join the webinar.

Authority: 15 U.S.C. 1512 as amended, and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Alicia Chambers,

Executive Secretariat.

[FR Doc. 2022–27135 Filed 12–13–22; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC609]

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will host a Seminar Series presentation on NOAA's Recent Deep-Sea Coral Related Research, Exploration, and Mapping in the U.S. South Atlantic via webinar on January 10, 2023.

DATES: The webinar presentation will be held on Tuesday, January 10, 2023, from 1 p.m. until 2:30 p.m.

ADDRESSES: The presentation will be provided via webinar. The webinar is open to members of the public. Information, including a link to webinar registration will be posted on the Council's website at *https://safmc.net/safmc-seminar-series/* as it becomes available.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 302–8439 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The Council will host a presentation from NOAA entitled ''NOAA's Recent Deep-Sea Coral Related Research, Exploration, and Mapping in the U.S. South Atlantic''. This presentation will share highlights of research funded by NOAA's Deep-Sea Coral Research & Technology Program between 2016 and 2019, and exploration and mapping conducted by NOAA Ocean Exploration in the South Atlantic region. Highlights include a summary of discoveries from nine expeditions to collect seafloor imagery, including the largest known deep-sea coral reef province in the world, and major mapping advances on the Blake Plateau and surrounding areas. A question-and-answer session will follow the presentation. Members of the public will have the opportunity to participate in the discussion. The presentation is for informational purposes only and no management actions will be taken.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) five 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: December 9, 2022.

Diane M. DeJames-Daly,

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

[FR Doc. 2022–27113 Filed 12–13–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC593]

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of the Shrimp Advisory Panel (AP) to discuss the Proposed Rule for the Restoration Blueprint for the Florida Keys National Marine Sanctuary.

DATES: The Shrimp AP will meet January 18, 2023, from 1 p.m. to 3 p.m. via webinar.

ADDRESSES:

Meeting address: The meeting will be held via webinar.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The Shrimp AP meeting is open to the public and will be available via webinar as it occurs. Registration is required. Webinar registration information and other meeting materials will be posted to the Council's website at: *https://safmc.net/advisory-council-meetings/* as it becomes available.

The AP will receive an overview of the Proposed Rule for the Restoration Blueprint for the Florida Key National Marine Sanctuary. The AP will develop recommendations for consideration by the Council.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: December 9, 2022.

Diane M. DeJames-Daly,

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

[FR Doc. 2022–27112 Filed 12–13–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC565]

Fisheries of the South Atlantic, Gulf of Mexico, and Caribbean; 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 post-workshop webinar for SEDAR Procedural Workshop 8: Fishery Independent Index Development Under Changing Survey Design.

SUMMARY: The SEDAR Procedural Workshop 8 for Fishery Independent Index Development will consist of a series of webinars, and an in-person workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR Procedural Workshop 8 post-workshop webinar will be held Thursday, January 5, 2023, from 11 a.m. to 1 p.m., Eastern.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@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 multi-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 that 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 that 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, HMS 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 NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the webinar are as follows:

Participants will discuss data analysis and report writing conducted since the SEDAR Procedural Workshop 8.

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

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 10 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: December 9, 2022.

Diane M. DeJames-Daly,

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

[FR Doc. 2022–27110 Filed 12–13–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC612]

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 three-day in-person meeting of its Standing, Reef Fish, Socioeconomic, and Ecosystem Scientific and Statistical Committees (SSC).

DATES: The meeting will be held Tuesday, January 10 through Thursday, January 12, 2023. Meeting times are scheduled as follows: Tuesday and Wednesday from 8:30 a.m. to 5:30 p.m., and Thursday, from 8:30 a.m. to 5 p.m., EST.

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:

Tuesday, January 10, 2023; 8:30 a.m.–5:30 p.m., EST

The meeting will begin with Introductions and Adoption of Agenda, Approval of Verbatim Minutes and Meeting Summary from the September 21–23, 2022, meeting, and a review of the Scope of Work. The Committees will select an SSC Representative for the January 30–February 2, 2023, Gulf Council Meeting. Following, the Committees will review presentations and a stock assessment report for SEDAR 75: Gulf of Mexico Gray Snapper, including other background materials for SSC discussion. The Committees will hold a discussion on Acceptable Biological Catch Control Rule Modifications, receive presentations, and review background materials. Public comment will be heard at the end of the day.

Wednesday, January 11, 2023; 8:30 a.m.–5:30 p.m., EST

The Committees will continue review and discuss any topics from the previous day if time is needed. The Committees will review and evaluate updated Red Snapper Calibration Ratios for Gulf state surveys to MRIP, along with presentations and background materials; and will receive public comment at the end of the day, if any.

Thursday, January 12, 2023; 8:30 a.m.–5 p.m., EST

The Committees will review and discuss the presentation and other background materials for Gulf Red Grouper Interim Analysis and Projections. If further discussions on the stock assessment report for SEDAR 75: Gulf of Mexico Gray Snapper are needed, they will be held prior to the Committees receiving public comment 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: December 9, 2022.

Diane M. DeJames-Daly,

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

[FR Doc. 2022–27114 Filed 12–13–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC588]

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 76 South Atlantic Black Sea Bass Assessment Webinar 4.

SUMMARY: The SEDAR 76 assessment of the South Atlantic stock of Black Sea Bass will consist of a series of assessment webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 76 South Atlantic Black Sea Bass Assessment Webinar 4 has been scheduled for January 11, 2023, from 9 a.m. to 1 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:

Meeting address: 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 76 South Atlantic Black Sea Bass Assessment Webinar 4 are as follows: Discuss any remaining data issues, 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: December 9, 2022.

Diane M. DeJames-Daly,

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

[FR Doc. 2022–27111 Filed 12–13–22; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 5:00 p.m. EST, Monday, December 12, 2022.

PLACE: Virtual meeting.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.cftc.gov/.*

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, 202–418–5964.

Authority: 5 U.S.C. 552b.

Dated: December 12, 2022.

Christopher Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2022–27231 Filed 12–12–22; 4:15 pm]

BILLING CODE 6351–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2009–0088]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Third Party Conformity Assessment Body Registration Form

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC or Commission) announces that it has submitted a request for extension of approval for information collection requirements to the Office of Management and Budget (OMB). The request concerns notification requirements applicable to third party conformity assessment bodies. OMB previously approved the collection of information under OMB Control No. 3041–0143. On October 6, 2022, CPSC published a notice in the **Federal Register** to announce the agency's intention to seek extension of approval of the collection of information. The Commission received no comments. Therefore, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for extension of approval of this collection of information.

DATES: Submit written or electronic comments on the collection of information by January 13, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to OMB at: *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. In addition, written comments that are sent to OMB also should be submitted electronically at: *http://www.regulations.gov,* under Docket No. CPSC–2009–0088.

FOR FURTHER INFORMATION CONTACT: Cynthia Gillham, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7991, or by email to: *cgillham@cpsc.gov.*

SUPPLEMENTARY INFORMATION: On October 6, 2022, CPSC published a notice in the **Federal Register** to announce the agency's intention to seek extension of approval of the collection of information. 87 FR 60660. The Commission received no comments. Accordingly, CPSC seeks renewal approval for the following collection of information:

Title: Third party conformity assessment bodies seeking acceptance of accreditation or continuing accreditation.

OMB Number: 3041–0143.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Third party conformity assessment bodies seeking acceptance of accreditation or continuing accreditation.

Estimated Burden: The CPSC estimates the burden of the collection of information in the Consumer Product Conformity Assessment Body

Registration Form (CPSC Form 223) is as follows:

ESTIMATED ANNUAL REPORTING BURDEN

Activity	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total hours
Initial Registration	26	1	26	1	26
Re-Registration	303	1	303	1	303
Changes in Information	2	1	2	0.25	0.5
Total	.....	.....	.....	.....	329.5

These estimates are based on the following information:

• Based on applications received from FY 2013 to date, we estimate the number of third party conformity assessment bodies that would register each year for the next 3 years would be 26.

• Under 16 CFR part 1112, third party conformity assessment bodies are required to resubmit CPSC Form 223 every 2 years. As all third party conformity assessment bodies have not submitted their first CPSC Form 223s at the same time, only about half would be expected to resubmit a CPSC Form 223 in any 1 year. As of August 2022, 606 third party conformity assessment bodies have registered with CPSC. Therefore, approximately 303 of these firms would be expected to reregister with CPSC each year.

• Under 16 CFR part 1112, third party conformity assessment bodies are required to ensure that the information submitted on CPSC Form 223 is current and must submit a new CPSC Form 223 whenever the information changes. Based on current experience with third party conformity assessment bodies, we estimate that each year 2 third party conformity assessment bodies will make revisions to update their information. A change in information is a change that does not require review of laboratory accreditation documents, such as scope or test methods. Examples of revised information include changes in the website URL, name of the laboratory, and name of laboratory point of contact.

The total burden, therefore, is 329.5 hours, which we round up to 330 hours. We estimate that hourly compensation for the time required for recordkeeping is $36.59 per hour (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation (ECEC),'' Table 4: Total compensation for private industry workers in sales and office occupations within goods-producing industries, June 2022, public news release url: *www.bls.gov/news.release/archives/ecec_09202022.pdf*). The total cost burden to the respondents is approximately $12,075 ($36.59 × 330 hours = $12,074.70).

General Description of Collection: The Consumer Product Safety Improvement Act of 2008 (CPSIA) requires third party testing to be conducted by a third party conformity assessment body for any children's product that is subject to a children's product safety rule, before importing for consumption or warehousing or distributing in commerce. The CPSIA allows accreditation of third party conformity assessment bodies to be conducted either by the Commission, or by an independent accreditation organization designated by the Commission. In addition, the CPSIA requires that the Commission maintain on its website an up-to-date list of entities that have been accredited to assess conformity with children's product safety rules. With the exception of firewalled third party conformity assessment bodies, which must be approved by Commission order, as stated in 16 CFR 1112.13(b), the Commission has chosen to accept the accreditation of third party conformity assessment bodies that meet accreditation requirements of an independent accreditation organization. 16 CFR 1112.13(a).

To assess a third party conformity assessment body's qualifications for acceptance by CPSC, information related to location, accreditation, and ownership must be collected from third party conformity assessment bodies. The CPSC uses an online collection form, CPSC Form 223, to gather information from third party conformity assessment bodies voluntarily seeking acceptance by CPSC. The information collected relates to location, accreditation, and ownership. Commission staff uses this information to assess:

• A third party conformity assessment body's status as an independent third party conformity assessment body, a government-owned or government-controlled conformity assessment body, or a firewalled conformity assessment body;

• Qualifications for acceptance by CPSC to test for compliance to specified children's product safety rules; and

• Eligibility for acceptance on the CPSC website.

Part 1112 requires the collection of information in CPSC Form 223:

• Upon initial application by the third party conformity assessment body for acceptance by CPSC;

• Whenever there is a change to accreditation or ownership information; and

• At least every 2 years as part of a regular audit process.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2022–27100 Filed 12–13–22; 8:45 am]

BILLING CODE 6355–01–P

COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY

30-Day Notice for Request for Generic Clearance for Website Satisfaction Surveys

AGENCY: Council of the Inspectors General on Integrity and Efficiency (CIGIE).

ACTION: Notice and request for comments.

SUMMARY: CIGIE, as part of its effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on the ''Generic Clearance for the Collection of Qualitative Feedback on website Satisfaction'' for approval under the Paperwork Reduction Act (PRA). This notice announces CIGIE's intent to submit this collection to OMB for approval and solicits comments on specific aspects for the proposed information collection. The information collection was previously published in the **Federal Register** on September 2, 2022, allowing for a 60-day public comment period. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Consideration will be given to all comments received by January 13, 2023.

ADDRESSES: Submit comments identified by ''CIGIE Request for Generic Clearance 2022–1'' by any of the following methods:

1. *Mail:* Council of the Inspectors General on Integrity and Efficiency, 1717 H Street NW, Suite 825, Washington DC 20006. ATTN: Atticus Reaser/CIGIE Request for Generic Clearance 2022–1.

2. *Email: comments@cigie.gov.*

FOR FURTHER INFORMATION CONTACT: Atticus Reaser, General Counsel, Council of the Inspectors General on Integrity and Efficiency, (202) 292–2600 or *comments@cigie.gov.*

SUPPLEMENTARY INFORMATION: This information collection was previously published as 60-Day Notice for Request for Generic Clearance for website Satisfaction Surveys at 87 FR 54203 (September 2, 2022).

Title: Generic Clearance for the Collection of Qualitative Feedback on website Satisfaction.

Abstract: The proposed information collection activity provides a means to garner qualitative website user and stakeholder feedback in an efficient, timely manner. By qualitative feedback CIGIE means information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into website user or stakeholder perceptions, experiences, and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training, or changes in operations might improve delivery of information. These collections will allow for ongoing, collaborative, and actionable communications between CIGIE and its stakeholders and the public. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of information delivery, and resolution of issues. Responses will be assessed to plan and inform efforts to improve or maintain the quality of CIGIE's websites. If this information is not collected, vital feedback from users and stakeholders of CIGIE's websites will be unavailable.

CIGIE will only submit a collection for approval under this generic clearance if it meets the following conditions:

The collections are voluntary;

The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;

The collections are non-controversial and do not raise issues of concern to other Federal agencies;

Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;

Personally identifiable information (PII) is collected only to the extent necessary and is not retained;

Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;

Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Current Action: Request for approval for a collection of information.

Type of Review: Initial approval.

Affected Public: Individuals, households, professionals, public/private sector.

Annual Reporting Burden: Estimated Number of Respondents: 20,000.

Responses per Respondent: 1.

Estimated Total Annual Responses: 20,000.

Estimated Average Hours per Response: 4 minutes.

Estimated Total Burden Hours: 666 hours.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

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.

Dated: December 9, 2022.

Allison C. Lerner,

Chairperson of the Council of the Inspectors General on Integrity and Efficiency.

[FR Doc. 2022–27137 Filed 12–13–22; 8:45 am]

BILLING CODE 6820–C9–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Policy Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Policy, 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 Defense Policy Board (DPB) will take place.

DATES: Closed to the public, Tuesday, December 13, 2022, from 8:30 a.m. to 5:20 p.m. and Wednesday, December 14, 2022 from 8:00 a.m. to 3:00 p.m.

ADDRESSES: The closed meeting will be held in the Rodman Room, The Pentagon, 2000 Defense Pentagon, Washington, DC 20301–2000.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer (DFO), Ms. Stacee Bako, (703) 571–9234 (Voice), 703–697–8606 (Facsimile), *osd.pentagon.rsrcmgmt.list.ousd-policy-defense-board-mbx@mail.mil* (Email). Mailing address is 2000 Defense Pentagon, Washington, DC 20301–2000.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C., app.), the Government in the Sunshine Act (''the Sunshine Act'') (5 U.S.C. 552b), and title 41 Code of Federal Regulations (CFR), sections 102–3.140 and 102–3.150.

Due to circumstances beyond the control of the Designated Federal Officer, the Defense Policy Board was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its December 13–14, 2022 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: To obtain, review, and evaluate classified information related to the DPB's mission to advise on (a) issues central to strategic DoD planning; (b) policy implications of U.S. force structure and modernization on DoD's ability to execute U.S. defense strategy; (c) U.S. regional defense policies; and (d) other defense policy topics of special interest to the DoD, as determined by the Secretary of Defense, the Deputy Secretary of Defense, or the Under Secretary of Defense for Policy.

Agenda: On December 13, 2022 and December 14, 2022, the DPB will receive classified briefings and hold classified discussions on DoD's current role, processes, capabilities, and organizational constructs for planning and conducting information operations, military information support operations, and psychological operations in an era of expanding strategic competition including the application of emerging technology and the continuing evolution of social media platforms. The Secretary of Defense and the Undersecretary of Defense for Policy will address the DPB. The DPB will receive classified briefings on the following: (1) DoD Information Operations Doctrine and Posture from Christopher P. Maier, Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict; (2) intelligence briefings on the current information environment; and allies and partners and the information environment, both with a question and answer session; (3) the evolution of information operations and psychological operations from LTG Braga, Commander, U.S. Army Special Operations Command and BG Gil Ferguson, Deputy Commanding General for Operations; (4) Combined Joint Task Force-Operation Inherent Resolve (CJTF–OIR) and Iraq's Counterterrorism Service from MG John Brennan, Director of Operations, J–3, United States Special Operations Command and former Commander CJTF–OIR (to be confirmed); (5) the United States Cyber Command approach to force development and information effects from Lt. Gen Timothy D. Haugh, Deputy Commander, U.S. Cyber Command (to be confirmed); (6) information operations for perception management case studies led by RDML Ronald A. Foy, Deputy Director for Global Operations, Joint Staff; and (7) participate in an information operations scenario-based discussion led by the Under Secretary of Defense for Policy and RDML Ronald A. Foy. The DPB will also deliberate and discuss their findings and recommendations of the previous DPB meeting in September 2022 and then brief the Secretary of Defense on the DPB's findings and recommendations from that meeting.

Meeting Accessibility: In accordance with section 10(d) of the FACA and 41 CFR 102–3.155, the DoD has determined that this meeting shall be closed to the public. The Under Secretary of Defense (Policy), in consultation with the DoD FACA Attorney, has determined in writing that this meeting be closed to the public because the discussions fall under the purview of Section 552b(c)(1) of the Sunshine Act and are so inextricably intertwined with unclassified material that they cannot reasonably be segregated into separate discussions without disclosing classified material.

Written Statements: In accordance with section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140(c), the public or interested organizations may submit written statements to the membership of the DPB at any time regarding its mission or in response to the stated agenda of a planned meeting. Written statements should be submitted to the DPB's DFO, which is listed in this notice or can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.* Written statements that do not pertain to a scheduled meeting of the DPB may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than two business days prior to the meeting in question. The DFO will review all submitted written statements and provide copies to all members.

Dated: December 9, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–27148 Filed 12–13–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees–Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries

AGENCY: Department of Defense (DoD).

ACTION: Charter renewal of federal advisory committee.

SUMMARY: The DoD is publishing this notice to announce that it is renewing the charter for the Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries (''the Board'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, DoD Advisory Committee Management Officer at *james.d.freeman4.civ@mail.mil,* 703–697–1142.

SUPPLEMENTARY INFORMATION: The Board's charter is being renewed pursuant to 10 U.S.C. 1114(a)(1), and in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix) and 41 CFR 102–3.50(a). The Board's charter and contact information

for the Board's Designated Federal Officer (DFO) can be found at *http://www.facadatabase.gov/.*

The Board provides independent advice and recommendations on actuarial matters associated with the DoD Medicare-Eligible Retiree Health Care Fund (the Fund) and other related matters. Pursuant to 10 U.S.C. 1114(b), the Board reports annually to the Secretary of Defense and the Deputy Secretary of Defense on the actuarial status of the Fund and shall furnish its advice and opinion on matters referred to it by the Secretary of Defense. Pursuant to 10 U.S.C. 1114(c), the Board reviews valuations of the Fund under 10 U.S.C. 1115(c) and reports periodically, not less than once every four years to the President and Congress on the status of the Fund. The Board shall include in such reports recommendations for such changes as in the Board's judgment are necessary to protect the public interest and maintain the Fund on a sound actuarial basis.

The Board, pursuant to 10 U.S.C. 1114(a)(1) and (2), shall consist of three members who shall be appointed by the Secretary of Defense from among qualified professional actuaries who are members of the Society of Actuaries. Board members will serve for a term of 15-years, except that a Board member appointed to fill a vacancy occurring before the end of the term of which the predecessor was appointed shall serve only until the end of such term. A Board member may serve after the end of the term until a successor has taken office. Of the members of the Board, one each shall be appointed for terms ending five, ten, and 15 years respectively, after the date of appointment, as designated by the Secretary of Defense at the time of appointment.

Board members who are not full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, shall be appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as special government employee members and are entitled, pursuant to 10 U.S.C. 1114(a)(3), to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay under the General Schedule of subchapter 53 of title 5, for each day the member is engaged in the performance of duties vested in the Board. Board members who are full-time or permanent part-time Federal civilian officers or employees, or members of the uniformed Services, shall be appointed pursuant to 41 CFR 102–3.130(a) to serve as regular government employee members.

Each Board member is appointed to exercise their own judgment on behalf of the DoD, without representing any particular point of view, and to discuss and deliberate in a manner that is free from conflict of interest.

The public or interested organizations may submit written statements to the Board membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Board. All written statements shall be submitted to the DFO for the Board, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: December 9, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–27136 Filed 12–13–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0097]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; International Computer and Information Literacy Study (ICILS 2023) Main Study Questionnaire Revision

AGENCY: Institute of Education Sciences (IES), 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 January 13, 2023.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link *www.reginfo.gov/public/do/PRAMain* to access the site. Find this information collection request (ICR) by selecting ''Department of Education'' under ''Currently Under Review,'' then check the ''Only Show ICR for Public Comment'' checkbox. Reginfo.gov provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the ''View Information Collection (IC) List'' link. Supporting statements and other supporting documentation may be found by clicking on the ''View Supporting Statement and Other Documents'' link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carrie Clarady, 202–245–6347.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: International Computer and Information Literacy Study (ICILS 2023) Main Study Questionnaire Revision.

OMB Control Number: 1850–0929.

Type of Review: A revision of a currently approved ICR.

Respondents/Affected Public: Individuals and households.

Total Estimated Number of Annual Responses: 9,860.

Total Estimated Number of Annual Burden Hours: 5,055.

Abstract: The International Computer and Information Literacy Study (ICILS) is a computer-based international assessment of eighth-grade students' computer and information literacy (CIL) skills. ICILS was first administered internationally in 2013 in 21 education systems and again in 2018, when the United States participated for the first time. Our participation in this study has provided data on students' skills and experience using technology to investigate, create, and communicate, and provided a comparison of U.S. student performance and technology access and use with those of the international peers. The next administration of ICILS will be in 2023. The 2023 study will allow the U.S. to begin monitoring the progress of its students compared to that of other nations and to provide data on factors that may influence student computer and information literacy skills. The data collected through ICILS will provide valuable information with which to understand the nature and extent of the ''digital divide'' and has the potential to inform understanding of the relationship between technology skills

and experience and student performance in other core subject areas. ICILS is conducted by the International Association for the Evaluation of Educational Achievement (IEA), an international collective of research organizations and government agencies that create the assessment framework, assessment, and background questionnaires. The IEA decides and agrees upon a common set of standards and procedures for collecting and reporting ICILS data, and defines the study timeline, all of which must be followed by all participating countries. As a result, ICILS is able to provide a reliable and comparable measure of student skills in participating countries. In the U.S., the National Center for Education Statistics (NCES) conducts this study and works with the IEA and RTI International to ensure proper implementation of the study and adoption of practices in adherence to the IEA's standards. Participation in ICILS will allow NCES to meet its mandate of acquiring and disseminating data on educational activities and student achievement in the United States compared with foreign nations [The Educational Sciences Reform Act of 2002 (ESRA 2002) 20 U.S.C. 9543]. The U.S. ICILS main study will be conducted from March through May 2023 and will involve a nationally-representative sample of at least 3,000 eighth-grade students from a minimum of 150 schools. Because ICILS is a collaborative effort among many parties, the United States must adhere to the international schedule set forth by the IEA, including the availability of final field test and main study plans as well as draft and final questionnaires. In order to meet the international data collection schedule and to align with recruitment for other NCES studies (*e.g.,* TIMSS), approval for the main study sampling, recruitment, and data collection activities was approved in April 2022 (OMB# 1850–0929 v9). A 30D public comment period accompanied a set of revisions to the study timeline, study portal, main study contact materials, and the addition of COVID-related items in the questionnaires; those revisions were approved in October 2022 (OMB# 1850–0929 v10). This request is for approval of (1) updated descriptions of data collection plans; (2) updated burden estimates related to main study questionnaire changes; and (3) changes to the final adapted main study questionnaires based on review by IEA. This request is accompanied by 30 days of public comment. Changes are described below and are included in the supporting documentation.

Dated: December 9, 2022.

Juliana Pearson,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–27108 Filed 12–13–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2022–SCC–0122]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; RISE Award

AGENCY: Office of Communications and Outreach (OCO), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before January 13, 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 Frances Hopkins, (202) 987–0862.

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: RISE Award.

OMB Control Number: 1860–0510.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 600.

Total Estimated Number of Annual Burden Hours: 18,000.

Abstract: The purpose of the Recognizing Inspirational School Employees (RISE) Award is to recognize and promote the commitment and excellence exhibited by classified school employees who provide exemplary service to students in pre-kindergarten through high school and to inspire innovation and excellence among all classified school employees. A classified school employee is an employee of a state or any political subdivision of a state, or an employee of a nonprofit entity, who works in any grade from pre-kindergarten through high school in any of the following occupational specialties: paraprofessional, clerical and administrative services, transportation services, food and nutrition services, custodial and maintenance services, security services, health and student services, technical services, and skilled trades. The terms used have the meaning given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801). The U.S. Department of Education (Department) invites the governor of each state to nominate up to two classified school employees. The Secretary of Education will select a single classified school employee to receive the RISE Award for that school year by spring. The Department will communicate the selectee's story in order to inspire other innovative practices and excellence among classified school employees.

Dated: December 8, 2022.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–27056 Filed 12–13–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 516–513]

Dominion Energy South Carolina, Inc.; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Non-project use of project lands and water.

b. *Project No:* 516–513.

c. *Date Filed:* September 9, 2022.

d. *Applicant:* Dominion Energy South Carolina, Inc. (licensee).

e. *Name of Project:* Saluda Hydroelectric Project.

f. *Location:* The project is located on the Saluda River in Lexington, Newberry, Richland, and Saluda counties, near the City of Columbia, South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Dominion Energy South Carolina, Inc., Raymond R. Ammarell, P.E., Manager, Dam Safety and Civil Engineering, 220 Operation Way, Mail Code B223, Cayce, SC 29033–3701, Phone (803) 217–7322.

i. *FERC Contact:* Robert Ballantine at (202) 502–6289 or *robert.ballantine@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* January 9, 2023.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–516–513. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee requests Commission approval of a non-project use of project lands and water for the City of West Columbia to upgrade and increase the authorized maximum withdrawal of water by the Lake Murray Water Treatment Plant for public drinking water supply. The Plant is located on Lake Murray in Lexington County, SC. The upgrade would include the installation of new pumps and a larger diameter raw water intake main to accommodate larger flows. Permitted water withdrawal would increase from the current maximum of 48 million gallons per day (MGD) to a maximum of 72 MGD.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call (866) 208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS''; ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests, must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: December 8, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–27124 Filed 12–13–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3409–032]

Boyne USA, Inc.; Notice of Meeting To Discuss FWS Status Updates for The Boyne Hydroelectric Project

a. *Date and Time of Meeting:* January 12, 2023, 1:00 p.m. EST.

b. *Place:* Virtual/Microsoft Teams.

c. *FERC Contact:* Laura Washington, *Laura.Washington@ferc.gov.*

d. *Purpose of Meeting:* Discuss with the U.S. Fish and Wildlife Service the change in federal status [1] of the northern

[1] Endangered Species Status for NLEB, Federal Register: *https://www.federalregister.gov/documents/2022/11/30/2022-25998/endangered-*

Continued

long-eared bat (NLEB) in regard to the relicensing of Boyne Hydroelectric Project (Boyne Project), P–3409–032.

e. *Proposed Agenda:* Options for NLEB protection at the Boyne Project with consideration of the reclassification of northern long-eared bat that was published in the **Federal Register**.

f. A summary of the meeting will be prepared and filed in the Commission's public file for the project.

g. All local, state, and federal agencies, Indian tribes, and other interested parties are invited to participate. Please notify Laura Washington at *Laura.Washington@ferc.gov* or (202) 502–6072 by January 9, 2023, if you plan on attending the meeting or have any questions.

Dated: December 8, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–27122 Filed 12–13–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–1644–001; ER20–1965–002.

Applicants: Versant Power, ENMAX Energy Marketing, Inc.

Description: Versant Power, et al. submits Triennial Market Power Analysis for the Northeast Region.

Filed Date: 12/7/22.

Accession Number: 20221207–5172.

Comment Date: 5 p.m. ET 2/6/23.

Docket Numbers: ER20–1742–004.

Applicants: San Diego Gas & Electric Company.

Description: Compliance filing: Order No. 864 Compliance to be effective 1/27/2020.

Filed Date: 12/8/22.

Accession Number: 20221208–5083.

Comment Date: 5 p.m. ET 12/29/22.

Docket Numbers: ER23–574–000.

Applicants: Oakland Power Company LLC.

Description: § 205(d) Rate Filing: Revisions to RMR Agmt. for Recovery of CARB Compliance Costs to be effective 12/8/2022.

Filed Date: 12/7/22.

Accession Number: 20221207–5142.

Comment Date: 5 p.m. ET 12/28/22.

Docket Numbers: ER23–575–000.

Applicants: Valley Electric Association, Inc.

Description: § 205(d) Rate Filing: Annual TRBAA Filing for 2023 to be effective 1/1/2023.

Filed Date: 12/8/22.

Accession Number: 20221208–5018.

Comment Date: 5 p.m. ET 12/29/22.

Docket Numbers: ER23–576–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original UCSA, Service Agreement No. 6712; Queue Position J806 to be effective 11/8/2022.

Filed Date: 12/8/22.

Accession Number: 20221208–5038.

Comment Date: 5 p.m. ET 12/29/22.

Docket Numbers: ER23–577–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 2360; Queue No. AD2–133/Q36 to be effective 5/12/2021.

Filed Date: 12/8/22.

Accession Number: 20221208–5041.

Comment Date: 5 p.m. ET 12/29/22.

Docket Numbers: ER23–578–000.

Applicants: Dominion Energy South Carolina, Inc.

Description: Initial rate filing: Jasper Station Provisional LGIA to be effective 2/7/2023.

Filed Date: 12/8/22.

Accession Number: 20221208–5047.

Comment Date: 5 p.m. ET 12/29/22.

Docket Numbers: ER23–579–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 406, Chevelon Butte LGIA, Amendment No. 2 to be effective 12/1/2022.

Filed Date: 12/8/22.

Accession Number: 20221208–5052.

Comment Date: 5 p.m. ET 12/29/22.

Docket Numbers: ER23–580–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA, SA No. 5591; Queue No. AE2–054 (Agreement to Amend) to be effective 1/22/2020.

Filed Date: 12/8/22.

Accession Number: 20221208–5055.

Comment Date: 5 p.m. ET 12/29/22.

Docket Numbers: ER23–581–000.

Applicants: Rock Falls Wind Farm LLC.

Description: Tariff Amendment: Notice of Cancellation of Market-Based Rate Tariff of Rock Falls Wind Farm to be effective 12/31/9998.

Filed Date: 12/8/22.

Accession Number: 20221208–5064.

Comment Date: 5 p.m. ET 12/29/22.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES23–11–000.

Applicants: El Paso Electric Company.

Description: El Paso Electric Company submits Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities.

Filed Date: 12/7/22.

Accession Number: 20221207–5175.

Comment Date: 5 p.m. ET 12/28/22.

Docket Numbers: ES23–12–000; ES23–13–000; ES23–14–000; ES23–15–000; ES23–16–000.

Applicants: Transource Maryland, LLC, Transource Missouri, LLC, Transource Oklahoma, LLC, Transource Pennsylvania, LLC, Transource West Virginia, LLC, Transource Maryland, LLC, Transource Missouri, LLC, Transource Oklahoma, LLC, Transource Pennsylvania, LLC, Transource West Virginia, LLC, Transource Maryland, LLC, Transource Missouri, LLC, Transource Oklahoma, LLC, Transource Pennsylvania, LLC, Transource West Virginia, LLC, Transource Maryland, LLC, Transource Missouri, LLC, Transource Oklahoma, LLC, Transource Pennsylvania, LLC, Transource West Virginia, LLC, Transource Maryland, LLC, Transource Missouri, LLC, Transource Oklahoma, LLC, Transource Pennsylvania, LLC, Transource West Virginia, LLC.

Description: Transource Maryland, LLC, et al. submits Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities.

Filed Date: 12/7/22.

Accession Number: 20221207–5176.

Comment Date: 5 p.m. ET 12/28/22.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

and-threatened-wildlife-and-plants-endangered-species-status-for-northern-long-eared-bat.

Dated: December 8, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–27125 Filed 12–13–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1881–110]

BIF III Holtwood, LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Revised Upstream Boat Barrier Debris Management Plan.

b. *Project No.:* 1881–110.

c. *Date Filed:* November 30, 2022.

d. *Applicants:* BIF III Holtwood, LLC (licensee).

e. *Name of Project:* Holtwood Hydroelectric Project.

f. *Location:* Susquehanna River in Lancaster and York counties, Pennsylvania.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Adam Slowic, 215–620–4589, *adam.slowik@brookfieldrenewable.com*. Brookfield Renewable USA.

i. *FERC Contact:* Michael Calloway, (202) 502–8041, *michael.calloway@ferc.gov*.

j. *Deadline for filing comments, motions to intervene, and protests:* January 22, 2023.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–1881–110. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee filed a revised Upstream Boat Barrier Debris Management Plan for approval on November 30, 2022, pursuant to the Commission's July 28, 2022, letter addressing Debris Management at the Holtwood Hydroelectric Project and Article 40 of the project license. The plan addresses monitoring, maintenance, removal, and disposal of debris at the project's upstream boat barrier.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: December 8, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–27123 Filed 12–13–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Waiver Period for Water Quality Certification Application

	Project No.
Eagle Creek Hydro Power, LLC Eagle Creek Water Resources, LLC. Eagle Creek Land Resources, LLC.	9690–115
Eagle Creek Hydro Power, LLC Eagle Creek Water Resources, LLC. Eagle Creek Land Resources, LLC.	10481–069
Eagle Creek Hydro Power, LLC Eagle Creek Water Resources, LLC. Eagle Creek Land Resources, LLC.	10482–122

On November 30, 2022, Eagle Creek Hydro Power, LLC, Eagle Creek Water Resources, LLC, and Eagle Creek Land Resources, LLC (co-licensees) submitted to the Federal Energy Regulatory Commission a copy of their application for a Clean Water Act section 401(a)(1) water quality certification filed with the New York State Department of Environmental Conservation (New York DEC), in conjunction with the above captioned projects. Pursuant to 40 CFR 121.6 and section 5.23(b) of the Commission's regulations,[1] we hereby notify the New York State Department

[1] 18 CFR 5.23(b).

of Environmental Conservation (DEC) of the following:

Date of Receipt of the Certification Request: November 30, 2022.

Reasonable Period of Time to Act on the Certification Request: One year (November 30, 2023).

If the New York DEC fails or refuses to act on the water quality certification request on or before the above date, then the agency certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: December 8, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–27127 Filed 12–13–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Denial of Water Quality Certification

	Project No.
Eagle Creek Hydro Power, LLC Eagle Creek Water Resources, LLC. Eagle Creek Land Resources, LLC.	9690–115
Eagle Creek Hydro Power, LLC Eagle Creek Water Resources, LLC. Eagle Creek Land Resources, LLC.	10481–069
Eagle Creek Hydro Power, LLC Eagle Creek Water Resources, LLC. Eagle Creek Land Resources, LLC.	10482–122

On March 31, 2020, Eagle Creek Hydro Power, LLC, Eagle Creek Water Resources, LLC, and Eagle Creek Land Resources, LLC (co-licensees collectively referred to as Eagle Creek) jointly filed an application for a new license for each of the ''Mongaup River Projects'' consisting of the Swinging Bridge Hydroelectric Project (P–10482), Mongaup Falls Hydroelectric Project (P–10481), and the Rio Hydroelectric Project (P–9690). Eagle Creek filed with the New York Department of Environmental Conservation (New York DEC) a request for water quality certification for the Mongaup River Projects under section 401(a)(1) of the Clean Water Act on March 30, 2021. On March 24, 2022, the New York DEC denied certification for the project. Eagle Creek filed a copy of New York DEC's denial of certification on November 14, 2022. Pursuant to 40 CFR 121.8, we are providing notice that New York DEC's denial satisfies the requirements of 40 CFR 121.7(e).

Dated: December 8, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–27121 Filed 12–13–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2022–0417; FRL–10108–01–OCSPP]

Chlorpyrifos; Notice of Intent To Cancel Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA) hereby announces its intent to cancel the registrations of three pesticide products containing the insecticide chlorpyrifos due to the Agency's revocation of all tolerances for chlorpyrifos. This document identifies the products at issue, summarizes EPA's basis for this Notice of Intent to Cancel (NOIC), and explains how adversely affected persons may request a hearing and the consequences of requesting or failing to request such a hearing.

DATES: The affected registrant must request a hearing within 30 days from the date that the affected registrant receives EPA's NOIC, or on or before January 13, 2023, whichever occurs later. Other adversely affected parties must request a hearing on or before January 13, 2023. Please see unit VII. for specific instructions.

ADDRESSES: The docket for this action, identified under docket identification (ID) number EPA–HQ–OPP–2022–0417, is available online at *https://www.regulations.gov.* Additional instructions on visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.* For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

All persons who request a hearing must comply with the Agency's Rules of Practice Governing Hearings, 40 CFR part 164. Requests for hearing must be filed with the Hearing Clerk in EPA's Office of Administrative Law Judges (OALJ), in conformance with the requirements of 40 CFR part 164. The OALJ uses different addresses depending on the delivery method. Please see unit VII. for specific instructions.

FOR FURTHER INFORMATION CONTACT: Elissa Reaves, Pesticide Re-Evaluation Division (7508M), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–0700; email address: *OPPChlorpyrifosInquiries@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What action is the Agency taking?

EPA is announcing its intent to cancel the registrations of three pesticide products containing the insecticide chlorpyrifos due to the revocation of all chlorpyrifos tolerances. Specifically, EPA intends to cancel each of the following pesticide products, which allow for use on food crops, listed in sequence by EPA registration number.

- EPA Reg. No. 93182–3 Chlorpyrifos Technical.
- EPA Reg. No. 93182–7 Pilot 4E Chlorpyrifos Agricultural Insecticide.
- EPA Reg. No. 93182–8 Pilot 15G Chlorpyrifos Agricultural Insecticide.

The following information is the address on record for Gharda, the registrant of the products listed in this unit and subject to this notice, and includes the company number which corresponds to the first part of the EPA registration number of the products:

- EPA Co. No. 93182—Gharda Chemicals International, Inc., 4932 Crockers Lake Blvd., Suite 818, Sarasota, Florida 34238.

In addition, this document summarizes EPA's legal authority for the proposed cancellation (see unit II.); the revocation of tolerances for residues of chlorpyrifos on food commodities (see unit III.); the Agency's rationale for issuance of this NOIC (see unit IV.); the timing of the proposed cancellations, EPA's existing stocks determination, and the potential scope of any final cancellation order (see unit V.); the results of the Agency's coordination with the U.S. Department of Agriculture (USDA) and the FIFRA Science Advisory Panel (SAP) (see unit VI.); and how eligible persons may request a hearing and the consequences of requesting or failing to request such a hearing (unit VII.).

B. What is the Agency's authority for this action?

The Agency's authority to cancel a pesticide that does not comply with the provisions of FIFRA is contained in FIFRA section 6(b), 7 U.S.C. 136d(b).

C. Who may be affected by this action?

This announcement will directly affect the pesticide registrant listed in

unit I.A., supplemental distributors, and others who may distribute, sell, or use the products listed in unit I.A. This announcement may also be of particular interest to a wide range of stakeholders including environmental, human health, farmworker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. EPA believes the stakeholders described above encompass those likely to be affected; however, more remote interests may also be affected, and the Agency has not attempted to describe all specific entities that may be affected by this action.

II. Legal Authority

With minor exceptions not at issue here, as provided in FIFRA section 3(a), a pesticide product may not be lawfully sold or distributed in the United States unless and until the product is registered by EPA. 7 U.S.C. 136a(a). A pesticide registration is a license allowing a pesticide product to be sold and distributed and includes a label with use instructions that delineates the specific uses for which the pesticide may be used, including precautions and other terms and conditions established by EPA when it grants the registration.

As a general matter, in order to obtain or maintain a registration for a pesticide under FIFRA, an applicant or registrant must demonstrate that the pesticide satisfies the statutory standard for registration. 7 U.S.C. 136a(c)(5). That standard requires, among other things, that the pesticide perform its intended function without causing ''unreasonable adverse effects on the environment.'' *Id.* The term ''unreasonable adverse effects on the environment'' is defined under FIFRA section 2(bb) as including two parts: (1) ''[A]ny unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide'' and (2) ''[A] human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standard under section 346a of title 21.'' 7 U.S.C. 136(bb). It is under the second part of the definition that the FIFRA registration standard incorporates the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, safety standard.

EPA establishes, modifies, or revokes tolerances for pesticide residues under FFDCA section 408. 21 U.S.C. 346a. A ''tolerance'' represents the maximum level for residues of a pesticide legally allowed in or on raw agricultural commodities and processed food. Under the FFDCA, ''any pesticide chemical residues in or on a food shall be deemed unsafe,'' unless a tolerance or exemption for such residues ''is in effect''. 21 U.S.C. 346a(a)(1). In other words, without a tolerance or an exemption from the requirement of a tolerance, pesticide residues in or on food are considered unsafe, as a matter of law. The consequence of having pesticide residues in or on food that are not covered by a tolerance, or an exemption is that the food containing such residues is rendered adulterated under the FFDCA. 21 U.S.C. 342(a)(2)(B). It is a violation of the FFDCA to introduce adulterated food into interstate commerce. 21 U.S.C. 331(a).

Because the FIFRA registration standard incorporates the FFDCA safety standard, a pesticide that results in residues in or on food that are unsafe, which includes residues not covered by a tolerance or tolerance exemption, does not meet the FIFRA registration standard. EPA will not approve any application to register a pesticide with food uses that may reasonably be expected to result in pesticide residues on food without appropriate tolerances or exemptions in place, *see* 40 CFR 152.112(g), and registrations bearing labeling for food use must be modified or cancelled, pursuant to FIFRA section 6(b).

The burden of demonstrating that a pesticide product satisfies the statutory criteria for registration is at all times on the proponents of the initial or continued registration and continues as long as the registration is in effect. 40 CFR 164.80(b); *see also Industrial Union Dept.* v. *American Petroleum Institute,* 448 U.S. 607, 653 n.61 (1980); *Stearns Electric Paste* v. *EPA,* 461 F.2d 293 (7th Cir. 1972); *Environmental Defense Fund* v. *EPA,* 510 F.2d 1292, 1297 (D.C. Cir. 1975).

Under FIFRA section 6(b), the Agency may issue a notice of its intent to cancel a registration of a pesticide product whenever it appears either that ''a pesticide or its labeling or other material required to be submitted does not comply with FIFRA, or when used in accordance with widespread and commonly recognized practice, the pesticide generally causes unreasonable adverse effects on the environment.'' 7 U.S.C. 136d(b). The cancellation proposed in the notice shall become final 30 days after publication of the notice, or the date the registrant receives the notice, whichever is later, unless the registrant makes the necessary corrections to the registrations, or a hearing is requested by a person adversely affected by the notice. If a hearing is requested by an adversely affected person, the final order concerning cancellation of the product is not issued until after an administrative hearing.

A cancellation hearing shall be conducted in accordance with the regulations establishing the procedures for hearings under FIFRA set forth at 40 CFR part 164. Under those regulations, the Agency has the burden of presenting an affirmative case for cancellation. 40 CFR 164.80(a). However, the ultimate burden of proof is on the proponent of the registration. 40 CFR 164.80(b); *Industrial Union Dept.,* 448 U.S. at 653, n. 61; *Stearns Electric Paste* v. *EPA,* 461 F.2d 293 (7th Cir. 1972). Once the Agency makes its *prima facie* case that a product's continued use fails to meet the FIFRA standard for registration, the responsibility to demonstrate that the product meets the FIFRA standard is upon the proponents of continued registration. 40 CFR 164.80(b); *Dow* v. *Ruckelshaus,* 477 F.2d 1317, 1324 (8th Cir. 1973).

III. Revocation of Chlorpyrifos Tolerances

Chlorpyrifos is a broad-spectrum, chlorinated organophosphate insecticide that is registered for a wide variety of food and non-food uses. In September 2007, Pesticide Action Network North America and Natural Resources Defense Council filed a petition with EPA requesting revocation of all chlorpyrifos tolerances alleging that, among other things, the pesticide caused adverse neurodevelopmental effects in children at exposure levels below the Agency's regulatory standard (*i.e.,* 10% acetylcholinesterase inhibition). See Petition to Revoke All Tolerances and Cancel All Registrations for the Pesticide Chlorpyrifos, available at *https://www.regulations.gov,* using document identification number EPA–HQ–OPP–2007–1005–0005. Following several years of proposed responses and litigation, EPA issued a final response to the petition on March 29, 2017. *See* 82 FR 16581, April 5, 2017 (FRL–9960–77). That response denied the many claims of the petition, including by concluding that, despite several years of study, the science addressing neurodevelopmental effects remained unresolved and that further evaluation of the science on this issue during the remaining time for completion of registration review was warranted. *See id.* at 16590. As permitted under the FFDCA, objections to EPA's denial were filed, and EPA responded to those objections on July 18, 2019. *See* 84 FR 35555, July 18, 2019 (FRL–9997–06). In its denial of those objections, rather than issuing a

determination concerning the safety of chlorpyrifos, EPA denied the objections in part on the grounds that the data concerning neurodevelopmental toxicity were not sufficiently valid, complete, and reliable to meet the petitioners' burden. *See id.* at 35562. EPA's denial of the petition and denial of objections were subsequently challenged by several advocacy groups and states in the Ninth Circuit.

On April 29, 2021, the Ninth Circuit Court of Appeals ruled against EPA in litigation involving the question of whether the chlorpyrifos tolerances should be revoked. *See League of United Latin American Citizens et al.,* v. *Regan,* 996 F.3d 673 (9th Cir. 2021) (''*LULAC*''). In that case, the Court concluded that EPA violated the FFDCA by not making a safety determination to support the retention of the chlorpyrifos tolerances, as required under the FFDCA. Consequently, the Court ordered EPA to issue a final rule in which the Agency would either revoke the tolerances (if it could not make the requisite safety finding to leave tolerances in place) or modify the existing chlorpyrifos tolerances, provided that the Agency concurrently issued a safety determination supporting the modified tolerances. The Court imposed a tight deadline for EPA to issue the final rule and told EPA not to engage in further fact-finding or delay. Specifically, the court said: ''To be clear, however, this is not an open-ended remand or a remand for further factfinding. The EPA must act based upon the evidence and must immediately revoke or modify chlorpyrifos tolerances. For these reasons, the Court remands this matter to the EPA with instructions to publish a legally sufficient final response to the 2007 Petition within 60 days of the issuance of the mandate.''

In implementing the Court's order within the mandated timeframe, EPA found that it could not make a safety finding to support leaving the current tolerances for residues of chlorpyrifos in place, as required under the FFDCA section 408(b)(2). 21 U.S.C. 346a(b)(2). Under the FFDCA, a tolerance may be left in place only if the Agency determines that the tolerances are safe, *i.e.,* that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residues, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' Id. Because EPA found that at the time it could not determine that there was a reasonable certainty that no harm would result from aggregate exposure to chlorpyrifos residues, including all anticipated dietary (food and drinking water) exposures and all other exposures, EPA published the final rule revoking all tolerances for chlorpyrifos in the **Federal Register** on August 30, 2021. 86 FR 48315, August 30, 2021 (FRL–5993–04–OCSPP) (the Final Rule). As described in greater detail in the Final Rule, the Agency's analysis indicated that aggregate exposures (*i.e.,* exposures from food, drinking water, and residential exposures), which stem from then-currently registered uses, exceeded safe levels. Id. at 48317. That analysis relied on the well-established 10% red blood cell acetylcholinesterase (RBC AChE) inhibition level as an endpoint for risk assessment and included the FFDCA default tenfold (10X) margin of safety to account for uncertainties related to the potential for adverse neurodevelopmental effects to infants, children, and pregnant women. Id. The Final Rule revoked the chlorpyrifos tolerances but provided a transition period of six months, until February 28, 2022. *Id.* at 48334.

Pursuant to FFDCA section 408(g)(2), EPA provided an opportunity to file objections to the Final Rule and seek an evidentiary hearing on those objections. See also 21 U.S.C. 346a(g)(2); 40 CFR 178.32(b). In response to the Final Rule, several objections, hearing requests, and requests to stay the Final Rule were filed by parties representing a wide variety of growers and pesticide users. On February 28, 2022, EPA published its order denying all objections, hearing requests, and requests to stay the Final Rule in the **Federal Register** (87 FR 11222, February 28, 2022) (FRL–5993–05–OCSPP) (the Denial Order). EPA's publication of the Denial Order completed the Agency's administrative process for the Final Rule. Pursuant to the terms of the Final Rule, all chlorpyrifos tolerances expired on February 28, 2022. EPA notes that EPA's Final Rule revoking chlorpyrifos tolerances is a separate final agency action, and as such, comments challenging EPA's action in that Final Rule are outside the scope of this Notice. Gharda and several other grower groups have challenged that rule in the U.S. Court of Appeals for the Eighth Circuit, *see Red River Valley Sugarbeet Growers Ass'n et al.,* v. *Regan* (9th Cir. No. 22–1422).

Because at this time there are no tolerances or exemptions from the requirement of a tolerance for chlorpyrifos residues in or on food, there is no basis for allowing food uses to remain on chlorpyrifos registered products. See 21 U.S.C. 346a(a)(1). Therefore, between March 1 and March 9 of 2022, after EPA's publication of the Denial Order, EPA issued letters to all registrants of chlorpyrifos products with food uses confirming revocation of the tolerances and recommending that such registrants consider various cancellation and label amendment options. EPA requested that registrants submit a letter formally expressing their intention to submit registration amendments to remove food uses from product labels or to submit a voluntary cancellation for products where all uses are subject to the tolerance revocation by March 30, 2022. All chlorpyrifos registrants to whom that letter was sent have submitted requests to voluntarily cancel their pesticide products and/or label amendments to remove food uses from their chlorpyrifos pesticide product labels, with the exception of Gharda, the registrant of products listed in this Notice. While Gharda submitted requests for voluntary cancellation for some uses and some label amendments, that request does not fully align with the revocation of chlorpyrifos tolerances (*i.e.,* it does not result in the removal of all food uses from those registered products); therefore, Gharda's products identified in unit I.A. are subject to this Notice.

IV. Basis for Issuance of Notice of Intent To Cancel

EPA has determined that the chlorpyrifos registrations listed in unit I.A. must be cancelled because they each bear labeling for use on food crops. Due to the lack of tolerances for residues of chlorpyrifos, these products, bearing labeling for use on food crops, (i) pose unreasonable adverse effects on the environment under FIFRA section 2(bb)(2), 7 U.S.C. 136(bb)(2), because use of chlorpyrifos on food results in unsafe pesticide residues under the FFDCA and (ii) are misbranded and thus not in compliance with FIFRA, 7 U.S.C. 136j(a)(1)(E).

As noted in unit II., tolerances establish the maximum amount of pesticide residues that are allowed in or on a food. In situations where no tolerance exists to cover residues of a particular pesticide in or on food, those residues are ''deemed unsafe,'' as a matter of law under the FFDCA. 21 U.S.C. 346a(a)(1). As a consequence, a pesticide resulting in residues in or on food for which there is no tolerance does not meet the FIFRA standard for registration. See 7 U.S.C. 136(bb). Moreover, any food containing ''unsafe'' pesticide chemical residues is ''deemed to be adulterated,'' and introduction of that food into interstate commerce is a violation of the FFDCA. 21 U.S.C. 342(a)(2)(B), 331(a).

A. The Pesticide Generally Causes Unreasonable Adverse Effects on the Environment Because It Is Unsafe as a Matter of Law

As discussed in unit II., in order to maintain a registration for a pesticide under FIFRA, a registrant has the burden to demonstrate that the pesticide satisfies the statutory standard for registration. 40 CFR 164.80(b); see also 7 U.S.C. 136a(c)(5). One element of that standard is that the pesticide performs its intended function without unreasonable adverse effects on the environment, which is defined under FIFRA section 2(bb) to include ''a human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standard under section 346a of title 21.'' 7 U.S.C. 136(bb). The standard referenced in the FIFRA definition is the FFDCA safety standard, *i.e.,* that tolerances, which cover the amount of pesticide residues in or on food, must be safe. See 21 U.S.C. 346a(b)(2).

Also noted in unit II., it is a matter of law that pesticide chemical residues in or on food are ''deemed unsafe,'' unless covered by a tolerance or exemption. 21 U.S.C. 346a(a)(1). Any residues from pesticides used on food where no tolerances exist for those residues are, therefore, unsafe. Unsafe residues are not consistent with the FFDCA safety standard. Thus, any pesticide resulting in such residues, causes, as a legal matter, unreasonable adverse effects on the environment. Such pesticide is subject to cancellation under FIFRA section 6(b).

Because all tolerances for chlorpyrifos have been revoked, chlorpyrifos residues in or on food are unsafe as a matter of law. Because the chlorpyrifos registrations listed in unit I.A. bear labeling for use on food, use of which would result in unsafe pesticide residues on food, these products pose unreasonable adverse effects on the environment under FIFRA section 2(bb)(2). 7 U.S.C. 136(bb)(2).

B. The Pesticide and Its Labeling Do Not Comply With FIFRA

Additionally, because the chlorpyrifos products in unit I.A. bear labeling for use on food, for which the registrant did not submit the necessary label amendments and/or cancellations to remove all food uses, and because all tolerances for chlorpyrifos have been revoked, these products are misbranded and thus not in compliance with FIFRA. It is a violation of FIFRA to sell and distribute pesticides that are misbranded. 7 U.S.C. 136j(a)(1)(E). FIFRA's definition of ''misbranded'' provides many ways in which a pesticide may be misbranded, including if its labeling ''bears any statement . . . that is false or misleading.'' 7 U.S.C. 136(q)(1)(A). Pesticide labeling bearing directions for use on food crops that results in adulterated food is misleading because it is illegal to distribute that food in commerce. A commercial farmer complying with approved use directions would apply the pesticide to crops but then, in the absence of necessary tolerances or an exemption, would be producing adulterated food, which cannot be delivered into interstate commerce without violating the FFDCA. Thus, the label misleads the consumer into believing a pesticide can be applied to food crops, but ultimately results in adulterated food or feed crops that cannot be sold. To avoid this conflict, EPA's regulations prevent EPA from issuing a registration for a pesticide that ''bears labeling with directions for use on food, animal feed, or food or feed crops, or may reasonable be expected to result, directly or indirectly, in pesticide residues (or results of any active or inert ingredient of the product, or of any metabolite or degradate thereof) in or on food or animal feed,'' unless tolerances or exemptions covering such residues have been issued. 40 CFR 152.112(g).

In summary, because the aforementioned products would result in pesticide residues in or on food that are, as a matter of law, unsafe, the products pose unreasonable adverse effects on the environment. Moreover, EPA has determined that because the aforementioned products are misbranded, continued sale and distribution would not comply with the provisions of FIFRA. Consequently, EPA has determined that these products must be cancelled.

V. Status of Products That Become Cancelled

A. Timing of Cancellation

The cancellation of registration for the specific products identified in unit I.A. of this document will be final and effective 30 days after the affected registrant receives notice of EPA's intent to cancel the pesticide registrations listed in unit I.A., or on January 13, 2023, unless within that time the registrant makes the necessary corrections (see unit V.C.) or a hearing is requested by an adversely affected person regarding such product. 7 U.S.C. 136d(b).

In the event a hearing is held concerning a particular product, the cancellation of the registration for that product will not become effective except pursuant to (i) an initial decision of the presiding Administrative Law Judge that becomes a final order pursuant to 40 CFR 164.90(b) or (ii) if the Administrative Law Judge's initial decision is appealed or subject to Administrator review pursuant to 40 CFR 164.101, a final order issued by the Environmental Appeals Board or (if the matter is referred to the Administrator pursuant to 40 CFR 164.2(g)) the Administrator. Final cancellation orders following a public hearing are subject to judicial review within 60 days of the entry of the order. 7 U.S.C. 136d(h).

B. Existing Stocks Issues

FIFRA section 6(a)(1) allows the Agency to permit the continued sale and use of existing stocks of pesticides whose use has been cancelled, to the extent the Administrator determines that such sale or use would not be inconsistent with the purposes of this Act. 7 U.S.C. 136d(a)(1). EPA has defined ''existing stocks'' as ''those stocks of a registered pesticide which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action.'' 56 FR 29362, June 26, 1991 (FRL–3846–4). This section addresses how the Agency intends to treat existing stocks when and if pesticide registrations are cancelled pursuant to this Notice.

The Agency does not believe that continued sale or use of existing stocks of any chlorpyrifos registrations identified in this Notice following cancellation would be consistent with FIFRA. The continued sale and distribution of products cancelled in a proceeding pursuant to this Notice would be the sale and distribution of misbranded products, which, if used in accordance with the labeling, would lead to the production of adulterated food and the use of products that would pose unreasonable adverse effects on human health due to residues in or on food that are inconsistent with the FFDCA safety standard. Accordingly, EPA has determined that the continued sale and distribution of existing stocks of pesticide products cancelled pursuant to this Notice should not be permitted, with the exception of movement of existing stocks for the sole purposes of lawful export consistent with FIFRA; disposal consistent with applicable state disposal requirements; or return to the registrant consistent with the terms of a return program agreement with EPA, if any. Moreover, EPA does not intend to allow existing stocks in the hands of end-users to continue to be used, unless they are being used for non-food uses. Any use

of chlorpyrifos on food would result in adulterated food, which is illegal to deliver into interstate commerce; therefore, use of existing stocks for use on food cannot be permitted.

It is settled law that existing stocks issues are not required to be a part of a cancellation proceeding, and that the treatment of existing stocks issues is only included as an issue in a cancellation proceeding when the Notice giving rise to the right to a hearing voluntarily identifies and includes existing stocks as an issue for examination. See *In the Matter of Cedar Chemical Co., et al.,* 2 E.A.D. 584, nn. 7, 9, 1988 WL 525242 (June 9, 1988) (Decision of the Administrator). The Administrator's decision in *Cedar Chemical* on whether existing stocks had to be included as an issue in the hearing was affirmed by the United States Court of Appeals for the Ninth Circuit in *Northwest Food Processors Association* v. *Reilly,* 886 F. 2d 1075, 1078 (9th Cir. 1989). In the case of this Notice, EPA has determined not to include existing stocks as an issue in any hearing arising from this Notice, since the lack of tolerances means that any continued sale, distribution, or use of the pesticide would be inconsistent with the purposes of FIFRA. Instead, the only issue for hearing under this Notice is whether the subject products should be cancelled.

C. Potential Scope of Final Action

FIFRA section 6(b) allows the registrant, within the 30 days following publication or receipt of EPA's notice, to ''make the necessary corrections, if possible''. 7 U.S.C. 136d(b). As noted in unit IV., the chlorpyrifos products listed in unit I.A. must be cancelled because they bear labeling for use on food although no tolerances exist to cover chlorpyrifos residues in or on food for those uses. Terminating food uses and removing those uses from labels would resolve the violations EPA has identified in this Notice. Therefore, EPA recognizes that the registrant has an opportunity to make corrections by requesting cancellation of these uses and amending labels.

FIFRA section 6(b) also states ''in taking any final action under this subsection, the Administrator shall consider restricting a pesticide's use or uses as an alternative to cancellation and shall fully explain the reasons for these restrictions, and shall include among those factors to be taken into account the impact of such final action on production and prices of agricultural commodities, retail food prices, and otherwise on the agricultural economy, and the Administrator shall publish in the **Federal Register** an analysis of such impact.'' Id.

Accordingly, in any final action on this Notice, EPA may consider, as an alternative to cancellation of the whole registrations, cancelling only those uses that result in residues in or on food. As part of its registration review of chlorpyrifos, EPA considered the potential economic impacts on growers if chlorpyrifos use was eliminated for various registered food crops. *See* Revised Benefits of Agricultural Uses of Chlorpyrifos (PC# 059101) (November 18, 2020), available at *https://www.regulations.gov/document/EPA-HQ-OPP-2008-0850-0969;* Chlorpyrifos Revocation Small Business and Employment Analysis (August 12, 2021), available at *https://www.regulations.gov/document/EPA-HQ-OPP-2021-0523-0031.* Although EPA may consider benefits for certain uses under FIFRA, economic impacts to growers is not a consideration for EPA in making a safety determination under the FFDCA. Because EPA determined that the tolerances did not meet the safety standard under the FFDCA, EPA revoked all chlorpyrifos tolerances. See 86 FR 48315. As a result, chlorpyrifos may not be used in or on food without resulting in adulterated food, which cannot be distributed in interstate commerce. Restricting the chlorpyrifos products listed in unit I.A. to only those uses that do not result in residues in or on food would have no economic impact, beyond the impact already resulting from the revocation of the chlorpyrifos tolerances, since these products already cannot be used on food due to the lack of tolerances.

VI. Mandated FIFRA Reviews

A. What is required?

When EPA intends to issue a NOIC, it must furnish a draft of that Notice and an analysis of the impact of the proposed action on the agricultural economy to the Secretary of the USDA for comment at least 60 days prior to sending such Notice to the registrant or making such Notice public. 7 U.S.C. 136d(b). When a public health use is affected, FIFRA section 6(b) also directs the Secretary of the Department of Health and Human Services (HHS) to provide available benefits and use information, or an analysis thereof. Within the same time period, the Agency must also submit the proposed cancellation action to the FIFRA Scientific Advisory Panel (SAP) for comment concerning the impact of the proposed action on health and the environment, unless the SAP agrees to waive its review. 7 U.S.C. 136w(d).

In the event that written comments are received from the USDA, HHS, or the SAP within 30 days of such referral, the Agency must publish those comments and the Agency's response to the comments.

B. What are the results of this review?

Because all tolerances for chlorpyrifos have already been revoked for the reasons set forth in the Final Rule and Denial Order, this proposed cancellation action itself is not anticipated to have any impacts on the agricultural economy. This NOIC is purely an administrative action to address three registrations that the registrant is unable or unwilling to cancel or modify to comply with the Agency's tolerance revocation. EPA provided a draft of this NOIC to the SAP requesting a waiver due to the lack of scientific issues for consideration by the SAP. The SAP waived its review of this NOIC on August 19, 2022.

This NOIC is not subject to review by HHS because there are no public health uses affected by this NOIC.

On August 11, 2022, EPA provided a draft of this NOIC to USDA for review and received a response from USDA on September 11, 2022. USDA expressed three major concerns in its comments: (1) that an economic analysis was not provided for review in conjunction with the draft NOIC; (2) USDA's opinion that historical precedent and procedures was not followed; and (3) USDA's opinion that EPA could have retained some tolerances consistent with the proposal in the Proposed Interim Registration Review Decision for Chlorpyrifos (2020 PID) instead of revoking all tolerances and should initiate action to reestablish tolerances consistent with the conclusions of the 2020 PID. USDA's comments are available at *https://www.regulations.gov* in the docket for this action, docket ID EPA–HQ–OPP–2022–0417.

The Agency has considered each of these comments prior to finalizing this Notice. Below is a summary of these comments and the Agency's detailed responses to these comments.

Comment: USDA notes that FIFRA requires EPA to consider the impact of the action proposed in the NOIC on production and prices of agricultural commodities, retail food prices, and otherwise on the agricultural economy and to provide that analysis to the USDA. USDA expressed concern with statements in EPA's draft NOIC that the cancellation of the products would produce no negative effects beyond those that were already imposed when EPA revoked the chlorpyrifos tolerances. Since, as USDA notes in

their comments, the FFDCA does not provide for consideration of economic impacts in a determination of whether to retain tolerances, the USDA had concerns about the lack of consideration to the economy.

EPA Response: As noted in unit III, EPA revoked the chlorpyrifos tolerances in a final rule issued in August 2021, as a result of concluding that the chlorpyrifos tolerances were not safe. As USDA recognizes, the FFDCA does not authorize EPA to consider economic impacts to farmers when determining whether to retain tolerances. As noted in the Final Rule and the Denial Order, the FFDCA permits EPA to leave a tolerance in place only if it is safe; whether a tolerance is important to the agricultural economy is not a permissible consideration for EPA in determining whether to leave a tolerance in place.

When the tolerances were revoked, chlorpyrifos was no longer permitted to be used on food crops. Although not a consideration under the FFDCA, as part of its assessment of chlorpyrifos in registration review, EPA prepared a benefits assessment and a small business analysis of the economic benefits of chlorpyrifos for a variety of crops as well as the potential economic impact if chlorpyrifos were not available. *See* Revised Benefits of Agricultural Uses of Chlorpyrifos (PC# 059101) (November 18, 2020), available at *https://www.regulations.gov/document/EPA-HQ-OPP-2008-0850-0969;* Chlorpyrifos Revocation Small Business and Employment Analysis (August 12, 2021), available at *https://www.regulations.gov/document/EPA-HQ-OPP-2021-0523-0031.*

Although the benefits assessment and small business analysis did indicate some economic impacts as a result of chlorpyrifos not being available for growers, those impacts have already occurred as a result of the revocation of the tolerances and would not be attributable to the cancellation of these products. Even if these products were not cancelled, the products could still not be used as a result of the tolerance revocation; thus, the same economic impact would result with or without this cancellation action. To the extent the products being cancelled are registered for non-food uses, these are not the only chlorpyrifos products registered for these non-food uses. Consequently, EPA concluded that the cancellation action being proposed in this NOIC itself does not actually result in any impact on agricultural commodities, retail food prices, or the agricultural economy.

Comment: USDA notes that it considers EPA's process for revoking tolerances as ''harmful precedent'' that has created confusion and concern among agricultural stakeholders and international trading partners. USDA asserts that the lack of a phase-out period has caused a widespread disposal problem for existing stocks of chlorpyrifos, and that the ''divergence from normal procedures caused confusion and concerns'' and may ''harm the economic viability of U.S. producers in the long-term'' by undercutting U.S. credibility in future trade negotiations.

EPA Response: As an initial matter, EPA notes that this comment does not appear to be directly relevant to the cancellation of the particular products identified in this NOIC, but rather a commentary on EPA's issuance and implementation of the final rule revoking tolerances. Prior to the issuance of the final rule, EPA coordinated with FDA and USDA to ensure they could develop any necessary enforcement guidance, such as how long legally treated food and feed commodities may be in the channels of trade, and FDA released a document entitled *Guidance for Industry: Questions and Answers Regarding Channels of Trade Policy for Human Food Commodities with Chlorpyrifos Residues, https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-questions-and-answers-regarding-channels-trade-policy-human-food-commodities,* in order to provide guidance to stakeholders in the food industry. In addition, in the Final Rule itself and contrary to the USDA's assertion, EPA did provide a six-month transition period between the publication of the final revoking tolerances and the effective date of the revocation consistent with the Agency's obligations under the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures. Although EPA recognizes that there has been confusion in the regulated community on what to do with registered chlorpyrifos products that can no longer be used on food, EPA is, and has been, working with registrants to provide for an appropriate transition. Specifically, the Agency continues to work with the registrants in the development of their return programs and update stakeholders and the Agency's website with the latest information regarding chlorpyrifos.

To the extent this comment expressed a concern about the process EPA used for terminating use of chlorpyrifos on food, EPA fully addressed this comment in its Denial Order. *See* 87 FR at 11247–49. Objectors to EPA's Final Rule alleged that EPA was required to negotiate with chlorpyrifos registrants and cancel food uses under FIFRA before revoking tolerances under the FFDCA. Consistent with EPA's position in the Denial Order, neither FIFRA nor the FFDCA direct that the Agency proceed with cancellation under FIFRA prior to revoking tolerances under the FFDCA. *Id.* Where EPA determines that tolerances are not safe, the FFDCA requires that tolerances be revoked, regardless of the economic impact of that revocation. In addition, in this particular instance, the Ninth Circuit prioritized the Agency taking action under the FFDCA over taking action under FIFRA, by ordering EPA to take action on the tolerances within 60 days of the issuance of the mandate in that case, *i.e.,* August 20, 2021, and to take action to cancel food uses ''in a timely fashion''. *LULAC,* 996 F.3d. at 703–04.

Nonetheless, even with the restricted timeframe imposed by the Ninth Circuit and the need to prioritize tolerance actions under the FFDCA over cancellations under FIFRA, EPA did attempt to coordinate the tolerance revocations with cancellation actions. While EPA was unable to complete the necessary steps for that process to impact the tolerance revocation rule for chlorpyrifos by the Court's deadline, EPA recognizes that coordinating tolerance revocations and FIFRA cancellations can be helpful since product cancellation orders can provide clarity around existing stocks and disposal procedures.

Comment: USDA's comments outline its opinion that the Agency could have pursued a pathway on the 11 high benefit uses outlined in the 2020 PID instead of revoking all tolerances. USDA also requests Agency-initiated action to reestablish tolerances consistent with the conclusions of the 2020 PID.

EPA Response: EPA notes that this comment appears to be more appropriately directed towards the Final Rule itself rather than the cancellation action that is the subject of this NOIC. Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of the 2021 final tolerance rule and may also request a hearing on those objections. USDA did not file any such objection, although several other parties did, asserting that EPA should have left tolerances in place associated with 11 uses as described in the 2020 PID rather than revoking all the tolerances. EPA denied that objection in its Denial Order. See 87 FR at 11244–47. The Denial Order fully explained the

rationale for not adopting the proposal presented in the 2020 PID. Briefly, in the December 2020 PID, EPA proposed that all chlorpyrifos uses contributing aggregate exposures be cancelled except for 11 specific uses in specific geographic areas. Those 11 uses were identified by registrants and EPA as having high benefits, although the Agency recognized that it was just one possible subset of uses that might be retainable. The Agency's proposed safety determination for those uses was contingent on other uses being cancelled and additional use restrictions being in effect. It is also important to note that the findings in the PID were simply proposals, and those proposals, and the underlying risk assessments on which those proposals were based, were subject to public comment and did not represent a final safety determination. Despite the potential for supporting a safety finding consistent with the PID, at the time that EPA was required to expeditiously issue a rule by the Ninth Circuit, no concrete steps had been taken by registrants under FIFRA to implement the PID proposal: no uses had been cancelled, no labels had been revised to geographically limit applications or limit maximum application rates, nor had any applications to initiate such actions been filed with the Agency. Therefore, at the time of the Final Rule, the option to leave certain tolerances in place was not available. Thus, EPA assessed aggregate exposure based on all currently registered uses of chlorpyrifos as required by the FFDCA and consistent with its guidance, finding that it could not determine that there was a reasonable certainty of no harm from aggregate exposure. As a result, chlorpyrifos tolerances were revoked and expired as of February 28, 2022.

A challenge to the Final Rule is outside the scope of this NOIC. All the chlorpyrifos tolerances have been revoked, so the products identified in this document must be cancelled because they bear labeling for use on food. As noted above, the Agency views this NOIC as an administrative action, as once tolerances were revoked, chlorpyrifos products cannot bear labeling for use on food, since the products could no longer be used without rendering food and feed crops adulterated.

The request to reestablish tolerances associated with those 11 uses is also outside the scope of this NOIC. At this time, the Agency does not intend to initiate a rulemaking to re-establish those tolerances. Initiating tolerance rulemaking under section 408(e) of the FFDCA is a discretionary action, 21 U.S.C. 346a(e), and at this time, no petition has been submitted requesting specific tolerances to be established under section 408(d) of the FFDCA, 21 U.S.C. 346a(d). Even if EPA initiated such a rulemaking, or if a petition were submitted, EPA would need to follow the statutory process and make a determination that the tolerances were safe in order to establish them. It is important to note that the proposal in the 2020 PID was only a proposed safety finding based on a subset of uses; it was not a final determination of safety. Any final safety determination supporting the re-establishment of the tolerances would need to take into consideration aggregate exposures to chlorpyrifos.

VII. Requesting a Hearing

This unit explains how eligible persons may request a hearing and the consequences of requesting or failing to request such a hearing.

A. Who can request a hearing?

A registrant or any other person who is adversely affected by a cancellation of registration as described in this Notice may request a hearing.

B. When must a hearing be requested?

A request for a hearing by a registrant must be submitted in writing within 30 days after the date of receipt of the NOIC, or within 30 days after publication of this announcement in the **Federal Register**, whichever occurs later. A request for a hearing by any other person adversely affected by the Agency's proposed action must be submitted within 30 days after the date of publication of this Notice in the **Federal Register**. See the **DATES** section of this document.

C. How must a hearing be requested?

All persons who request a hearing must comply with the Agency's Rules of Practice Governing Hearings, 40 CFR part 164. Among other requirements, these rules include the following requirements:

- Each hearing request must specifically identify by registration or accession number each individual pesticide product for which a hearing is requested, 40 CFR 164.22(a);
- Each hearing request must be accompanied by a document setting forth specific objections that respond to the Agency's reasons for proposing cancellation as set forth in this Notice, and stating the factual basis for each such objection, 40 CFR 164.22(a); and
- Each hearing request must be received by the OALJ within the applicable 30-day period, 40 CFR 164.5(a).

Failure to comply with any one of these requirements will invalidate the request for a hearing and, in the absence of a valid hearing request, result in final cancellation for the products in question by operation of law.

D. Where does a person submit a hearing request?

Requests for hearing must be submitted to the OALJ. The OALJ strongly encourages electronic filing due to the coronavirus pandemic. *See* Order Urging Electronic Service and Filing, issued by Chief ALJ Biro (April 10, 2020), available at *https://www.epa.gov/sites/default/files/2020-05/documents/2020-04-10_-_order_urging_electronic_service_and_filing.pdf.*

1. *Submitting the hearing request electronically.* To file a document electronically, a party shall use a web-based tool known as the OALJ E-Filing System by visiting the OALJ's website at *https://www.epa.gov/alj.* Documents filed electronically are deemed to constitute both the original and one copy of the document.

Any party choosing to file electronically must first register with the OALJ E-Filing System at *https://yosemite.epa.gov/oa/eab/EAB-ALJ_Upload.nsf.* There may be a delay of one to two business days between the time a party applies for registration and the time at which the party is able to upload documents into the system.

A document submitted to the OALJ E-Filing System is considered ''filed'' at the time and date of electronic reception, as recorded by the OALJ E-Filing System immediately upon reception. To be considered timely, documents submitted through the OALJ E-Filing System must be received by 11:59 p.m. Eastern Time on the date the document is due, unless another time is specified by the Judge. Within an hour of a document being electronically filed, the OALJ E-Filing System will generate an electronic receipt of the submission that will be sent by email to both the party submitting the document and the Headquarters Hearing Clerk. This emailed electronic receipt will be the filing party's only proof that the OALJ received the submitted document. The absence or presence of a document on the OALJ's E-Docket Database web page, available at *https://yosemite.epa.gov/oarm/alj/alj_web_docket.nsf,* or on the Agency's Administrative Enforcement Dockets web page, available at *https://yosemite.epa.gov/oa/rhc/epaadmin.nsf,* is not proof that the document was or was not received. If the filing party does not receive an electronic receipt within one hour after submitting the document through the OALJ E-Filing System, the

Headquarters Hearing Clerk may be able to confirm receipt of the document but not earlier than one hour after the document was submitted.

The OALJ E-Filing System will accept any type of digital file, but the file size is limited to 70 megabytes. Electronically filed textual documents must be in Portable Document Format (''PDF''). If a party's multimedia file exceeds 70 megabytes, the party may save the file on a compact disc and send it by U.S. mail to the Hearing Clerk mailing address identified in unit VII.D.2. of this Notice, or the party may contact the Headquarters Hearing Clerk at (202) 564–6281 for instructions on alternative electronic filing methods.

A motion and any associated brief may be filed together through the OALJ E-Filing System. However, any documents filed in support of a brief, motion, or other filing, such as copies of proposed exhibits submitted as part of party's prehearing exchange, should be filed separately as an attachment. Where a party wishes to file multiple documents in support of a brief, motion, or other filing, rather than filing a separate attachment for each such document, the documents should be compiled into a single electronic file and filed as a single attachment, to the extent technically practicable.

2. *Submitting the hearing request by non-electronic means.* Alternatively, if a party is unable to file a document utilizing the OALJ E-Filing System, *e.g.,* the party lacks access to a computer, the party may file the document by U.S. mail or facsimile, although the OALJ's ability to receive filings via those methods is limited. U.S. mail is currently being delivered to the OALJ at an offsite location on a weekly basis only, and documents sent by facsimile will also be received offsite. If a party must file documents by U.S. mail or facsimile, the party shall notify the Headquarters Hearing Clerk each time it files a document in such a manner by calling (202) 564–6281.

To file a document using U.S. mail, the document shall be sent to the following mailing address: Mary Angeles, Headquarters Hearing Clerk, Office of Administrative Law Judges (Mail Code 1900R), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

Please note that mail deliveries to federal agencies are screened off-site, and this security procedure can delay delivery.

Facsimile may be used to file a document if it is fewer than 20 pages in length. To file a document using facsimile, the document shall be sent to OALJ's offsite location at (916) 550–9639.

A document submitted by U.S. mail or facsimile is considered ''filed'' when the Headquarters Hearing Clerk physically receives it, as reflected by the inked date stamp physically applied by the Headquarters Hearing Clerk to the paper copy of the document.

At this time, the OALJ is not able to accept filings or correspondence by courier or commercial delivery service, such as UPS, FedEx, and DHL. Likewise, the physical office of the OALJ is not currently accessible to the public, and the OALJ is not able to receive documents by personal delivery. For further information on filings with the OALJ, please see *https://www.epa.gov/alj.*

3. *Important reminders.* Regardless of the method of filing, all filed documents must be signed in accordance with 40 CFR part 164 and must contain the contact name, telephone number, mailing address, and email address of the filing party or its authorize representative. A copy of each document filed in this proceeding shall also be ''served'' by the filing party on the presiding judge and on all other parties.

E. The Hearing

If a hearing concerning any product affected by this Notice is requested in a timely and effective manner, the hearing will be governed by the Agency's Rules of Practice Governing Hearings, 40 CFR part 164, and the procedures set forth in this unit. Any interested person may participate in the hearing, in accordance with 40 CFR 164.31.

F. Separation of Functions

EPA's Rules of Practice forbid anyone who may take part in deciding this case, at any stage of the proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives. 40 CFR 164.7. To facilitate compliance with the *ex parte* rule, the following are designated as adjudicatory personnel for purposes of this proceeding: the Administrative Law Judges and their staff and the Environmental Appeals Board and its staff. None of the persons identified as adjudicatory personnel may discuss the merits of the proceeding with any person with an interest in the proceeding, or representative of such person, except in compliance with 40 CFR 164.7.

List of Subjects

Environmental protection, Pesticides and pests, Cancellation.

Dated: December 9, 2022.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2022–27130 Filed 12–13–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2016–0732; FRL–9942–02–OCSPP]

Perchloroethylene (PCE); Revision to Toxic Substances Control Act (TSCA) Risk Determination; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of the final revision to the risk determination for the perchloroethylene (PCE) risk evaluation issued under the Toxic Substances Control Act (TSCA). The revision to the PCE risk determination reflects the announced policy changes to ensure the public is protected from unreasonable risks from chemicals in a way that is supported by science and the law. EPA determined that PCE, as a whole chemical substance, presents an unreasonable risk of injury to health when evaluated under its conditions of use. In addition, this revised risk determination does not reflect an assumption that workers always appropriately wear personal protective equipment (PPE). EPA understands that there could be adequate occupational safety protections in place at certain workplace locations; however, not assuming use of PPE reflects EPA's recognition that unreasonable risk may exist for subpopulations of workers that may be highly exposed because they are not covered by Occupational Safety and Health Administration (OSHA) standards, or their employers are out of compliance with OSHA standards, or because many of OSHA's chemical-specific permissible exposure limits largely adopted in the 1970's are described by OSHA as being ''outdated and inadequate for ensuring protection of worker health,'' or because EPA finds unreasonable risk for purposes of TSCA notwithstanding OSHA requirements. This revision supersedes the condition of use-specific no unreasonable risk determinations in the December 2020

PCE Risk Evaluation and withdraws the associated TSCA order included in the December 2020 PCE Risk Evaluation.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2016–0732, is available online at *https://www.regulations.gov* or in-person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Additional instructions on visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Kelly Summers, Office of Pollution Prevention and Toxics (7404T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–2201; email address: *summers.kelly@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to those involved in the manufacture, processing, distribution, use, disposal, and/or the assessment of risks involving chemical substances and mixtures. You may be potentially affected by this action if you manufacture (defined under TSCA to include import), process (including recycling), distribute in commerce, use or dispose of PCE, including PCE in products. Since other entities may also be interested in this revision to the risk determination, EPA has not attempted to describe all the specific entities that may be affected by this action.

B. What is EPA's authority for taking this action?

TSCA section 6, 15 U.S.C. 2605, requires EPA to conduct risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation (PESS) identified as relevant to the risk evaluation by the Administrator, under the conditions of use. 15 U.S.C. 2605(b)(4)(A). TSCA sections 6(b)(4)(A) through (H) enumerate the deadlines and minimum requirements applicable to this process, including provisions that provide instruction on chemical substances that must undergo evaluation, the minimum components of a TSCA risk evaluation, and the timelines for public comment and completion of the risk evaluation. TSCA also requires that EPA operate in a manner that is consistent with the best available science, make decisions based on the weight of the scientific evidence, and consider reasonably available information. 15 U.S.C. 2625(h), (i), and (k).

The statute identifies the minimum components for all chemical substance risk evaluations. For each risk evaluation, EPA must publish a document that outlines the scope of the risk evaluation to be conducted, which includes the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations that EPA expects to consider. 15 U.S.C. 2605(b)(4)(D). The statute further provides that each risk evaluation must also: (1) integrate and assess available information on hazards and exposures for the conditions of use of the chemical substance, including information that is relevant to specific risks of injury to health or the environment and information on relevant potentially exposed or susceptible subpopulations; (2) describe whether aggregate or sentinel exposures were considered and the basis for that consideration; (3) take into account, where relevant, the likely duration, intensity, frequency, and number of exposures under the conditions of use; and (4) describe the weight of the scientific evidence for the identified hazards and exposures. 15 U.S.C. 2605(b)(4)(F)(i) through (ii) and (iv) through (v). Each risk evaluation must not consider costs or other nonrisk factors. 15 U.S.C. 2605(b)(4)(F)(iii).

EPA has inherent authority to reconsider previous decisions and to revise, replace, or repeal a decision to the extent permitted by law and supported by reasoned explanation. *FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009); *see also Motor Vehicle Mfrs. Ass'n* v. *State Farm Mutual Auto. Ins. Co.,* 463 U.S. 29, 42 (1983). Pursuant to such authority, EPA has reconsidered and is now finalizing a revised risk determination for PCE.

C. What action is EPA taking?

EPA is announcing the availability of the final revision to the risk determination for the PCE risk evaluation issued under TSCA that published in December 2020 (Ref. 1). In June 2022, EPA sought public comment on the draft revisions (87 FR 39085, June 30, 2022). EPA appreciates the public comments received on the draft revision to the PCE risk determination. After review of these comments and consideration of the specific circumstances of PCE, EPA concludes that the Agency's risk determination for PCE is better characterized as a whole chemical risk determination rather than condition-of-use-specific risk determinations. Accordingly, EPA is revising and replacing section 5 of the December 2020 PCE Risk Evaluation (Ref. 2) where the findings of unreasonable risk to health were previously made for the individual conditions of use evaluated. EPA is also withdrawing the previously issued TSCA section 6(i)(l) order for two conditions of use previously determined not to present unreasonable risk which was included in section 5.4.1 of the December 2020 PCE Risk Evaluation (Ref. 2).

This final revision to the PCE risk determination is consistent with EPA's plans to revise specific aspects of the first ten TSCA chemical risk evaluations to ensure that the risk evaluations better align with TSCA's objective of protecting health and the environment. As a result of this revision, removing the assumption that workers always and appropriately wear PPE (see Unit II.C.) means that: one condition of use in addition to the original 59 conditions of use drives the unreasonable risk for PCE; an additional route of exposure (*i.e.,* inhalation) is also identified as driving the unreasonable risk to workers in many of those 59 conditions of use; and additional risks for acute non-cancer effects and cancer from inhalation and dermal exposures also drive the unreasonable risk in many of those 59 conditions of use (where previously those conditions of use were identified as presenting unreasonable risk only for chronic non-cancer effects or for chronic non-cancer effects and cancer). However, EPA is not making condition-of-use-specific risk determinations for those conditions of use, and for purposes of TSCA section 6(i), EPA is not issuing a final order under TSCA section 6(i)(1) for the condition of use that does not drive the unreasonable risk and does not consider the revised risk determination to constitute a final agency action at this

point in time. Overall, 60 conditions of use out of 61 EPA evaluated drive the PCE whole chemical unreasonable risk determination due to risks identified for human health. The full list of the conditions of use evaluated for the PCE TSCA risk evaluation is in Table 1–4 of the December 2020 PCE Risk Evaluation (Ref. 2).

II. Background

A. Why is EPA re-issuing the risk determination for the PCE risk evaluation conducted under TSCA?

In accordance with Executive Order 13990 (''Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis'') and other Administration priorities (Refs. 3, 4, 5, and 6), EPA reviewed the risk evaluations for the first ten chemical substances, including PCE, to ensure that they meet the requirements of TSCA, including conducting decision-making in a manner that is consistent with the best available science.

As a result of this review, EPA announced plans to revise specific aspects of the first ten risk evaluations in order to ensure that the risk evaluations appropriately identify unreasonable risks and thereby help ensure the protection of human health and the environment (Ref. 7). Following a review of specific aspects of the December 2020 PCE Risk Evaluation (Ref. 2) and after considering comments received on a draft revised risk determination for PCE, EPA has determined that making an unreasonable risk determination for PCE as a whole chemical substance, rather than making unreasonable risk determinations separately on each individual condition of use evaluated in the risk evaluation, is the most appropriate approach for PCE under the statute and implementing regulations. In addition, EPA's final risk determination is explicit insofar as it does not rely on assumptions regarding the use of PPE in making the unreasonable risk determination under TSCA section 6, even though some facilities might be using PPE as one means to reduce worker exposures; rather, the use of PPE as a means of addressing unreasonable risk will be considered during risk management, as appropriate.

Separately, EPA is conducting a screening approach to assess risks from the air and water pathways for several of the first 10 chemicals, including this chemical. For PCE the exposure pathways that were or could be regulated under another EPA administered statute were excluded from the final risk evaluation (see section 1.4.2 of the December 2020 PCE Risk Evaluation). This resulted in the ambient air and ambient water pathways for PCE not being assessed. The goal of the recently-developed screening approach is to remedy this exclusion and to determine if there may be risks that were unaccounted for in the PCE risk evaluation.

The screening-level approach has gone through public comment and independent external peer review through the SACC. The Agency received the final peer review report on May 18, 2022, and has reviewed public comments and SACC comments. EPA expects to describe its findings regarding the chemical-specific application of this screening-level approach in the forthcoming proposed rule under TSCA section 6(a) for PCE.

This action pertains only to the risk determination for PCE. While EPA intends to consider and may take additional similar actions on other of the first ten chemicals, EPA is taking a chemical-specific approach to reviewing these risk evaluations and is incorporating new policy direction in a surgical manner, while being mindful of Congressional direction on the need to complete risk evaluations and move toward any associated risk management activities in accordance with statutory deadlines.

B. What is a whole chemical view of the unreasonable risk determination for the PCE risk evaluation?

TSCA section 6 repeatedly refers to determining whether a chemical *substance* presents unreasonable risk under its conditions of use. Stakeholders have disagreed over whether a chemical substance should receive: A single determination that is comprehensive for the chemical substance after considering the conditions of use, referred to as a whole-chemical determination; or multiple determinations, each of which is specific to a condition of use, referred to as condition-of-use-specific determinations.

As explained in the **Federal Register** document announcing the availability of the draft revised risk determination for PCE (87 FR 39085, June 30, 2022 (FRL–9942–01–OCSPP)), the proposed Risk Evaluation Procedural Rule (Ref. 8) was premised on the whole chemical approach to making unreasonable risk determinations. In that proposed rule, EPA acknowledged a lack of specificity in statutory text that might lead to different views about whether the statute compelled EPA's risk evaluations to address all conditions of use of a chemical substance or whether EPA had discretion to evaluate some subset of conditions of use (*i.e.,* to scope out some manufacturing, processing, distribution in commerce, use, or disposal activities), but also stated that ''EPA believes the word 'the' [in TSCA section 6(b)(4)(A)] is best interpreted as calling for evaluation that considers all conditions of use.'' The proposed rule, however, was unambiguous on the point that unreasonable risk determinations would be for the chemical substance as a whole, even if based on a subset of uses. See Ref. 8 at pages 7565–66 (''TSCA section 6(b)(4)(A) specifies that a risk evaluation must determine whether 'a chemical substance' presents an unreasonable risk of injury to health or the environment 'under the conditions of use.' The evaluation is on the chemical substance—not individual conditions of use—and it must be based on 'the conditions of use.' In this context, EPA believes the word 'the' is best interpreted as calling for evaluation that considers all conditions of use.''). In the proposed regulatory text, EPA proposed to determine whether the chemical substance presents an unreasonable risk of injury to health or the environment under the conditions of use. (Ref. 8 at 7480.)

The final Risk Evaluation Procedural Rule stated (82 FR 33726, July 20, 2017 (FRL–9964–38)) (Ref. 9): ''As part of the risk evaluation, EPA will determine whether the chemical substance presents an unreasonable risk of injury to health or the environment under each condition of uses [sic] within the scope of the risk evaluation, either in a single decision document or in multiple decision documents'' (40 CFR 702.47). For the unreasonable risk determinations in the first ten risk evaluations, EPA applied this provision by making individual risk determinations for each condition of use evaluated as part of each risk evaluation document (*i.e.,* the condition-of-use-specific approach to risk determinations). That approach was based on one particular passage in the preamble to the final Risk Evaluation Rule which stated that EPA will make individual risk determinations for all conditions of use identified in the scope. (Ref. 9 at 33744).

In contrast to this portion of the preamble of the final Risk Evaluation Rule, the regulatory text itself and other statements in the preamble reference a risk determination *for the chemical substance* under its conditions of use, rather than separate risk determinations for each of the conditions of use of a chemical substance. In the key regulatory provision excerpted previously from 40 CFR 702.47, the text

explains that ''[a]s part of the risk evaluation, EPA will determine whether *the chemical substance* presents an unreasonable risk of injury to health or the environment under each condition of uses [sic] within the scope of the risk evaluation, either in a single decision document or in multiple decision documents'' (Ref. 9, emphasis added). Other language reiterates this perspective. For example, 40 CFR 702.31(a) states that the purpose of the rule is to establish the EPA process for conducting a risk evaluation to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment as required under TSCA section 6(b)(4)(B). Likewise, there are recurring references to whether the chemical substance presents an unreasonable risk in 40 CFR 702.41(a). See, for example, 40 CFR 702.41(a)(6), which explains that the extent to which EPA will refine its evaluations for one or more condition of use in any risk evaluation will vary as necessary to determine whether a chemical substance presents an unreasonable risk. Notwithstanding the one preambular statement about condition-of-use-specific risk determinations, the preamble to the final rule also contains support for a risk determination on the chemical substance as a whole. In discussing the identification of the conditions of use of a chemical substance, the preamble notes that this task inevitably involves the exercise of discretion on EPA's part, and ''as EPA interprets the statute, the Agency is to exercise that discretion consistent with the objective of conducting a technically sound, manageable evaluation to determine whether a chemical substance—not just individual uses or activities—presents an unreasonable risk'' (Ref. 9 at 33729).

Therefore, notwithstanding EPA's choice to issue condition-of-use-specific risk determinations to date, EPA interprets its risk evaluation regulation to also allow the Agency to issue whole-chemical risk determinations. Either approach is permissible under the regulation. A panel of the Ninth Circuit Court of Appeals also recognized the ambiguity of the regulation on this point. *Safer Chemicals* v. *EPA,* 943 F.3d. 397, 413 (9th Cir. 2019) (holding a challenge about ''use-by-use risk evaluations [was] not justiciable because it is not clear, due to the ambiguous text of the Risk Evaluation Rule, whether the Agency will actually conduct risk evaluations in the manner Petitioners fear'').

EPA plans to consider the appropriate approach for each chemical substance risk evaluation on a case-by-case basis, taking into account considerations relevant to the specific chemical substance in light of the Agency's obligations under TSCA. The Agency expects that this case-by-case approach will provide greater flexibility in the Agency's ability to evaluate and manage unreasonable risk from individual chemical substances. EPA believes this is a reasonable approach under TSCA and the Agency's implementing regulations.

With regard to the specific circumstances of PCE, EPA has determined that a whole chemical approach is appropriate for PCE in order to protect health and the environment. The whole chemical approach is appropriate for PCE because there are benchmark exceedances for a substantial number of conditions of use (spanning across most aspects of the chemical lifecycle—from manufacturing (including import), processing, industrial and commercial use, consumer use, and disposal) for workers, occupational non-users, consumers, and bystanders and risk of irreversible health effects (specifically neurotoxicity and cancer) associated with PCE exposures. Because these chemical-specific properties cut across the conditions of use within the scope of the risk evaluation, a substantial amount of the conditions of use drive the unreasonable risk; therefore, it is appropriate for the Agency to make a determination for PCE that the whole chemical presents an unreasonable risk.

As explained later in this document, the revisions to the unreasonable risk determination (section 5 of the December 2020 PCE Risk Evaluation (Ref. 2)) follow the issuance of a draft revision to the TSCA PCE unreasonable risk determination (87 FR 39085, June 30, 2022) and the receipt of public comment. A response to comments document is also being issued with the final revised unreasonable risk determination for PCE (Ref. 10). The revisions to the unreasonable risk determination are based on the existing risk characterization section of the December 2020 PCE Risk Evaluation (Ref. 2) (section 4) and do not involve additional technical or scientific analysis. The discussion of the issues in this **Federal Register** document and in the accompanying final revised risk determination for PCE supersede any conflicting statements in the December 2020 PCE Risk Evaluation (Ref. 2) and the earlier response to comments document (Ref. 11). EPA views the peer reviewed hazard and exposure assessments and associated risk characterization as robust and upholding the standards of best available science and weight of the scientific evidence per TSCA sections 26(h) and (i).

For purposes of TSCA section 6(i), EPA is making a risk determination on PCE as a whole chemical. Under the revised approach, the ''whole chemical'' risk determination for PCE supersedes the no unreasonable risk determinations for PCE that were premised on a condition-of-use-specific approach to determining unreasonable risk and also contains an order withdrawing the TSCA section 6(i)(1) order in section 5.4.1 of the December 2020 PCE Risk Evaluation (Ref. 2).

C. What revision is EPA now making final about the use of PPE for the PCE risk evaluation?

In the risk evaluations for the first ten chemical substances, as part of the unreasonable risk determination, EPA assumed for several conditions of use that workers were provided and always used PPE in a manner that achieves the stated assigned protection factor (APF) for respiratory protection, or used impervious gloves for dermal protection. In support of this assumption, EPA used reasonably available information such as public comments indicating that some employers, particularly in the industrial setting, provide PPE to their employees and follow established worker protection standards (*e.g.,* OSHA requirements for protection of workers).

For the December 2020 PCE Risk Evaluation (Ref. 2), EPA assumed, based on reasonably available information that workers use PPE—specifically, respirators with an APF ranging from 25 to 50 and gloves with PF 10 or 20—for 26 occupational conditions of use. In the December 2020 PCE Risk Evaluation, EPA determined that there is unreasonable risk for 25 of those occupational conditions of use.

EPA is revising the assumption for PCE that workers always and properly use PPE. However, this does not mean that EPA questions the veracity of public comments which describe occupational safety practices often followed by industry. EPA believes it is appropriate when conducting risk evaluations under TSCA to evaluate the levels of risk present in baseline scenarios where PPE is not assumed to be used by workers. This approach of not assuming PPE use by workers considers the risk to potentially exposed or susceptible subpopulations of workers who may not be covered by OSHA standards, such as self-employed individuals and public sector workers who are not covered by a State Plan. It should be noted that, in some cases,

baseline conditions may reflect certain mitigation measures, such as engineering controls, in instances where exposure estimates are based on monitoring data at facilities that have engineering controls in place.

In addition, EPA believes it is appropriate to evaluate the levels of risk present in scenarios considering applicable OSHA requirements (*e.g.,* chemical-specific permissible exposure limits (PELs) and/or chemical-specific PELs with additional substance-specific standards), as well as scenarios considering industry or sector best practices for industrial hygiene that are clearly articulated to the Agency. Consistent with this approach, the December 2020 PCE Risk Evaluation (Ref. 2) characterized risk to workers both with and without the use of PPE. By characterizing risks using scenarios that reflect different levels of mitigation, EPA risk evaluations can help inform potential risk management actions by providing information that could be used during risk management to tailor risk mitigation appropriately to address any unreasonable risk identified, or to ensure that applicable OSHA requirements or industry or sector best practices that address the unreasonable risk are required for all potentially exposed and susceptible subpopulations (including self-employed individuals and public sector workers who are not covered by an OSHA State Plan).

When undertaking unreasonable risk determinations as part of TSCA risk evaluations, however, EPA does not believe it is appropriate to assume as a general matter that an applicable OSHA requirement or industry practice related to PPE use is consistently and always properly applied. Mitigation scenarios included in the EPA risk evaluation (*e.g.,* scenarios considering use of various PPE) likely represent what is happening already in some facilities. However, the Agency cannot assume that all facilities have adopted these practices for the purposes of making the TSCA risk determination (Ref. 12).

Therefore, EPA is making a determination of unreasonable risk for PCE from a baseline scenario that does not assume compliance with OSHA standards, including any applicable exposure limits or requirements for use of respiratory protection or other PPE. Making unreasonable risk determinations based on the baseline scenario should not be viewed as an indication that EPA believes there are no occupational safety protections in place at any location, or that there is widespread non-compliance with applicable OSHA standards. Rather, it reflects EPA's recognition that unreasonable risk may exist for subpopulations of workers that may be highly exposed because they are not covered by OSHA standards, such as self-employed individuals and public sector workers who are not covered by a State Plan, or because their employer is out of compliance with OSHA standards, or because many of OSHA's chemical-specific permissible exposure limits largely adopted in the 1970's are described by OSHA as being ''outdated and inadequate for ensuring protection of worker health,'' (Ref. 13), or because EPA finds unreasonable risk for purposes of TSCA notwithstanding OSHA requirements.

In accordance with this approach, EPA is finalizing the revision to the PCE risk determination without relying on assumptions regarding the occupational use of PPE in making the unreasonable risk determination under TSCA section 6; rather, information on the use of PPE as a means of mitigating risk (including public comments received from industry respondents about occupational safety practices in use) will be considered during the risk management phase, as appropriate. This represents a change from the approach taken in the December 2020 PCE Risk Evaluation (Ref. 2). As a general matter, when undertaking risk management actions, EPA intends to strive for consistency with applicable OSHA requirements and industry best practices, including appropriate application of the hierarchy of controls, to the extent that applying those measures would address the identified unreasonable risk, including unreasonable risk to potentially exposed or susceptible subpopulations. Consistent with TSCA section 9(d), EPA will consult and coordinate TSCA activities with OSHA and other relevant Federal agencies for the purpose of achieving the maximum applicability of TSCA while avoiding the imposition of duplicative requirements. Informed by the mitigation scenarios and information gathered during the risk evaluation and risk management process, the Agency might propose rules that require risk management practices that may be already common practice in many or most facilities. Adopting clear, comprehensive regulatory standards will foster compliance across all facilities (ensuring a level playing field) and assure protections for all affected workers, especially in cases where current OSHA standards may not apply or be sufficient to address the unreasonable risk.

Removing the assumption that workers always and appropriately wear PPE in making the whole chemical risk determination for PCE means that: one condition of use in addition to the original 59 conditions of use drives the unreasonable risk for PCE; an additional route of exposure (*i.e.,* inhalation) is also identified as driving the unreasonable risk to workers in many of those 59 conditions of use; and additional risks for acute non-cancer effects and cancer from inhalation and dermal exposures also drive the unreasonable risk in many of those 59 conditions of use (where previously those conditions of use were identified as presenting unreasonable risk only for chronic non-cancer effects or for chronic non-cancer effects and cancer). The finalized revision to the PCE risk determination clarifies that EPA does not rely on the assumed use of PPE when making the risk determination for the whole substance; rather, the use of PPE as a means of addressing unreasonable risk will be considered during risk management, as appropriate.

D. What is PCE?

PCE is a colorless liquid and a volatile organic compound that is manufactured (including imported), processed, distributed, used, and disposed of as part of industrial, commercial, and consumer conditions of use. PCE has a wide range of uses, including production of fluorinated compounds and as a solvent in dry cleaning and vapor degreasing. A variety of consumer and commercial products use PCE, such as adhesives (arts and crafts, as well as light repairs), aerosol degreasers, brake cleaners, aerosol lubricants, sealants, stone polish, stainless steel polish, and wipe cleaners. The total aggregate production volume reported for PCE under the Chemical Data Reporting rule ranged from 324 million to 388 million pounds between 2012 and 2015.

E. What conclusions is EPA finalizing today in the revised TSCA risk evaluation based on the whole chemical approach and not assuming the use of PPE?

EPA determined that PCE presents an unreasonable risk to health under the conditions of use. EPA's unreasonable risk determination for PCE as a chemical substance is driven by risks associated with the following conditions of use, considered singularly or in combination with other exposures:

- Manufacturing (domestic manufacture);
- Manufacturing (import);
- Processing as a reactant/intermediate;
- Processing into formulation, mixture or reaction product for cleaning and degreasing products;

- Processing into formulation, mixture or reaction product for adhesive and sealant products;
- Processing into formulation, mixture or reaction product for paint and coating products;
- Processing into formulation, mixture or reaction product for other chemical products and preparations;
- Processing by repackaging;
- Recycling;
- Industrial and commercial use as solvent for open-top batch vapor degreasing;
- Industrial and commercial use as solvent for closed-loop batch vapor degreasing;
- Industrial and commercial use as solvent for in-line conveyorized vapor degreasing;
- Industrial and commercial use as solvent for in-line web cleaner vapor degreasing;
- Industrial and commercial use as solvent for cold cleaning;
- Industrial and commercial use as solvent for aerosol spray degreaser/cleaner;
- Industrial and commercial use as a solvent for aerosol lubricants;
- Industrial and commercial use as a solvent for penetrating lubricants and cutting tool coolants;
- Industrial and commercial use in solvent-based adhesives and sealants;
- Industrial and commercial use in solvent-based paints and coatings;
- Industrial and commercial use in maskants for chemical milling;
- Industrial and commercial use as a processing aid in pesticide, fertilizer and other agricultural chemical manufacturing;
- Industrial and commercial use as a processing aid in catalyst regeneration in petrochemical manufacturing;
- Industrial and commercial use in wipe cleaning;
- Industrial and commercial use in other spot cleaning and spot removers, including carpet cleaning;
- Industrial and commercial use in mold release;
- Industrial and commercial use in dry cleaning and spot cleaning post-2006 dry cleaning;
- Industrial and commercial use in dry cleaning and spot cleaning 4th/5th gen only dry cleaning;
- Industrial and commercial use in automotive care products (*e.g.,* engine degreaser and brake cleaner);
- Industrial and commercial use in non-aerosol cleaner;
- Industrial and commercial use in metal (*e.g.,* stainless steel) and stone polishes;
- Industrial and commercial use in laboratory chemicals;
- Industrial and commercial use in welding;
- Industrial and commercial use in other textile processing;
- Industrial and commercial use in wood furniture manufacturing;
- Industrial and commercial use in foundry applications;
- Industrial and commercial use in specialty Department of Defense uses (oil analysis and water pipe repair);
- Commercial use in inks and ink removal products (based on printing);
- Commercial use in inks and ink removal products (based on photocopying);
- Commercial use for photographic film;
- Commercial use in mold cleaning, release and protectant products;
- Consumer use in cleaners and degreasers (other);
- Consumer use as a dry cleaning solvent;
- Consumer use in automotive care products (brake cleaner);
- Consumer use in automotive care products (parts cleaner);
- Consumer use in aerosol cleaner (vandalism mark and stain remover);
- Consumer use in non-aerosol cleaner (*e.g.,* marble and stone polish);
- Consumer use in lubricants and greases (cutting fluid);
- Consumer use in lubricants and greases (lubricants and penetrating oils);
- Consumer use in adhesives for arts and crafts (including industrial adhesive, arts and crafts adhesive, gun ammunition sealant);
- Consumer use in adhesives for arts and crafts (livestock grooming adhesive);
- Consumer use in adhesives for arts and crafts (column adhesive, caulk and sealant);
- Consumer use in solvent-based paints and coatings (outdoor water shield (liquid));
- Consumer use in solvent-based paints and coatings (coatings and primers (aerosol));
- Consumer use in solvent-based paints and coatings (rust primer and sealant (liquid));
- Consumer use in solvent-based paints and coatings (metallic overglaze);
- Consumer use in metal (*e.g.,* stainless steel) and stone polishes;
- Consumer use in inks and ink removal products;
- Consumer use in welding;
- Consumer use in mold cleaning, release and protectant products; and
- Disposal.

The following condition of use does not drive EPA's unreasonable risk determination for PCE:

- Distribution in commerce.

EPA is not making a condition of use-specific risk determination for this condition of use, is not issuing a final order under TSCA section 6(i)(1) for this condition of use and does not consider the revised risk determination for PCE to constitute a final agency action at this point in time.

Consistent with the statutory requirements of TSCA section 6(a), EPA will propose a risk management regulatory action to the extent necessary so that PCE no longer presents an unreasonable risk. EPA expects to focus its risk management action on the conditions of use that drive the unreasonable risk. However, it should be noted that, under TSCA section 6(a), EPA is not limited to regulating the specific activities found to drive unreasonable risk and may select from among a suite of risk management requirements in section 6(a) related to manufacture (including import), processing, distribution in commerce, commercial use, and disposal as part of its regulatory options to address the unreasonable risk. As a general example, EPA may regulate upstream activities (*e.g.,* processing, distribution in commerce) to address downstream activities (*e.g.,* consumer uses) driving unreasonable risk, even if the upstream activities do not drive the unreasonable risk.

III. Summary of Public Comments

EPA received a total of 20 unique public comments on the June 30, 2022, draft revised risk determination for PCE during the comment period that ended August 1, 2022. Commenters included trade organizations, industry stakeholders, environmental groups, and non-governmental health advocacy organizations. A separate document that summarizes all comments submitted and EPA's responses to those comments has been prepared and is available in the docket for this notice (Ref. 10).

IV. Revision of the December 2020 PCE Risk Evaluation

A. Why is EPA revising the risk determination for the PCE risk evaluation?

EPA is finalizing the revised risk determination for the PCE risk evaluation pursuant to TSCA section 6(b) and consistent with Executive Order 13990, (''Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis'') and other Administration priorities (Refs. 3, 4, 5, and 6). EPA is revising specific aspects of the first ten TSCA existing chemical risk evaluations in order to ensure that the risk evaluations

better align with TSCA's objective of protecting health and the environment. For the PCE risk evaluation, this includes: (1) Making the risk determination in this instance based on the whole chemical substance instead of by individual conditions of use and (2) Emphasizing that EPA does not rely on the assumed use of PPE when making the risk determination.

B. What are the revisions?

EPA is now finalizing the revised risk determination for the December 2020 PCE Risk Evaluation (Ref. 2) pursuant to TSCA section 6(b). Under the revised determination (Ref. 1), EPA concludes that PCE, as evaluated in the risk evaluation as a whole, presents an unreasonable risk of injury to health when evaluated under its conditions of use. This revision replaces the previous unreasonable risk determinations made for PCE by individual conditions of use, supersedes the determinations (and withdraws the associated order) of no unreasonable risk for the conditions of use identified in the TSCA section 6(i)(1) no unreasonable risk order, and clarifies the lack of reliance on assumed use of PPE as part of the risk determination.

These revisions do not alter any of the underlying technical or scientific information that informs the risk characterization, and as such the hazard, exposure, and risk characterization sections are not changed, except to statements about PPE assumptions in section 2.4.1.4 (Consideration of Engineering Controls and PPE) and section 4.2.2.2 (Occupational Inhalation Exposure Summary and PPE Use Determinations by OES). The discussion of the issues in this *Notice* and in the accompanying final revision to the risk determination supersede any conflicting statements in the prior executive summary, section 2.4.1.4 and section 4.2.2.2 from the December 2020 PCE Risk Evaluation (Ref. 2), and the response to comments document (Ref. 11).

The revised unreasonable risk determination for PCE includes additional explanation of how the risk evaluation characterizes the applicable OSHA requirements, or industry or sector best practices, and also clarifies that no additional analysis was done, and the risk determination is based on the risk characterization (section 4) of the December 2020 PCE Risk Evaluation (Ref. 2).

C. Will the revised risk determination be peer reviewed?

The risk determination (section 5 of the December 2020 PCE Risk Evaluation (Ref. 2)) was not part of the scope of the Science Advisory Committee on Chemicals (SACC) peer review of the PCE risk evaluation. Thus, consistent with that approach, EPA did not conduct peer review of the final revised unreasonable risk determination for the PCE risk evaluation because no technical or scientific changes were made to the hazard or exposure assessments or the risk characterization.

V. Order Withdrawing Previous Order Regarding Unreasonable Risk Determinations for Certain Conditions of Use

EPA is also issuing a new order to withdraw the TSCA section 6(i)(1) no unreasonable risk order issued in section 5.4.1 of the December 2020 PCE Risk Evaluation (Ref. 2). This final revised risk determination supersedes the condition of use-specific no unreasonable risk determinations in the December 2020 PCE Risk Evaluation (Ref. 2). The order contained in section 5.5 of the revised risk determination (Ref. 1) withdraws the TSCA section 6(i)(1) order contained in section 5.4.1 of the December 2020 PCE Risk Evaluation (Ref. 2). Consistent with the statutory requirements of section 6(a), the Agency will propose risk management action to address the unreasonable risk determined in the PCE risk evaluation.

VI. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. Unreasonable Risk Determination for Perchloroethylene (PCE). *December 2022.*
2. EPA. Risk Evaluation for Perchloroethylene. December 2020. EPA Document #740–R1–8011. *https://www.regulations.gov/document/EPA-HQ-OPPT-2019-0502-0057.*
3. Executive Order 13990. Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. **Federal Register** (86 FR 7037, January 25, 2021).
4. Executive Order 13985. Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. **Federal Register** (86 FR 7009, January 25, 2021).
5. Executive Order 14008. Tackling the Climate Crisis at Home and Abroad. **Federal Register** (86 FR 7619, February 1, 2021).
6. Presidential Memorandum. Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking. **Federal Register** (86 FR 8845, February 10, 2021).
7. EPA. Press Release; EPA Announces Path Forward for TSCA Chemical Risk Evaluations. June 2021. *https://www.epa.gov/newsreleases/epa-announces-path-forward-tsca-chemical-risk-evaluations.*
8. EPA. Proposed Rule; Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act. **Federal Register** (82 FR 7562, January 19, 2017) (FRL–9957–75).
9. EPA. Final Rule; Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act. **Federal Register** (82 FR 33726, 33744, July 20, 2017).
10. EPA. Response to Public Comments to the Revised Unreasonable Risk Determination; Perchloroethylene (PCE). *December 2022.*
11. EPA. Summary of External Peer Review and Public Comments and Disposition for Perchloroethylene (PCE). December 2020. Available at: *https://www.regulations.gov/document/EPA-HQ-OPPT-2019-0502-0059.*
12. Occupational Safety and Health Administration (OSHA). Top 10 Most Frequently Cited Standards for Fiscal Year 2021 (Oct. 1, 2020, to Sept. 30, 2021). Accessed October 13, 2022. *https://www.osha.gov/top10cited standards.*
13. OSHA. Permissible Exposure Limits—Annotated Tables. Accessed June 13, 2022. *https://www.osha.gov/annotated-pels.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: December 9, 2022.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2022–27129 Filed 12–13–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2022–0116; FRL–9412–17–OCSPP]

Certain New Chemicals or Significant New Uses; Statements of Findings for August and September 2022

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of certain TSCA submissions when EPA makes a finding that a new chemical substance or

significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA. This document presents statements of findings made by EPA on such submissions during the period from August 1 to September 30, 2022.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2022–0116, is available online at *https://www.regulations.gov* or in-person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Additional instructions on visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Rebecca Edelstein, New Chemical Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–1667 email address: *edelstein.rebecca@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

B. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of submissions under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the reporting period.

C. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a submission under TSCA section 5(a) and make one of several specific findings pertaining to whether the substance may present unreasonable risk of injury to health or the environment. Among those potential findings is that the chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment per TSCA section 5(a)(3)(C).

TSCA section 5(g) requires EPA to publish in the **Federal Register** a statement of its findings after its review of a submission under TSCA section 5(a) when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of ''not likely to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

D. Does this action have any incremental economic impacts or paperwork burdens?

No.

II. Statements of Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

The following list provides the EPA case number assigned to the TSCA section 5(a) submission and the chemical identity (generic name if the specific name is claimed as CBI).

- J–22–0014, J–22–0015, Modified yeast, chromosomally and stably modified to improve fermentation performance (Generic Name).

To access EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C), look up the specific case number at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/chemicals-determined-not-likely.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: December 7, 2022.

Madison Le,

Director, New Chemicals Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2022–27128 Filed 12–13–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2022–0542; FRL–9985–02–OCSPP]

Pesticides; Removal of PFAS Chemicals From Approved Inert Ingredient List for Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is removing twelve chemicals from the current list of inert ingredients approved for use in pesticide products because these inert ingredients have been identified as per- and polyfluoroalkyl substances (PFAS) and they are no longer used in any registered pesticide product.

DATES: This action is applicable December 14, 2022.

FOR FURTHER INFORMATION CONTACT: Dan Rosenblatt, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1030; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

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).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult either person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is the Agency's authority for taking this action?

This action is issued under the authority of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136–136y.

C. What action is the Agency taking?

EPA is removing the following twelve chemicals from the current list of inert ingredients approved for use in pesticide products:

- 2-Chloro-1,1,1,2-tetrafluoroethane (CAS Reg. No. 2837–89–0).
- α-(Cyclohexylmethyl)-ω-hydropoly(difluoromethylene) (CAS Reg. No. 65530–85–0).
- Dichlorotetrafluoroethane (CAS Reg. No. 1320–37–2).
- Ethane, 1,1,1,2,2-pentafluoro- (CAS Reg. No. 354–33–6).
- Hexafluoropropene, polymer with tetrafluoroethylene (CAS Reg. No. 25067–11–2).
- Montmorillonite-type clay treated with polytetrafluoroethylene (No CAS Reg. No.).
- Poly(difluoromethylene), α-chloro-ω-(1-chloro-1-fluoroethyl) (CAS Reg. No. 131324–06–6).
- Poly(difluoromethylene), α-chloro-ω-(2,2-dichloro-1,1,2-trifluoroethyl)- (CAS Reg. No. 79070–11–4).
- Poly(difluoromethylene), α-(2,2-dichloro-2-fluoroethyl)-, ω-hydro- (CAS No. 163440–89–9).
- Poly(difluoromethylene), α-fluoro-ω-[2-[(2-methyl-1-oxo-2-propenyl)oxy]ethyl]- (CAS Reg. No. 65530–66–7).
- Poly(oxy-1,2-ethanediyl), α-hydro-ω-hydroxy-, ether with α-fluoro-ω-(2-hydroxyethyl) poly(difluoromethylene) (1:1) (CAS Reg. No. 65545–80–4).
- Propane, 1,1,1,2,3,3,3-heptafluoro- (CAS Reg. No. 431–89–0).

None of these twelve chemicals are currently being used as an inert ingredient in a pesticide product per EPA records of currently registered pesticide products. Additionally, no products containing any of these 12 chemicals were identified during the public comment period. EPA is removing these chemicals from the inert ingredient list to prevent the introduction of these PFAS into pesticide formulations without additional EPA review. This is in line with EPA's strategic roadmap to address PFAS (*https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap_final-508.pdf*).

Once an inert ingredient is removed from the list, any proposed future use of the inert ingredient would need to be supported by data provided to and reviewed by the EPA as part of a new inert ingredient submission request. The type of data needed to evaluate a new inert ingredient may include, among others, studies to evaluate potential carcinogenicity, adverse reproductive effects, developmental toxicity, genotoxicity as well as environmental effects associated with any chemical substance that is persistent or bioaccumulative. Information regarding the inert ingredient approval process may be found at *https://www.epa.gov/pesticide-registration/inert-ingredients-overview-and-guidance.*

D. How can I access the docket for this action?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2022–0542, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OPP docket is (202) 566–1744. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

II. Background

A. What are inert ingredients?

Most pesticide products contain substances in addition to the active ingredient(s) that are referred to as inert ingredients or sometimes as ''other ingredients.'' An inert ingredient generally is any substance (or group of similar substances) other than an active ingredient that is intentionally included in a pesticide product. Examples of inert ingredients include emulsifiers, solvents, carriers, aerosol propellants, fragrances, and dyes. Additional information about inert ingredients, including requirements, and guidance can be accessed at *https://www.epa.gov/pesticide-registration/inert-ingredients-regulation.* The InertFinder tool, which contains the list of currently approved inert ingredients, can be found at *https://ordspub.epa.gov/ords/pesticides/f?p=INERTFINDER:1::::1::.*

B. What did EPA propose?

On September 13, 2022 (87 FR 56051; FRL–9985–01–OCSPP), EPA published for comment a proposal to remove 12 chemicals from the Agency's list of inert ingredients approved for use in pesticide products because they have been identified as PFAS and they are no longer used in pesticide products. In response to EPA's request for comments, no specific information regarding those 12 chemical substances or any products that may include them was provided to the Agency.

C. What comments did EPA receive and what is EPA's response?

EPA received six public comments on the proposal. A summary of the comments and EPA's responses is presented in this unit.

1. *Support for removal of PFAS inert ingredients:* Five commenters expressed support for the removal of the 12 PFAS inert ingredients. However, some commenters also expressed concern for other remaining PFAS inert and active ingredients in pesticide products apart from the 12 chemicals being removed. EPA will continue to look closely at existing pesticide products to determine whether they contain PFAS. As the Agency's understanding of PFAS grows and evolves, EPA will continue to follow the science and adjust, as appropriate, to help ensure that pesticide formulations do not cause unreasonable adverse effects on human health or the environment. EPA will also consider various regulatory options to address any concerns identified.

2. *Administrative decision to remove chemical substances:* One commenter stated that FIFRA requires that the Agency decision to remove chemical substances from the approved inert ingredient list must be based on risk. FIFRA does not state a standard for approval of an inert ingredient, specifying only the fee category and review time. While the statute incorporates the risk of unreasonable adverse effects on the environment as one of the factors in granting a registration for an individual pesticide product under FIFRA section 3, no such criteria apply to approval of an inert ingredient. Addition of an inert

ingredient to the approved inert list is a prerequisite to approval of applications for registration of specific pesticide formulations that contain the inert ingredient. Approval of a registration application does incorporate risk and considers risks resulting from the formulation of the pesticide product including its inert ingredients.

As of the date of this notice, EPA is removing the twelve chemicals listed here from the current list of inert ingredients approved for use in pesticide products. These twelve chemicals are for nonfood use only and there are no food residue considerations related to this action.

Authority: 7 U.S.C. 136 *et seq.*

Dated: December 8, 2022.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2022–27085 Filed 12–13–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than January 13, 2023.

A. Federal Reserve Bank of Atlanta (Erien O. Terry, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309; Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Surety Financial Holdings, Inc., DeLand, Florida;* to become a bank holding company by acquiring Surety Bank, DeLand, Florida.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–27139 Filed 12–13–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1262]

Notice of Approval of Product Under Voucher: Rare Pediatric Disease Priority Review Voucher

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of approval of a product redeeming a priority review voucher. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Food and Drug Administration Safety and Innovation Act (FDASIA), authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the issuance of priority review vouchers as well as the approval of products redeeming a priority review voucher. FDA has determined that TYVASO DPI (treprostinil), approved May 23, 2022, meets the criteria for redeeming a priority review voucher.

FOR FURTHER INFORMATION CONTACT: Cathryn Lee, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–1394, email: *Cathryn.Lee@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is announcing the approval of a product redeeming a rare pediatric disease priority review voucher. Under section 529 of the FD&C Act (21 U.S.C. 360ff), which was added by FDASIA, FDA will report the issuance of rare pediatric disease priority review vouchers and the approval of products for which a voucher was redeemed. FDA has determined that the supplemental application for TYVASO DPI (treprostinil), approved May 23, 2022, meets the redemption criteria.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to *https://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/RarePediatricDiseasePriorityVoucherProgram/default.htm.* For further information about TYVASO DPI (treprostinil), approved May 23, 2022, go to the ''Drugs@FDA'' website at *https://www.accessdata.fda.gov/scripts/cder/daf/.*

Dated: December 9, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–27138 Filed 12–13–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–0521]

David J. Kempema: Final Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (FD&C Act) debarring David J. Kempema for a period of 5 years from importing or offering for import any drug into the United States. FDA bases this order on a finding that Mr. Kempema was convicted of one felony count under Federal law which FDA has determined is for conduct relating to the importation into the United States of a drug or controlled substance. The factual basis supporting Mr. Kempema's conviction is described in further detail below. Mr. Kempema was given notice of the proposed debarment and was given an opportunity to request a hearing to show why he should not be debarred. As of September 14, 2022 (30 days after receipt of the notice), Mr. Kempema had not responded. Mr. Kempema's failure to respond and request a hearing constitutes a waiver of his right to a hearing concerning this matter.

DATES: This order is applicable December 14, 2022.

ADDRESSES: Submit applications for termination of debarment to the Dockets Management Staff, Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500, or at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jaime Espinosa, Division of Enforcement (ELEM–4144), Office of Strategic Planning and Operational Policy, Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr., Rockville, MD 20857, 240–402–8743, or at *debarments@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(b)(1)(D) of the FD&C Act (21 U.S.C. 335a(b)(1)(D)) permits debarment of an individual from importing or offering for import any drug into the United States if FDA finds, as required by section 306(b)(3)(C) of the FD&C Act, that the individual has been convicted of a felony for conduct relating to the importation into the United States of any drug or controlled substance.

On March 15, 2022, Mr. Kempema was convicted, as defined in section 306(l)(1) of FD&C Act, in the U.S. District Court for Northern District of Iowa, when the court entered judgment against him for the offense of Introduction into Interstate Commerce of Misbranded Drugs with Intent to Defraud After Having Been Previously Convicted of an Offense under 21 U.S.C. 331 and 333 in violation of sections 301(a), 301(k), and 303(a)(2) of the FD&C Act (21 U.S.C. 331(a), 331(k), and 333(a)(2)). FDA's finding that debarment is appropriate is based on the felony conviction referenced herein. The factual basis for this conviction is as follows: As contained in the Information, filed on October 4, 2021, and in the Plea Agreement from Mr. Kempema's case, Mr. Kempema was previously convicted, on February 8, 2012, of one count of introducing and causing the introduction of misbranded drugs into interstate commerce, and causing the misbranding of drugs held for sale after shipment in interstate commerce with intent to defraud or mislead, in violation of sections 301(a), 301(k), and 303(a)(2) of the FD&C Act in *U.S.* v. *David Kempema,* No. 5:11–cr–04140–MWB (N.D. Iowa). In that case, between October 2009 and July 2011, Mr. Kempema ordered pills from India that contained the same active ingredients as Viagra and Cialis, but that had not been approved by FDA for sale in the United States. Mr. Kempema then sold the non-FDA approved pills to U.S. consumers as Viagra and Cialis.

Subsequently, from about February 2014 through about December 2018, Mr. Kempema was the owner and operator of Canned Ads, a business located in Iowa. During that time, he obtained Silditop, Aurogra, and Tadalista pills from India and/or Germany. Mr. Kempema found suppliers by searching the internet for generic Viagra and Cialis. He then purchased the drugs online from vendors overseas and received the products at the location of his business Canned Ads in Iowa. Both Silditop and Aurogra were new drugs that contained sildenafil, the active ingredient in Viagra, while Tadalista was a new drug that contained tadalafil, the active ingredient in Cialis. Silditop, Aurogra, and Tadalista had not been approved by FDA for sale or distribution in the United States. FDA approved drugs containing the active ingredients sildenafil and tadalafil are only available by prescription, and the labeling for those products includes numerous warnings, including a warning that those drugs can cause blood pressure to drop suddenly to an unsafe level if taken with certain other medications.

Mr. Kempema placed advertisements that made claims about male enhancement dietary supplements in men's restrooms in businesses in Iowa, in truck stops along the Interstate 29 corridor, and other locations. If a customer placed an order with Mr. Kempema for male enhancement dietary supplements, he would supply the customer with Silditop, Aurogra, and/or Tadalista. Mr. Kempema did not identify the drugs he sold as Silditop, Aurogra, and/or Tadalista. Instead, Mr. Kempema offered the drugs for sale under the names of other drugs, such as ''All Natural Male.'' Mr. Kempema shipped the drugs to customers both inside and outside of the State of Iowa. The labeling on the drugs he shipped customers did not contain adequate directions for use and Mr. Kempema dispensed these prescription drugs without the prescription of a practitioner licensed by law to administer the drugs. During the course of this offense, Mr. Kempema obtained and attempted to obtain at least 4,059 pills for resale.

An undercover FDA agent made 3 controlled purchases from Mr. Kempema over a period of time for a product Mr. Kempema characterized as a dietary supplement called ''All Natural Male'' which came in the form of tablets in a pack of 10 at a cost of $5 per tablet. During the first controlled purchase, the agent purchased $50 worth of tablets from Mr. Kempema, which he shipped to the agent. FDA testing later revealed that the tablets the undercover FDA agent purchased contained sildenafil, an undeclared erectile dysfunction drug. After the FDA undercover agent made the second controlled purchase, Mr. Kempema shipped the agent two 10-count blister packs of Silditop 100 Sildenafil Citrate tablets IP 100mg. The labeling for the products indicated they had been manufactured in India by Centurion Remedies PVT.LTD, for Healing Pharma, and FDA confirmed the products were not approved for sale or distribution in the United States. After the third controlled purchase, Mr. Kempema shipped the undercover FDA agent two 10-count blister packets with labeling that indicated the products were ''Aurogra 100'' Sildenafil Tablets 100mg. The labeling listed the manufacturer as ''Aurochem Pharmaceuticals'' of India, and FDA confirmed the products were not approved for sale or distribution in United States.

As a result of this conviction, FDA sent Mr. Kempema, by certified mail, on August 9, 2022, a notice proposing to debar him for a 5-year period from importing or offering for import any drug into the United States. The proposal was based on a finding under section 306(b)(3)(C) of the FD&C Act that Mr. Kempema's felony conviction under Federal law for Introduction into Interstate Commerce of Misbranded Drugs with Intent to Defraud After Having Been Previously Convicted of an Offense under sections 301(a), 301(k), and 303(a)(2) of the FD&C Act was for conduct relating to the importation into the United States of any drug or controlled substance because he illegally imported and introduced misbranded prescription drug products into interstate commerce. In proposing a debarment period, FDA weighed the considerations set forth in section 306(c)(3) of the FD&C Act that it considered applicable to Mr. Kempema's offense and concluded that the offense warranted the imposition of a 5-year period of debarment.

The proposal informed Mr. Kempema of the proposed debarment and offered him an opportunity to request a hearing, providing him 30 days from the date of receipt of the letter in which to file the request, and advised him that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. Mr. Kempema received the proposal and notice of opportunity for a hearing on August 15, 2022. Mr. Kempema failed to request a hearing within the timeframe prescribed by regulation and has, therefore, waived his opportunity for a

hearing and waived any contentions concerning his debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Assistant Commissioner, Office of Human and Animal Food Operations, under section 306(b)(3)(C) of the FD&C Act, under authority delegated to the Assistant Commissioner, finds that Mr. David J. Kempema has been convicted of a felony under Federal law for conduct relating to the importation into the United States of any drug or controlled substance. FDA finds that the offense should be accorded a debarment period of 5 years as provided by section 306(c)(2)(A)(iii) of the FD&C Act.

As a result of the foregoing finding, Mr. Kempema is debarred for a period of 5 years from importing or offering for import any drug into the United States, effective (see **DATES**). Pursuant to section 301(cc) of the FD&C Act (21 U.S.C. 331(cc)), the importing or offering for import into the United States of any drug by, with the assistance of, or at the direction of Mr. Kempema is a prohibited act.

Any application by Mr. Kempema for termination of debarment under section 306(d)(1) of the FD&C Act should be identified with Docket No. FDA–2022–N–0521 and sent to the Dockets Management Staff (see **ADDRESSES**). The public availability of information in these submissions is governed by 21 CFR 10.20(j).

Publicly available submissions will be placed in the docket and will be viewable at *https://www.regulations.gov* or at the Dockets Management Staff (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

Dated: December 8, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–27091 Filed 12–13–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–1050]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Targeted Mechanism of Action Presentations in Prescription Drug Promotion

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing that a collection of information entitled ''Targeted Mechanism of Action Presentations in Prescription Drug Promotion'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA).

FOR FURTHER INFORMATION CONTACT: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, *301–796–3794, PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On October 14, 2022, the Agency submitted a proposed collection of information entitled ''Targeted Mechanism of Action Presentations in Prescription Drug Promotion'' to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0908. The approval expires on November 30, 2025. A copy of the supporting statement for this information collection is available on the internet at *https://www.reginfo.gov/public/do/PRAMain.*

Dated: December 9, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–27140 Filed 12–13–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–2969]

Advisory Committee; Endocrinologic and Metabolic Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of Federal advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Endocrinologic and Metabolic Drugs Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Endocrinologic and Metabolic Drugs Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until the August 27, 2024, expiration date.

DATES: Authority for the Endocrinologic and Metabolic Drugs Advisory Committee will expire on August 27, 2024, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: LaToya Bonner, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–2855, *EMDAC@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 41 CFR 102–3.65 and approval by the Department of Health and Human Services and by the General Services Administration, FDA is announcing the renewal of the Endocrinologic and Metabolic Drugs Advisory Committee (the Committee). The Committee is a discretionary Federal advisory committee established to provide advice to the Commissioner. The Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective drugs for human use and, as required, any other product for which FDA has regulatory responsibility.

The Committee reviews and evaluates data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of endocrine and metabolic disorders and makes appropriate recommendations to the Commissioner.

The Committee shall consist of a core of 11 voting members including the Chair. Members and the Chair are selected by the Commissioner or designee from among authorities knowledgeable in the fields of endocrinology, metabolism, epidemiology or statistics, and related specialties. Members will be invited to serve for overlapping terms of up to 4 years. Non-Federal members of this committee will serve as Special Government Employees, representatives, or Ex-Officio members. Federal members will serve as Regular Government Employees or Ex-Officios. The core of voting members may include one technically qualified member, selected by the Commissioner or designee, who is identified with consumer interests and is recommended by either a consortium of consumer-oriented organizations or other interested persons. In addition to the voting members, the Committee may include one non-voting representative member who is identified with industry

interests. There may also be an alternate industry representative.

Further information regarding the most recent charter and other information can be found at *https://www.fda.gov/advisory-committees/endocrinologic-and-metabolic-drugs-advisory-committee/endocrinologic-and-metabolic-drugs-advisory-committee-charter* or by contacting the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). In light of the fact that no change has been made to the committee name or description of duties, no amendment will be made to 21 CFR 14.100.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app.). For general information related to FDA advisory committees, please visit us at *https://www.fda.gov/AdvisoryCommittees/default.htm.*

Dated: December 8, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–27022 Filed 12–13–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences, Special Emphasis Panel; Review of Institutional Development Award (IDeA) Program Infrastructure for Clinical and Translational Research (IDeA–CTR) (U54) Applications.

Date: March 22, 2023.

Time: 10:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of General Medical Sciences, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Saraswathy Seetharam, Ph.D., Scientific Review Officer, Office Scientific Review, National Institute of General Medical Sciences, National Institutes Health, 45 Center Drive, Room 3AN12C, Bethesda, MD 20892, 301–594–2763, *seetharams@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: December 8, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–27068 Filed 12–13–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences, Special Emphasis Panel; CTSA Collaborative and Innovative Acceleration Awards.

Date: January 18, 2023.

Time: 1:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1037, Bethesda, MD 20982 (Virtual Meeting).

Contact Person: M. Lourdes Ponce, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1037, Bethesda, MD 20982, 301–435–0810, *lourdes.ponce@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: December 8, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–27049 Filed 12–13–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Diabetes and Digestive and Kidney Diseases Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council.

Date: January 25, 2023.

Open: 8:30 a.m. to 2:30 p.m.

Agenda: To present the Director's Report and other scientific presentations.

Place: National Institutes of Health, Building 31, C-Wing 6th Floor Conference Center, Conference Rooms A, B, F, and G, 31 Center Drive, Bethesda, MD 20892.

Closed: 2:30 p.m. to 4:30 p.m.

Agenda: Grant applications.

Place: National Institutes of Health, Building 31, C-Wing 6th Floor Conference Center, Conference Rooms A, B, F, and G, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Boulevard, Room 7329, MSC 5452, Bethesda,

MD 20892, (301) 594–4757, *malikk@niddk.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *www.niddk.nih.gov/fund/divisions/DEA/Council/coundesc.htm.,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: December 8, 2022.

Miguelina Perez

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–27047 Filed 12–13–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group; Career Development Facilitating the Transition to Independence Study Section.

Date: February 6–7, 2023.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Joshua Park, Ph.D., Scientific Review Officer, National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (301) 496–6208, *joshua.park4@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: December 8, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–27061 Filed 12–13–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group; Career Development For Early Career Investigators Study Section.

Date: February 2–3, 2023.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Carmen Moten, Ph.D., MPH, Scientific Review Officer, National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–496–8589, *CMOTEN@MAIL.NIH.GOV.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: December 8, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–27062 Filed 12–13–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics: Clinical Neurophysiology, Devices, Neuroprosthetics and Biosensors.

Date: January 6, 2023.

Time: 2:00 p.m. to 4:00 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: Cristina Backman, Ph.D., Scientific Review Officer, ETTN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7846, Bethesda, MD 20892, 301–480–9069, *cbackman@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Biomedical Research.

Date: January 12, 2023.

Time: 10:00 a.m. to 9:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Joseph D Mosca, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7808, Bethesda, MD 20892, (301) 408–9465,*moscajos@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: December 8, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–27050 Filed 12–13–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Aging Bone/Muscle.

Date: January 6, 2023.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Nijaguna Prasad, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Gateway Bldg, Suite 2W200, Bethesda, MD 20892, (301) 496–9667, *prasadnb@nia.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: December 8, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–27060 Filed 12–13–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group; Career Development for Established Investigators and Conference Grants Study Section AGCD–4.

Date: February 2–3, 2023.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Greg Bissonette, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, 301–402–1622, *bissonettegb@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: December 8, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–27058 Filed 12–13–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Regular Clearance for Autism Spectrum Disorder (ASD) Research Portfolio Analysis, (NIMH)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Andrew Hooper, National Institute of Mental Health (NIMH) Project Clearance Liaison, Science Policy and Evaluation Branch, Office of Science Policy, Planning and Communications, NIMH, Neuroscience Center, 6001 Executive Boulevard, MSC 9667, Bethesda, Maryland 20892, call (301) 480–8433 or Email your request, including your address to *nimhprapubliccomments@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on September 26, 2022, pages 58364–58365 (87 FR 58364) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institute of Mental Health (NIMH), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection Title: Autism Spectrum Disorder (ASD) Research Portfolio Analysis, NIMH, 0925–0682, expiration date 1/31/2023, EXTENSION, National Institute of Mental Health (NIMH), National Institutes of Health (NIH).

Need and Use of Information Collection: The purpose of the ASD research portfolio analysis is to collect research funding data from U.S. and international ASD research funders, to assist the Interagency Autism Coordinating Committee (IACC) in fulfilling the requirements of the Combating Autism Act, and to inform the committee and interested

stakeholders of the funding landscape and current directions for ASD research. Specifically, these analyses will continue to examine the extent to which current funding and research topics align with the *IACC Strategic Plan for ASD Research.* The findings will help guide future funding priorities by outlining current gaps and opportunities in ASD research as well as serving to highlight annual activities and research progress.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 408.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hour
A	U.S. Federal	31	28	15/60	217
B	U.S. Private	15	45	15/60	169
C	International Government	1	61	15/60	15
D	International Private	2	13	15/60	7
Total		49	1630		408

Dated: December 9, 2022.

Andrew A. Hooper,

Project Clearance Liaison, National Institute of Mental Health, National Institutes of Health.

[FR Doc. 2022–27141 Filed 12–13–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Program Project on Esophageal Biology.

Date: March 1, 2023.

Time: 3:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, 2 Democracy, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7017, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: December 8, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–27067 Filed 12–13–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group; Career Development for Clinicians/Health Professionals Study Section Career Development for Clinicians/Health Professionals Study Section.

Date: January 20–23, 2023.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Maurizio Grimaldi, Ph.D., M.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–496–9374, *maurizio.grimaldi@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: December 8, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–27065 Filed 12–13–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant

applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Diabetes Oriented Small Business Applications: Open and Closed Loop Technologies.

Date: January 20, 2023.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ryan G. Morris, Ph.D., Scientific Review Officer, Review Branch, Division of Extramural Activities, NIDDK, National Institutes of Health, Room 7015, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–4721, *ryan.morris@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: December 8, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–27063 Filed 12–13–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: NIGMS Initial Review Group, Training and Workforce Development Study Section—A Review of Applications for Medical Scientist Training Program and Basic Biomedical Predoctoral T32 awards.

Date: February 27, 2023.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of General Medical Sciences, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Isaah S. Vincent, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12L, Bethesda, MD 20892, (301) 594–2948, *isaah.vincent@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: December 8, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–27064 Filed 12–13–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2022–0347]

Seventh Coast Guard District Southeast Atlantic Coast Port Access Route Study: Port Approaches and International Entry and Departure Transit Areas

AGENCY: Coast Guard, DHS.

ACTION: Notice of study; request for comments.

SUMMARY: The Coast Guard is beginning a series of studies to gather more information about routes used by ships, to access ports on the Southeast Atlantic Coast of the United States. This action is being taken in support of the provisions provided in Public Law 117–169, commonly referred to as the Inflation Reduction Act of 2022 (IRA), and Executive Order on the Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022 (E.O. 14082). These studies will be separate from, but may expand upon, the proposals in the other Coast Guard rulemakings.

DATES: The Coast Guard Seventh District Commander will schedule individual, localized Port Access Route Studies (PARS) for specific port approaches and international transit areas to ports on the Atlantic Coast of South Carolina, Georgia, Florida, Commonwealth of Puerto Rico, and the U.S. Virgin Islands. This initiative is expected to be completed by December 2026. Comments and related material must be received on or before February 13, 2023. Requests for a public meeting must be submitted on or before January 13, 2023.

ADDRESSES: You may submit comments identified by docket number USCG–2022–0347 using the Federal eRulemaking Portal *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTAL INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice or study, call or email LT Ryan Gilbert, Seventh Coast Guard District (dpw), U.S. Coast Guard; telephone (305) 415–6750, email *Ryan.A.Gilbert@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

ACPARS Atlantic Coast Port Access Route Study
AIS Automatic Identification System
ANPRM Advanced Notice of Proposed Rulemaking
COMDTINST Commandant Instruction
CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
EEZ Exclusive Economic Zone
EO Executive Order
FL Florida
FR Federal Register
GA Georgia
IRA Inflation Reduction Act
MTS Marine Transportation System Information Bulletin
PARS Port Access Route Study
NM Nautical Mile
NPRM Notice of Proposed Rulemaking
SC South Carolina
TSS Traffic Separation Scheme
U.S. United States
U.S.C. United States Code

II. Public Participation and Request for Comments

We encourage you to participate in this study by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

A. Submitting Comments: If you submit comments to the online public docket, please include the docket number for this rulemaking (USCG–2022–0347), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. We accept anonymous comments.

To submit your comment online, go to *http://www.regulations.gov,* and insert

''USCG–2022–0347'' in the ''search box.'' Click ''Search''. Then click ''Comment Now.'' We will consider all comments and material received during the comment period.

B. Public Meetings: The Coast Guard may hold public meeting(s) if there is sufficient public interest. You must submit a request for one on or before January 13, 2023. You may submit your request for a public meeting online via *http://www.regulations.gov.* Please explain why you believe a public meeting would be beneficial. If we determine that a public meeting would aid in the study, we will hold a meeting at a time and place announced by a later notice in the **Federal Register**.

C. Viewing Comments and Documents: To view the comments and documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2022–0347'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column.

D. Privacy Act: We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's Correspondence System of Records notice (84 FR 48645, September 26, 2018). Documents mentioned in this notice as being available in the docket, and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted, or a final rule is published.

III. Definitions

Fairway or shipping safety fairway means a lane or corridor in which no artificial island or fixed structure, whether temporary or permanent, will be permitted. See 33 CFR 166.105 (a).

International Entry and Departure Transit Areas means navigation routes followed by vessels coming to or departing from the United States or an international seaport. For these studies, international entry and departure transit areas will connect to recommend shipping safety fairways at the outer limit of the U.S. Exclusive Economic Zone (EEZ).

Port Approaches mean navigation routes followed by vessels entering or departing a seaport from or to a primary transit route. These studies will consider port approaches that connect seaports to recommended shipping safety fairways described in the Atlantic Coast Port Access Route Study (ACPARS).

IV. Discussion

The Coast Guard is beginning a series of new studies regarding port approaches and international entry and departure transit areas, to ports on the Atlantic Coast of South Carolina, Georgia, Florida, Commonwealth of Puerto Rico, and the U.S. Virgin Islands. These routes are critical links of a robust and effective Marine Transportation System (MTS) and integral to efficient movement between ports and shipping safety fairways along the Atlantic Coast.

Section 50251 of the IRA allows the Department of the Interior to grant leases, easements, and rights-of-way previously withdrawn in the Presidential memorandum entitled ''Memorandum on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition'' and dated September 8, 2020; or the Presidential memorandum entitled ''Presidential Determination on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition'' and dated September 25, 2020. Additionally, section 50251 of the IRA expanded the authority under the Outer Continental Shelf Lands Act to include waters adjacent to any territory of the United States, specifically the Commonwealth of Puerto Rico. These new studies are focused on routes between port approaches and international entry and departure transit areas that would potentially be impacted through the creation of new, renewable offshore energy projects, created as a result of the implementation of the IRA.

The Ports and Waterways Safety Act, (PWSA)(46 U.S.C. 70003(c)(1)), authorizes the Commandant of the Coast Guard to designate necessary fairways and traffic separations schemes (TSSs) to provide safe access routes for vessels proceeding to and from United States ports. The designation of fairways and TSSs recognizes the paramount right of navigation over all other uses in the designated areas.

Before establishing or adjusting fairways, 46 U.S.C. 70003(c)(1) requires the Coast Guard to study potential traffic density and assess the need for safe access routes for vessels. During this process, the Coast Guard considers the views of the maritime community, environmental groups, and other stakeholders to reconcile the need for safe access routes with reasonable waterway uses. See 46 U.S.C. 70003(c)(3).

An analysis of potential traffic density, involving vessels proceeding to and from a U.S. port, is referred to as a Port Access Route Study (PARS). Several PARS will examine ports along the Southeast Atlantic Coast of the U.S. and U.S. Territories that are economically significant, support military operations, or are critical to national defense, and related international entry and departure transit areas. In particular the PARS will study areas that are integral to the safe, efficient and unimpeded flow of commerce to/from major international shipping lanes. Similar to the ACPARS, this PARS will use Automatic Identification System (AIS) data and information from stakeholders to identify and verify customary navigation routes as well as potential conflicts involving alternative activities, such as wind energy generation and offshore mineral exploitation and exploration.

V. Timeline, Scope, and Process

The Seventh Coast Guard District will conduct this PARS. The study will commence upon publication of this notice and may take 12 months or more to complete.

The study area is bounded by a line connecting the following geographic positions:

1. 33°51′7″ N 078°32′27″ W to;
2. 32°26′38″ N 075°55′34″ W to;
3. 25°24′28″ N 079°56′37″ W to;
4. 25°09′2″ N 080°00′15″ W to;
5. 24°53′1″ N 080°12′27″ W to;
6. 24°25′53″ N 081°03′18″ W to;
7. 24°14′49″ N 081°53′7″ W thence following an arc of 12nm around a center point of Loggerhead Key, FL to;
8. 24°25′7″ N 082°55′50″ W to;
9. 24°50′16″ N 082°55′29″ W to;
10. 25°03′31″ N 081°22′23″ W to;
11. 25°11′41″ N 081°08′51″ W thence following the coastline back to origin.

This area extends approximately 185 nautical miles seaward of the North Carolina/South Carolina Border then approximately follows the territorial sea from Miami around the Florida Keys. An illustration showing the study area is available in the docket where indicated under **ADDRESSES**. Additionally, the study area is available for viewing on the Navigation Center's website at: *https://www.navcen.uscg.gov/port-access-route-study-reports.*

The Coast Guard will analyze ports that are economically significant, that support military operations, or are strategic for national defense along the Southeast Atlantic Coast and U.S.

Territory. This study includes but is not limited to:

—Port of Charleston, SC; Port of Savannah, GA; Port of Brunswick, GA from January 2023 to December 2023

— Port of Kings Bay, GA; Port of Jacksonville, FL from January 2024 to December 2024

— Port Canaveral, FL; Port Everglades, FL; Port Miami, FL; Port of Key West from January 2025 to December 2025

— Ports of the Commonwealth of Puerto Rico and U.S. Virgin Islands from January 2026 to December 2026

VI. Methodology

These studies will analyze navigation routes to and from the ports identified above to their proposed fairways, as well as international routes to and from the United States. Current capabilities and planned improvements in these ports to handle maritime conveyances will be considered. Analyses will be conducted in accordance with Marine Planning to Operate and Maintain the Marine Transportation System (MTS) and Implement National Policy, COMDTINST 16003.2B, and coordinated by the cognizant District Commander. This instruction is available at *https://media.defense.gov/2019/Jul/10/2002155400/-1/-1/0/CI_16003_2B.PDF.* Notices of study will be published in the **Federal Register** to inform and solicit public comments for each PARS.

We will publish the results of the PARS in the **Federal Register**. It is possible that the study may validate the status quo (no fairways or routing measures) and conclude that no changes are necessary. It is also possible that the study may recommend one or more changes to address navigational safety and the efficiency of vessel traffic management. The recommendations may lead to future rulemakings or appropriate international agreements.

This notice is issued under authority of 46 U.S.C. 70003(c) and 5 U.S.C.552(a).

Dated: December 9, 2022.

Brendan C. McPherson,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 2022–27133 Filed 12–13–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0056; OMB No. 1660–0017]

Agency Information Collection Activities: Proposed Collection; Comment Request; Public Assistance Program

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 60 Day Notice of Revision and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on an extension, with change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning information collected for the Public Assistance (PA) program eligibility determinations, grants management, and compliance with Federal laws and regulations.

DATES: Comments must be submitted on or before February 13, 2023.

ADDRESSES: To avoid duplicate submissions to the docket, please submit comments at *https://www.regulations.gov* under Docket ID FEMA–2022–0056. Follow the instructions for submitting comments.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *https://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy and Security Notice that is available via a link on the homepage *of https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Rachel Hildebrand, Acting Chief, Public Assistance Program Delivery Branch, *Rachel.Hildebrand@fema.dhs.gov* or 202–714–9731. You may contact the Information Management Division for copies of the proposed collection of information: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (Stafford Act), authorizes grants to assist State, local, and Tribal governments and certain private non-profit entities with the response to and recovery from disasters, following Presidentially-declared major disasters and emergencies. 44 CFR part 206 specifies the information collections necessary to facilitate the provision of assistance under the Public Assistance (PA) Program. 44 CFR 206.202 describes the general application procedures for the PA Program.

Collection of Information

Title: Public Assistance Program.

Type of Information Collection: Extension, with change, of a currently approved information collection.

OMB Number: 1660–0017.

FEMA Forms: FEMA Form FF–104–FY–22–233 Organization Profile, FEMA Form FF–104–FY–22–234, Recipient Incident Information; FEMA Form FF–104–FY–21–131 (formerly FF 009–0–49), Request for Public Assistance; FEMA Form FF–104–FY–22–235, Applicant Impact Survey; FEMA Form FF–104–FY–22–238, Pre-Approval Request; FEMA Form FF–104–FY–22–236, Impact List; FEMA Form FF–104–FY–22–239; Project Application for Debris Removal; FEMA Form FF–104–FY–22–240, Project Application for Emergency Protective Measures; FEMA Form FF–104–FY–22–242, Project Application for Infrastructure Restoration; FEMA Form FF–104–FY–22–243, Project Application for Building Code and Floodplain Administration and Enforcement; FEMA Form FF–104–FY–22–244, Project Application for Management Costs; FEMA Form FF–104–FY–22–245, Damage Information; FEMA Form FF–104–FY–22–241, Project Application for COVID–19; FEMA Form FF–104–FY–21–137 (formerly FF 009–0–123), Force Account Labor Summary Record; FEMA Form FF–104–FY–21–135 (formerly FF 009–0–128), Applicant's Benefits Calculation Worksheet; FEMA Form FF–104–FY–21–141 (formerly FF 009–0–127), Force Account Equipment Summary Record; FEMA Form FF–104–FY–21–138 (formerly FF 009–0–124), Materials Summary Record; FEMA Form FF–104–FY–21–139 (formerly FF 009–0–125), Rented Equipment Summary Record; FEMA Form FF–104–FY–21–140 (formerly FF 009–0–126), Contract Work Summary Record; FEMA Form FF–104–FY–22–237, Donated Labor Sign-in; FEMA Form FF–104–FY–21–132 (formerly FF 009–0–111), Quarterly Progress Reports; FEMA Form FF–104–FY–22–248, Time Extension; FEMA Form FF–104–FY–22–249, State Administrative Plan; FEMA Form FF–

104–FY–21–250, Tribal Administrative Plan; Request for Appeals or Arbitrations; Request for Arbitration resulting from Hurricanes Katrina or Rita; FEMA Template 104–FY–21–100, Equitable COVID–19 Response and Recovery: Vaccine Administration Information; FEMA Form FF–104–FY–22–246, Environmental and Historic Preservation Addendum; FEMA Form FF–104–FY–22–247, Hazard Mitigation Addendum; and FEMA Form FF–104–FY–21–145 (formerly FF 009–0–141), FAC–TRAX System.

Abstract: The information collected is required for the Public Assistance (PA) Program eligibility determinations, grants management, and compliance with other Federal laws and regulations. The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), authorizes grants to assist State, Tribal, and local governments and certain private non-profit entities with the response to and recovery from disasters following Presidentially declared major disasters and emergencies.

Affected Public: State, local or Tribal government and certain private non-profit entities.

Estimated Number of Respondents: 1,505.

Estimated Number of Responses: 635,269.

Estimated Total Annual Burden Hours: 341,635.

Estimated Total Annual Respondent Cost: $19,801,167.

Estimated Respondents' Operation and Maintenance Costs: $0.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $1,957,204.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Millicent Brown Wilson,

Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2022–27082 Filed 12–13–22; 8:45 am]

BILLING CODE 9111–24–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6331–N–06A]

Public Interest Phased Implementation Waiver of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance

AGENCY: Office of the Secretary, U.S. Department of Housing and Urban Development (HUD).

ACTION: Final notice.

SUMMARY: In accordance with the Build America, Buy America Act (''BABA'' or ''the Act'') this notice advises that HUD has issued a public interest waiver to further HUD's phased implementation of the Buy America Domestic Content Procurement Preference (''Buy America Preference,'' or ''BAP'') for recipients of Federal Financial Assistance (''FFA'') provided by HUD. On May 5, 2022, HUD previously issued a separate waiver covering all FFA obligated by HUD on or before November 14, 2022, including Community Development Block Grant (''CDBG'') formula grants. In order to fully focus on the successful implementation of the BAP in CDBG formula grants, one of HUD's largest grant programs, HUD has determined that it is in the public interest to issue a new public interest waiver of the application of the BAP for all other FFA obligated by HUD. By this notice, HUD announces that it is waiving the application of the BAP on or after the effective date of this waiver for all FFA obligated by HUD on or before February 21, 2023, except for those funds utilized in connection with the purchase of iron or steel products in infrastructure projects funded by CDBG formula grants obligated by HUD on or after November 15, 2022. In addition, in the case of FFA obligated by HUD on or after November 15, 2022 but prior to the effective date of the final waiver, HUD is waiving the application of the BAP for all expenditures incurred on or after the date of the final waiver, except for those funds utilized in connection with the purchase of iron or steel products in infrastructure projects funded by CDBG formula grants obligated by HUD on or after November 15, 2022.

DATES: As required under section 70914 of the Act, HUD published a new proposed public interest phased implementation waiver on its website on November 3, 2022. In addition, HUD published the proposed waiver in the **Federal Register**. Comments on that proposed waiver were initially stated to be due on or before November 17, 2022, but HUD extended the deadline to comment until November 21, 2022. Through this final notice, HUD is announcing that it has issued this waiver effective November 23, 2022. This waiver is effective as stated herein for FFA obligated on the effective date of the waiver and until February 21, 2023 for a total of ninety (90) days and, in the case of FFA obligated by HUD on or after November 15, 2022 but prior to the effective date of the final waiver, for all expenditures incurred on or after the date of the final waiver, except for those funds utilized in connection with the purchase of iron or steel products in infrastructure projects funded by CDBG formula grants obligated by HUD on or after November 15, 2022.

FOR FURTHER INFORMATION CONTACT: Joseph Carlile, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10226, Washington, DC 20410–5000, at (202) 402–7082 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities. To learn more about how to make an accessible telephone call, please *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.* HUD encourages submission of questions about this document be sent to *BuildAmericaBuyAmerica@hud.gov.*

SUPPLEMENTARY INFORMATION:

I. Build America, Buy America

The Build America, Buy America Act (''BABA'' or ''the Act'') was enacted on November 15, 2021, as part of the Infrastructure Investment and Jobs Act (''IIJA'') (Pub. L. 117–58). The Act establishes a domestic content procurement preference, the BAP, for Federal infrastructure programs. Section 70914(a) of the Act establishes that no later than 180 days after the date of enactment, HUD must ensure that none of the funds made available for infrastructure projects may be obligated by the Department unless it has taken steps to ensure that the iron, steel, manufactured products, and construction materials used in a project

are produced in the United States. In section 70912, the Act further defines a project to include ''the construction, alteration, maintenance, or repair of infrastructure in the United States'' and includes within the definition of infrastructure those items traditionally included along with buildings and real property. Thus, beginning May 14, 2022, new awards of FFA by HUD through a program for infrastructure, and any of those newly obligated funds then obligated by the grantee, are covered under BABA provisions of the Act, 41 U.S.C. 8301 note, unless covered by a waiver.

II. HUD's Progress in Implementation of the Act

Since the enactment of the Act, HUD has worked diligently to implement the BAP. Consistent with the requirements of section 70913 of the Act, HUD produced a report identifying and evaluating all of HUD's Federal Financial Assistance programs for compliance with the BAP on January 19, 2022, by **Federal Register** notice ''Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act'' (87 FR 2894). In order to ensure orderly implementation of the BAP across HUD's programs, HUD published two general applicability waivers for HUD's programs on May 3, 2022. The first notice, ''General Applicability Waiver of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance'' (87 FR 26219), extended the implementation date for the BAP until November 14, 2022, unless covered by a subsequent waiver. Thus, no funds obligated by HUD before November 14, 2022, are subject to the BAP. The second notice, ''General Applicability Waiver of Build America, Buy America Provisions as Applied to Tribal Recipients of HUD Federal Financial Assistance'' (87 FR 26221), extended the implementation date for the BAP for Federal Financial Assistance provided to Tribal recipients for a period of one year. Additionally, on June 1, 2022 (87 FR 33193) HUD published a Request for Information ''Request for Information Relating to the Implementation of the Build America, Buy America Act'' to gather additional information necessary to fully implement the BAP for HUD programs and to adequately prepare necessary Paperwork Reduction Act notices relating to such implementation.

Following the expiration of the ''General Applicability Waiver of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance'' (87 FR 26219), HUD published two additional long-term public interest waivers of the application of the BAP in exigent circumstances and in connection with Small Grants and *De Minimis* expenditures. Additionally, HUD determined that it will fully implement the BAP for purposes of the purchase of iron and steel products used in infrastructure projects funded with Federal Financial Assistance provided by HUD through its CDBG formula grants obligated by HUD on or after November 15, 2022, unless such purchases are covered by another applicable waiver issued by HUD. Additional details on HUD's implementation of the BABA requirements can be found at *https://www.hud.gov/program_offices/general_counsel/BABA*.

III. Waiver Authority

Under section 70914(b), HUD and other Federal agencies have authority to waive the application of a domestic content procurement preference when (1) application of the preference would be contrary to the public interest, (2) the materials and products subject to the preference are not produced in the United States at a sufficient and reasonably available quantity or satisfactory quality, or (3) inclusion of domestically produced materials and products would increase the cost of the overall project by more than 25 percent. Section 70914(c) provides that a waiver under 70914(b) must be published by the agency with a detailed written explanation for the proposed determination and provide a public comment period of not less than 15 days.

IV. Public Interest, General Applicability Waiver of Buy America Provisions

The Office of Management and Budget's April 18, 2022 memorandum, ''Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure'' (''OMB Memorandum M–22–11''),[i] encourages agencies to consider ways to provide the assistance to funding recipients that is necessary and effective for the implementation of the BAP, including consideration of phased implementation of BAP where appropriate.

In Fiscal Year 2022, HUD grantees will receive more than $15 billion through the Department's programs where infrastructure is an eligible activity that may be subject to the BAP. For example, Community Development Block Grant (''CDBG'') funds may be used for infrastructure projects (*e.g.,* water and sewer improvements, street improvements, neighborhood facilities) or non-infrastructure uses (*e.g.,* senior services, youth services, operation of food banks, administrative and planning expenses). HUD estimates that 40 percent of CDBG funds awarded in 2021 ($1.4 billion of $3.5 billion total) were used on infrastructure projects where the BAP could apply.

As HUD's previous notices advised and as supported by several comments received during the comment period, many of HUD's programs may be subject to the BAP and have previously not required compliance with similar Buy America preferences. Because the potential application of BAP mandated by the Act is new to the majority of HUD's programs and Federal Financial Assistance (''FFA''), HUD is choosing to implement the BAP first with respect to all iron and steel products used in infrastructure projects funded with FFA provided by HUD through its CDBG formula grants on or after November 15, 2022. In order to focus on this implementation, HUD is waiving the application of the BAP in connection with all other FFA provided by HUD. This will provide an additional limited period to allow for further consideration of the most efficient methods of implementation of the BAP across the remaining HUD programs for construction materials and manufactured products more generally. This waiver advances BABA by reducing the administrative burden to potential assistance recipients where the costs of uncertainty in compliance with BABA could distract from the focus on the efficient and effective implementation of BABA in one of HUD's largest FFA programs and allows for broader phased implementation once further clarity and guidance on the implementation is received. Failure to provide recipients such flexibilities could delay the award for infrastructure projects as grantees and funding recipients must exert considerable effort in accounting for the sourcing for miscellaneous, low-cost construction materials without the benefit of complete guidance on the Act's requirements.

HUD believes that better coordination with HUD FFA recipients in the implementation of BABA will avoid unnecessary and undue hardship. Such a waiver will allow grantees and funding recipients to focus their efforts on such critical projects. Issuing this

[i] *https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf.*

waiver is not an alternative to increasing domestic production. Rather this waiver will allow HUD to focus (particularly in the early phases of BABA implementation) on key products and critical supply chains where increased U.S. manufacturing can best advance our economic and national security. This waiver also allows grantees and funding recipients to continue with projects in connection with iron and steel products where Made in America requirements have long been contemplated—providing greater ease of implementation for HUD's CDBG formula grantees. Without this waiver, HUD grantee and funding recipient participation could be impacted, such as modification of current plans.

By this notice, HUD announces that it is waiving the application of the BAP for all FFA obligated by HUD on or after November 23, the effective date of this waiver, and on or before February 21, 2023, except for those funds utilized in connection with the purchase of iron or steel products in infrastructure projects funded by CDBG formula grants obligated by HUD on or after November 15, 2022. In addition, in the case of FFA obligated by HUD on or after November 15, 2022 but prior to the effective date of the final waiver, HUD is waiving the application of the BAP for all expenditures incurred on or after the date of the final waiver, except for those funds utilized in connection with the purchase of iron or steel products in infrastructure projects funded by CDBG formula grants obligated by HUD on or after November 15, 2022.

As HUD's previous notice advised and as supported by several comments received during the comment period for that waiver, many of the HUD's programs that may be subject to the BAP and have previously not required compliance with similar Buy America preferences. Because the potential application of BAP mandated by the Act is new to the majority of HUD's FFA programs, this waiver advances BABA by targeting the initial phased implementation to a well-developed industry in connection with infrastructure projects being undertaken by sophisticated CDBG formula grantees. HUD intends to focus specific attention to the full implementation of the BAP in connection with the use of iron and steel in infrastructure projects in other FFA programs utilizing HUD funds within this waiver period.

No funds obligated by HUD or the grantee/funding recipient during the period of the waiver that would be exempted from compliance with BAP as a result of the waiver will be required to apply the BAP.

V. Public Comments on the Waiver

As required under section 70914 of the Act, HUD solicited comment from the public on the public interest waiver announced in this notice on its website and then published the proposed waiver in the **Federal Register**. A total of 15 comments were received in response to the proposed waiver. HUD thoroughly reviewed and considered each of the comments in determining to move forward with the issuance of this waiver as published in this final notice. The comments were supportive of the orderly implementation of the BAP, but were varied in the commenters' recommendations as to how to best accomplish such implementation.

A few commenters expressed support for a waiver of broader scope, potentially excluding all affordable housing programs from requirements to apply the BAP. A similar number of commenters requested that HUD move more expeditiously to fully implement the BAP across all HUD FFA programs. HUD appreciates the comments from both perspectives, but believes that the strategic implementation of iron and steel purchase requirements of the BAP in connection with CDBG formula grants obligated by HUD on or after November 15, 2022, is an appropriate first step towards the appropriate implementation of the BAP. Such a measured step forward in implementation of the Act represents an appropriate balancing of the intent of the Act with the public interest in the continued efficiency and success of infrastructure projects funded through HUD's affordable housing and community development programs, the majority of which have not previously been subject to Buy America requirements to the extent of those included in the BAP. HUD therefore declines to alter the scope of the proposed phased implementation waiver at this time. HUD will continue to monitor the implementation of the BAP across its programs to ensure the most robust application possible in light of the important public interests discussed above.

Several proponents of the waiver requested that HUD provide guidance regarding the implementation of the BAP and extend this waiver until after the provision of such guidance. HUD appreciates these comments as well and will continue to work to develop robust guidance regarding the implementation of the BAP across its programs. HUD remains committed to reviewing its plans to provide for the effective and efficient implementation of the Act across its programs but is declining to extend the term of this waiver at this time.

V. Impact of This Waiver on Other Federal Financial Assistance

No funds that have been obligated by HUD on or before November 14, 2022, or during the pendency of this waiver will require compliance with the BAP, with the exception of iron and steel products used in connection with infrastructure projects funded through CDBG formula grants obligated by HUD on or after November 15, 2022, or unless otherwise required by another FFA award. Where the BAP or other BABA requirements are made applicable to a project of a grantee or funding recipient by another Federal agency, those requirements are not waived by this waiver, nor is the grantee or funding recipient exempt from the application of those requirements in accordance with the requirements of the Federal Agency providing such Federal Financial Assistance.

VI. Assessment of Cost Advantage of a Foreign-Sourced Product

Under OMB Memorandum M–22–11, agencies are expected to assess ''whether a significant portion of any cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured products or the use of injuriously subsidized steel, iron, or manufactured products'' as appropriate before granting a public interest waiver. HUD's analysis has concluded that this assessment is not applicable to this waiver, as this waiver is not based in the cost of foreign-sourced products. HUD will perform additional market research during the waiver period to better understand the market and to limit the use of waivers caused by dumping of foreign-sourced products.

Marcia L. Fudge,

Secretary.

[FR Doc. 2022–27096 Filed 12–13–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6331–N–08A]

Public Interest De Minimis and Small Grants Waiver of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance

AGENCY: Office of the Secretary, U.S. Department of Housing and Urban Development (HUD).

ACTION: Final notice.

SUMMARY: In accordance with the Build America, Buy America Act (''BABA'' or ''the Act'') this notice advises that HUD has issued a departmentwide public interest *De Minimis* and Small Grants waiver to the Buy America Domestic Content Procurement Preference (''Buy America Preference,'' or ''BAP'') as applied to the iron, steel, manufactured products, and construction materials requirement of the Act for recipients of Federal Financial Assistance (''FFA''). For the purposes of this waiver, HUD has waived the application of the BAP for infrastructure projects whose total cost (including HUD funding and funding from any other source) is an amount equal to or less than the Simplified acquisition threshold, which is currently $250,000. HUD has also waived the application of the BAP for all Small Grants of FFA provided by HUD that are equal to or below the Simplified acquisition threshold, which is currently $250,000. However, if FFA provided by HUD is combined with other FFA from another Federal agency, and the total amount of FFA in a single project is greater than the Simplified acquisition threshold, currently $250,000, then the waiver shall not apply to the FFA provided by HUD. Additionally, HUD has waived the application of the BAP for a *De Minimis* portion of an infrastructure project, meaning a cumulative total of no more than 5 percent of the total cost of the iron, steel, manufactured products, and construction materials used in and incorporated into the infrastructure project, up to a maximum of $1 million.

In accordance with the Act, HUD has found that such *De Minimis* and Small Grants waivers are in the public interest. The waiver will assist HUD and its grantees and funding recipients in preventing immediate delays to critically important projects that serve to ensuring the safety and health of HUD constituents and continuing to provide economic opportunity through housing and community development projects. Moreover, this waiver will assist HUD in working to strengthen the housing market to bolster the economy and protect consumers, meet the need for quality affordable rental homes, utilize housing as a platform for improving quality of life, and build inclusive and sustainable communities free from discrimination.

DATES: As required under section 70914 of the Act, HUD published this proposed waiver on its website on October 31, 2022, for public comment. In addition, HUD published the proposed waiver in the **Federal Register**. Comments on the proposed waiver set out in this document were due on or before November 15, 2022. Through this final notice, HUD is announcing that it has issued this waiver effective November 23, 2022. This waiver will remain effective for a period of five years or such shorter time period as HUD may announce via notice.

FOR FURTHER INFORMATION CONTACT: Joseph Carlile, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10226, Washington, DC 20410–5000, at (202) 402–7082 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.* HUD encourages submission of questions about this document be sent to *BuildAmericaBuyAmerica@hud.gov.*

SUPPLEMENTARY INFORMATION:

I. Build America, Buy America

The Build America, Buy America Act (''BABA'' or ''the Act'') was enacted on November 15, 2021, as part of the Infrastructure Investment and Jobs Act (IIJA). Public Law 117–58. The Act establishes a domestic content procurement preference, the BAP, for Federal infrastructure programs. Section 70914(a) of the Act establishes that no later than 180 days after the date of enactment, HUD must ensure that none of the funds made available for infrastructure projects may be obligated by the Department unless it has taken steps to ensure that the iron, steel, manufactured products, and construction materials used in a project are produced in the United States. In section 70912, the Act further defines a project to include ''the construction, alteration, maintenance, or repair of infrastructure in the United States'' and includes within the definition of infrastructure those items traditionally included along with buildings and real property. Thus, starting May 14, 2022, new awards of FFA from a program for infrastructure, and any of those funds obligated by the grantee, are covered under BABA provisions of the Act, 41 U.S.C. 8301 note, unless covered by a waiver.

II. HUD's Progress in Implementation of the Act

Since the enactment of the Act, HUD has worked diligently to implement the BAP. Consistent with the requirements of section 70913 of the Act, HUD produced a report identifying and evaluating all of HUD's FFA programs for compliance with the BAP on January 19, 2022, through **Federal Register** notice ''Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act.'' (87 FR 2894) In order to ensure orderly implementation of the BAP across HUD's programs, HUD published two general applicability waivers for HUD's programs on May 3, 2022. The first notice, ''General Applicability Waiver of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance'' (87 FR 26219), extended the implementation date for the BAP until November 14, 2022, unless covered by a subsequent waiver. Thus, no funds obligated by HUD before November 14, 2022, are subject to the BAP. The second notice, ''General Applicability Waiver of Build America, Buy America Provisions as Applied to Tribal Recipients of HUD Federal Financial Assistance'' (87 FR 26221), extended the implementation date for the BAP for Federal Financial Assistance (''FFA'') provided to Tribal recipients for a period of one year. HUD published a notice proposing the waiver that is being finalized through this notice on its website on October 31, 2022, and via the **Federal Register**. Additional details on HUD's implementation of the BABA requirements can be found at *https://www.hud.gov/programoffices/generalcounsel/BABA.*

III. Waiver Authority

Under section 70914(b), HUD has authority to waive the application of a domestic content procurement preference when (1) application of the preference would be contrary to the public interest, (2) the materials and products subject to the preference are not produced in the United States at a sufficient and reasonably available quantity or satisfactory quality, or (3) inclusion of domestically produced materials and products would increase the cost of completing the infrastructure project by more than 25 percent. Section 70914(c) provides that a waiver under 70914(b) must be published by the agency with a detailed written explanation for the proposed determination and provide a public comment period of not less than 15 days.

IV. Public Interest in This General Applicability Waiver of Buy America Provisions

The Office of Management and Budget's April 18, 2022, memorandum, ''Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure'' (M–22–11) encourages agencies to consider whether it is in the public interest to waive application of a BAP to awards below the Simplified acquisition threshold. HUD is issuing this waiver not as an alternative to increasing domestic production, but as an important tool to implement the Buy American provisions in the most efficient manner. HUD understands that advancing Made in America objectives is a continuous effort. HUD plans to move forward to implement the new requirements in a way that maximizes coordination and collaboration to support long-term investments in domestic production.

Through this notice, HUD has waived the application of the BAP for infrastructure projects whose total cost (including HUD funding and funding from any other source) is an amount equal to or less than the 2 CFR 200.1 Simplified acquisition threshold, which is currently $250,000. HUD has also waived the application of the BAP for all Small Grants of Federal Financial Assistance provided by HUD that are equal to or below the 2 CFR 200.1 Simplified acquisition threshold, which is currently $250,000. However, if FFA provided by HUD is combined with other FFA from another Federal agency, and the total amount of FFA in a single project is greater than the Simplified acquisition threshold, currently $250,000, then the waiver shall not apply to the FFA provided by HUD. HUD has also waived the application of the BAP for a *De Minimis* portion of an infrastructure project, meaning a cumulative total of no more than 5 percent of the total cost of the iron, steel, manufactured products, and construction materials used in and incorporated into the infrastructure project, up to a maximum of $1 million.

For purposes of the Act, an infrastructure project involves the undertaking of any ''construction, alteration, maintenance, or repair'' of ''infrastructure,'' which includes, among other things, the ''structures, facilities and equipment'' of ''buildings and real property.''

In accordance with the Act, HUD has found that such *De Minimis* and Small Grants waivers are in the public interest. Such waivers will allow HUD, grantees and funding recipients to focus their efforts on such critical projects. Issuing the waivers is not an alternative to increasing domestic production. The waivers are in the interest of efficiency, to ease burdens for HUD grantees and funding recipients, and will also allow HUD to focus, particularly in the early phases of BABA implementation, on key products, and critical supply chains where increased U.S. manufacturing can best advance our economic and national security. These waivers will allow HUD grantees and funding recipients to continue with projects. Without these waivers, HUD grantee and funding recipient participation could be impacted, such as modification of current plans.

HUD is issuing this waiver to facilitate the effective implementation of the BAP and will therefore not permit the artificial subdivision of infrastructure projects to fit within the scope of this waiver of the BAP. Thus, for purposes of this waiver, HUD will evaluate the total cost of the infrastructure project as it would for purposes of the review contemplated under 24 CFR part 58, *i.e.,* by defining the scope consistent with 24 CFR 58.2(a)(4), as ''the activity, or a group of integrally related activities, designed by the recipient to accomplish, in whole or in part, a specific objective.'' HUD believes its grantees and recipients of FFA that will be used for infrastructure projects are familiar with this regulation and understand the proper application of the concept in connection with their activities, or as otherwise defined by HUD in a notice. However, in connection with the public housing program, evaluation of certain maintenance and repair activities within the definition of infrastructure projects under the Act is not appropriate using this standard. Therefore, for the purposes of determining the applicability of this waiver in connection with the maintenance and repair of public housing, HUD will evaluate the infrastructure project as including the single relevant procurement contract for such maintenance or repairs, or, where applicable, the collection of procurements focused on the same specific objective (*e.g.,* construction of a resident service space) or limited scope of work (*e.g.,* lead based paint abatement).

In fiscal year 2022, HUD grantees will receive more than $15 billion through the Department's programs where infrastructure is an eligible activity and may be subject to the BAP. For example, Community Development Block Grant (''CDBG'') funds may be used for infrastructure projects (*e.g.,* water and sewer improvements, street improvements, neighborhood facilities) or non-infrastructure uses (*e.g.,* senior services, youth services, operation of food banks, administrative and planning expenses). HUD estimates that 40 percent of CDBG funds awarded in 2021 ($1.4 billion of $3.5 billion total) were used on infrastructure projects where the BAP could apply.

As HUD's initial waivers advised and as supported by several comments received during the comment period on those waivers, many of HUD's programs may be subject to the BAP and have previously not required compliance with similar Buy American preferences. Because the potential application of BAP mandated by the Act is new to the majority of HUD's programs and FFA, this waiver advances BABA by reducing the administrative burden to potential assistance recipients where the costs of compliance with BABA could distract from the focus on higher value BABA compliant items. Failure to provide recipients such flexibilities could delay the award for infrastructure projects as grantees and funding recipients must exert considerable effort accounting for the sourcing for miscellaneous, low-cost items. Moreover, HUD does not believe the waiver of the BAP for such awards will undermine the full and robust implementation of the Act or the ability of the agency to support the purposes behind the Act.

HUD expects to review this waiver every five years from the effective date of this waiver or more often as appropriate. No funds obligated by HUD or the grantee/funding recipient during the period of the waiver that are exempted from compliance with BAP as a result of the waiver will be required to apply the BAP.

V. Public Comments on the Waiver

As required under section 70914 of the Act, HUD solicited comment from the public on the public interest waiver announced in this notice on its website and then published the proposed waiver in the **Federal Register**. A total of 14 comments were received in response to the proposed waiver. HUD thoroughly reviewed and considered each of the comments in determining to move forward with the issuance of this waiver as published in this final notice. The comments generally favored a *De Minimis* and Small Dollar waiver as proposed.

A few commenters expressed support for a broader scope waiver, including requesting higher limits for a Small Grants exclusion, a higher percentage exclusion on portions of infrastructure

projects, and a higher cap on the total cost under the *De Minimis* waiver. A similar number of commenters requested that the limits be lowered to afford more opportunities for the application of the BAP. HUD appreciates the comments from both perspectives, but believes that, as an initial matter, the limits proposed in the initial waiver are set at the appropriate levels to balance the intent of the Act with the public interest in the continued efficiency and success of infrastructure projects funded through HUD's affordable housing and community development programs. HUD declines to make changes to the amounts represented by these limits at this time, but is clarifying that all FFA, whether received by HUD or from another Federal source, in connection with infrastructure projects must be used to calculate the total, cumulative FFA in a single project to determine the applicability of a Small Grants waiver. HUD will continue to monitor the implementation of the BAP across its programs to ensure the most robust application possible in light of the important public interests discussed above.

Several proponents of the waiver requested that HUD provide greater clarity regarding the implementation of the BAP and the appropriate application of this waiver. HUD appreciates these comments and will continue to work to develop robust guidance regarding the implementation of the BAP across its programs. HUD remains committed to reviewing the waivers it issues every five years or more often if necessary and appropriate.

A few comments were received from manufacturers and trade organizations that opposed portions of the proposed waiver because they would prefer a more narrowly tailored waiver, if a waiver is issued at all. These commenters expressed confusion over the reference to Minor Components in the proposed waiver. HUD agrees that use of the term Minor Components did not accurately reflect the waiver HUD was proposing. As a result, the waiver issued by HUD and announced via this final notice deletes all references to Minor Components and instead focuses on the true intent of the waiver—coverage for small grants and a *De Minimis* waiver.

Additionally, several of the opponents expressed concern that the waiver could give rise to a loophole to avoid compliance with the BAP. HUD appreciates the comments but believes that the waiver is sufficiently narrowly tailored with protections in place to avoid artificial manipulation of project size and that the risk of abuse is outweighed by the need to provide this important flexibility for Small Grants and the *De Minimis* portions of larger infrastructure projects. HUD expects the future guidance and technical assistance it provides to grantees regarding the implementation of the Act to further address any concerns that the scope or applicability of this waiver will be misconstrued by grantees. HUD will not allow the use of the waiver in any artificial or contrived circumstances designed to avoid the proper application of the BAP requirements. HUD has therefore declined to modify the waiver at this time, beyond the clarification of the use of the cumulative total of all FFA funding the infrastructure project in determining application of this waiver. As previously indicated, HUD will continue to monitor the usage of the waiver so it may swiftly address any potential confusion concerning the proper application of the waiver.

The complexities of applying the BAP in connection with Small Grants and *De Minimis* portions of projects are such that the Agency maintains, for the reasons outlined herein, the public interest necessitates this waiver of the BAP. HUD will continue its work to assess compliance alternatives and options best suited to enable grantees and funding recipients to more efficiently and effectively implement the BAP in connection with Small Grants and *De Minimis* portions of infrastructure projects and will reevaluate this waiver in five years or sooner as appropriate. Additionally, HUD will continue to assess the need for and provide additional guidance for funding recipients and grantees to ensure the appropriate implementation of the BAP in its programs. At this time, however, HUD has issued this Small Grant and *De Minimis* waiver with the minimal substantive changes described herein and with other minor, inconsequential grammatical revisions.

V. Impact of This Waiver on Other Federal Financial Assistance

Where the BAP or other BABA requirements are made applicable to projects of a grantee or funding recipient by another Federal agency, the grantee or funding recipient may not rely on this waiver as a waiver of any requirement imposed by the other Federal agency for the projects, nor is the grantee or funding recipient exempt from the application of those requirements in accordance with the requirements of the Federal agency providing such FFA.

VI. Assessment of Cost Advantage of a Foreign-Sourced Product

Under OMB Memorandum M–22–11, ''Memorandum for Heads of Executive Departments and Agencies,'' published on April 18, 2022, agencies are expected to assess ''whether a significant portion of any cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured products or the use of injuriously subsidized steel, iron, or manufactured products'' as appropriate before granting a public interest waiver.[i] HUD's analysis has concluded that this assessment is not applicable to this waiver, as this waiver is not based in the cost of foreign-sourced products. HUD will perform additional market research during the duration of the waiver to better understand the market to limit the use of waivers caused by dumping of foreign-sourced products.

Marcia L. Fudge,

Secretary.

[FR Doc. 2022–27097 Filed 12–13–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6331–N–05A]

Public Interest Waiver of Build America, Buy America Provisions for Exigent Circumstances as Applied to Certain Recipients of HUD Federal Financial Assistance

AGENCY: Office of the Secretary, U.S. Department of Housing and Urban Development (HUD).

ACTION: Final notice.

SUMMARY: In accordance with the Build America, Buy America Act (''BABA'' or ''the Act'') this notice advises that HUD is issuing a departmentwide public interest waiver to the Buy America Domestic Content Procurement Preference (''Buy America Preference,'' or ''BAP'') for grantees and recipients of Federal Financial Assistance (''FFA'') from HUD as applied to the iron, steel, manufactured products, and construction materials requirement of BABA in certain exigent circumstances. In accordance with the Act, HUD has found that this departmentwide waiver for exigent circumstances is in the public interest. The waiver will assist HUD and its grantees and funding

[i] See OMB Memorandum M–22–08, Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act, *https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-08.pdf.*

recipients in preventing immediate delays to critically important projects that serve to ensuring the safety and health of HUD constituents and continuing to provide economic opportunity through housing and community development projects. Moreover, this waiver will assist HUD in working to strengthen the housing market to bolster the economy and protect consumers, meet the need for quality affordable rental homes, utilize housing as a platform for improving quality of life, and build inclusive and sustainable communities free from discrimination.

DATES: As required under section 70914 of the Act, HUD published this proposed waiver on its website on October 31, 2022, for public comment. In addition, HUD published the proposed waiver in the **Federal Register**. Comments on the proposed waiver set out in this document were due on or before November 15, 2022. Through this Final Notice, HUD is announcing that it has issued this waiver effective November 23, 2022. This waiver will remain effective for a period of five years or such shorter time period as HUD may announce via notice.

FOR FURTHER INFORMATION CONTACT: Joseph Carlile, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10226, Washington, DC 20410–5000, at (202) 402–7082 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.* HUD encourages submission of questions about this document be sent to *BuildAmericaBuyAmerica@hud.gov.*

SUPPLEMENTARY INFORMATION:

I. Build America, Buy America

The Build America, Buy America Act (''BABA'' or ''the Act'') was enacted on November 15, 2021, as part of the Infrastructure Investment and Jobs Act (IIJA). Public Law 117–58. The Act establishes a domestic content procurement preference, the BAP, for Federal infrastructure programs. Section 70914(a) of the Act establishes that no later than 180 days after the date of enactment, HUD must ensure that none of the funds made available for infrastructure projects may be obligated by the Department unless it has taken steps to ensure that the iron, steel, manufactured products, and construction materials used in a project are produced in the United States. In section 70912, the Act further defines a project to include ''the construction, alteration, maintenance, or repair of infrastructure in the United States'' and includes within the definition of infrastructure those items traditionally included along with buildings and real property. Thus, starting May 14, 2022, new awards of FFA from a program for infrastructure, and any of those funds obligated by the grantee, are covered under the BABA provisions of the Act, 41 U.S.C. 8301 note, unless covered by a waiver. Section 70912(4)(B) of the Act specifically exempts from the term Federal Financial Assistance certain assistance authorized under certain sections of the Robert T. Stafford Disaster Relief and Emergency Assistance Act or *pre and post disaster or emergency response expenditures.*

II. HUD's Progress in Implementation of the Act

Since the enactment of the Act, HUD has worked diligently to implement the BAP. Consistent with the requirements of section 70913 of the Act, HUD produced a report identifying and evaluating all of HUD's FFA programs for compliance with the BAP on January 19, 2022, by **Federal Register** notice ''Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act'' (87 FR 2894). In order to ensure orderly implementation of the BAP across HUD's programs, HUD published two general applicability waivers for HUD's programs on May 3, 2022. The first notice, ''General Applicability Waiver of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance'' (87 FR 26219), extended the implementation date for the BAP until November 14, 2022, unless covered by a subsequent waiver. Thus, no funds obligated by HUD before November 14, 2022, are subject to the BAP. The second notice, ''General Applicability Waiver of Build America, Buy America Provisions as Applied to Tribal Recipients of HUD Federal Financial Assistance'' (87 FR 26221), extended the implementation date for the BAP for Federal Financial Assistance provided to Tribal recipients for a period of one year. HUD published a notice proposing the waiver that is being finalized through this notice on its website on October 31, 2022, and via the **Federal Register**. Additional details on HUD's implementation of the BABA requirements can be found at *https://www.hud.gov/program_offices/general_counsel/BABA.*

III. Waiver Authority

Under section 70914(b), HUD has authority to waive the application of a domestic content procurement preference when (1) application of the preference would be contrary to the public interest, (2) the materials and products subject to the preference are not produced in the United States at a sufficient and reasonably available quantity or satisfactory quality, or (3) inclusion of domestically produced materials and products would increase the cost of the overall project by more than 25 percent. Section 70914(c) provides that a waiver under 70914(b) must be published by the agency with a detailed written explanation for the proposed determination and provide a public comment period of not less than 15 days.

IV. Public Interest in This General Applicability Waiver of Buy America Provisions

HUD is issuing this waiver not as an alternative to increasing domestic production, but as an important tool to implement the Buy American provisions in the most efficient manner. HUD understands that advancing Made in America objectives is a continuous effort. HUD plans to move forward to implement the new requirements in a way that maximizes coordination and collaboration to support long-term investments in domestic production.

HUD recognizes that there are exigent circumstances, particularly with respect to the conduct of maintenance and other rehabilitation and repair activities in connection with affordable housing and community development projects, that warrant the exclusion from the application of the BAP in the public interest. Specifically, where an award for FFA is being utilized to repair or conduct maintenance of infrastructure within the meaning of the Act in exigent circumstances, the ability to quickly respond and address the need is critical to ensuring the protection of life, safety and property of residents and community members. This ability to immediately respond to such situations could be compromised if the grantee or recipient is required to navigate the complex BAP requirements for such an activity in the midst of the exigent circumstances.[i] Such a waiver will

[i] Please note that section 70912(4)(B) of the Act excludes ''pre and post disaster or emergency response expenditures'' from inclusion within the definition of Federal Financial Assistance subject to the BAP. The Office of Management and Budget's April 18, 2022, memorandum, ''Initial

allow HUD grantees and funding recipients to focus their efforts on such critical projects. Issuing this waiver is not an alternative to increasing domestic production. The waiver is in the interest of efficiency, to ease burdens for grantees and recipients, avoid unnecessary costs, and avoid delays to projects that are critical and time sensitive. The waiver will also allow HUD to focus, particularly in the early phases of BABA implementation, on key products and critical supply chains where increased U.S. manufacturing can best advance HUD's economic and national security. This waiver will also allow recipients to continue with projects. Without this waiver, delays may occur to critical activities to protect life, safety, and property, which may negatively impact the most vulnerable Americans HUD seeks to serve.

For example, if a public housing development is damaged by a boiler malfunction in the middle of the winter, the need to repair the damaged structure and replace the boiler is of immediate concern in protecting the life, safety, and property of the residents of that public housing development. Additionally, for example, if an emergency or fire exit door is damaged and becomes unusable, the need to repair the exit door is of immediate concern to protecting the life, safety and property of the residents of that public housing development. Included within the scope of exigent circumstances are the remediation of defects impacting housing quality standards that existing HUD policy requires to be completed within 30 days or less. The potential consequences and impact of incidents meeting these standards can endanger the life, safety or property of residents and the community, and necessitate urgent action to remediate the issue. Thus, for purposes of this waiver, HUD will consider exigent circumstances to include circumstances where undertaking the BAP-covered infrastructure project without delay is necessary to protect life, safety or provide necessary security to residents or community members, or to prevent the destruction of property. The waiver of BAP will apply provided such remediation is carried out within the time period required by HUD policy.

In fiscal year 2022, HUD grantees will receive more than $15 billion through the Department's programs where infrastructure is an eligible activity and may be subject to the BAP. For example, Community Development Block Grant (''CDBG'') funds may be used for infrastructure projects (*e.g.,* water and sewer improvements, street improvements, neighborhood facilities) or non-infrastructure uses (*e.g.,* senior services, youth services, operation of food banks, administrative and planning expenses). HUD estimates that 40 percent of CDBG funds awarded in 2021 ($1.4 billion of $3.5 billion total) were used on infrastructure projects where the BAP could apply. HUD does not currently track funds used on infrastructure projects for an exigent circumstance, but estimates that in an average year, less than 1 percent of annual CDBG funds are used for urgent needs activities.

HUD believes that full compliance with the BAP in exigent circumstances will create undue hardship due to the anticipated burdensome delays to ensure compliance with the BAP and, as noted, could jeopardize the life, health and safety of residents and community members unnecessarily for funds being utilized in exigent circumstances. As a result, HUD has determined that it is not in the public interest to impose the BAP on projects completing covered infrastructure activities in exigent circumstances.

HUD expects to review this waiver every five years from the effective date of this waiver or more often as appropriate. Funds obligated by HUD during the time period this waiver is effective will not be required to apply the BAP when funds are expended by the grantee or funding recipient in connection with exigent circumstances as described in this waiver.

V. Consideration of Public Comments on the Waiver

As required under section 70914 of the Act, HUD solicited comment from the public on the public interest waiver announced in this notice on its website and then published the proposed waiver in the **Federal Register**. A total of 11 comments were received in response to the proposed waiver. HUD thoroughly reviewed and considered each of the comments in determining to move forward with the issuance of this waiver as published in this final notice. The comments generally favored an exigent circumstances waiver as proposed.

A few commenters expressed support for a broader waiver and greater deference to the determinations of grantees in terms of projects that fall within the scope of exigent circumstances. Several proponents of the waiver requested that HUD provide greater clarity regarding the implementation of the BAP and the appropriate application of this waiver. HUD appreciates these comments and will continue to work to develop robust guidance regarding the implementation of the BAP across its programs. HUD remains committed to reviewing the waivers it issues every five years or more often if necessary and appropriate.

A few comments were received from manufacturers and trade organizations that opposed portions of the proposed waiver because they would prefer a more narrowly tailored waiver, if a waiver is issued at all. Several of these comments expressed concern that the waiver would give rise to a loophole to avoid compliance with the BAP. HUD appreciates the comments but believes that the waiver is sufficiently narrowly tailored to specific actions necessary to protect life, safety and property from imminent threats that the risk of abuse is outweighed by the need to provide flexibility to act swiftly in exigent circumstances.

HUD expects the future guidance and technical assistance it provides to grantees regarding the implementation of the Act to address any concerns that the scope or applicability of this waiver will be misconstrued by grantees. HUD will not allow the use of the waiver in any artificial or contrived circumstances designed to avoid the proper application of the BAP requirements. HUD has therefore declined to modify the waiver at this time, but will continue to monitor the usage of the waiver so it may swiftly address any future confusion over the proper application of the waiver. The complexities of applying the BAP in exigent circumstances where there is a risk posed to life, safety, or property are such that HUD maintains, for the reasons outlined herein, the public interest necessitates this waiver of the BAP.

HUD will continue its work to assess compliance alternatives and options best suited to enable grantees and funding recipients to swiftly address projects necessitated by exigent circumstances and will reevaluate this waiver in five years or sooner as appropriate. Additionally, HUD will continue to assess the need for and provide additional guidance for funding

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Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure'' (M–22–11) confirms that pre and post disaster or emergency response expenditures'' includes those expenditures ''that are (1) authorized by statutes other than the Stafford Act, 42 U.S.C. 5121 *et seq.,* and (2) made in anticipation of or response to an event or events that qualify as an ''emergency'' or ''major disaster'' within the meaning of the Stafford Act, *id.* section 5122(1), (2).'' As a result, HUD's provision of Federal Financial Assistance through specific emergency and disaster recovery grants, (*e.g.,* CDBG–DR grants), which are appropriated by Congress in in response to an emergency or disaster within the meaning of the Stafford Act are statutorily excluded from the applicability of BAP.

recipients and grantees to ensure the appropriate implementation of the BAP in its programs. At this time, HUD is issuing, without substantive change other than minor, inconsequential grammatical revisions this Exigent Circumstances Waiver via this final notice.

VI. Impact of This Waiver on Other Federal Financial Assistance

Where the BAP or other BABA requirements are made applicable to projects of a grantee or funding recipient by another Federal agency, the grantee or funding recipient may not rely on this waiver as a waiver of any requirement imposed by the other Federal agency for the projects, nor is the grantee or funding recipient exempt from the application of those requirements in accordance with the requirements of the Federal agency providing such Federal Financial Assistance.

VII. Assessment of Cost Advantage of a Foreign-Sourced Product

Under OMB Memorandum M–22–11, ''Memorandum for Heads of Executive Departments and Agencies,'' published on April 18, 2022, agencies are expected to assess ''whether a significant portion of any cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured products or the use of injuriously subsidized steel, iron, or manufactured products'' as appropriate before granting a public interest waiver.[ii] HUD's analysis has concluded that this assessment is not applicable to this waiver, as this waiver is not based in the cost of foreign-sourced products. HUD will perform additional market research during the duration of the waiver to better understand the market to limit the use of waivers caused by dumping of foreign-sourced products.

Marcia L. Fudge,

Secretary.

[FR Doc. 2022–27095 Filed 12–13–22; 8:45 am]

BILLING CODE 4210–67–P

[ii] See OMB Memorandum M–22–08, Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act, *https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-08.pdf.*

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[2231A2100DD/AAKC001030/A0A501010.999900]

Advisory Board of Exceptional Children

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Indian Education (BIE) is announcing that the Advisory Board for Exceptional Children will hold a two-day in-person and online meeting. The purpose of the meeting is to meet the mandates of the Individuals with Disabilities Education Act of 2004 (IDEA) for Indian children with disabilities. Due to the COVID–19 pandemic and for the safety of all individuals, an online meeting option is provided for those who cannot attend in-person.

DATES: The BIE Advisory Board meeting will be held Thursday, January 19, 2023 from 8 a.m. to 4:30 p.m., Mountain Standard Time (MST) and Friday, January 20, 2023 from 8 a.m. to 4:30 p.m., Mountain Standard Time (MST).

ADDRESSES:

- *Meeting:* All Advisory Board activities and meetings will be conducted in-person and online. The onsite meeting location will be at the Hyatt Place Hotel located at 3535 W Chandler Blvd., Chandler, AZ 85226. See the **SUPPLEMENTARY INFORMATION** section of this notice for information on how to join the meeting.
- *Comments:* Public comments can be emailed to the DFO at *Jennifer.davis@bie.edu;* or faxed to (602) 265–0293 Attention: Jennifer Davis, DFO; or mailed or hand delivered to the Bureau of Indian Education, Attention: Jennifer Davis, DFO, 2600 N Central Ave., 12th Floor, Suite 250, Phoenix, AZ 85004.

FOR FURTHER INFORMATION CONTACT: Jennifer Davis, Designated Federal Officer, Bureau of Indian Education, 2600 N Central Ave., 12th Floor, Suite 250, Phoenix, AZ 85004, *Jennifer.davis@bie.edu,* or mobile phone (202) 860–7845.

Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

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 Federal Advisory Committee Act, the BIE is announcing the Advisory Board will hold its next meeting in-person and online. The Advisory Board was established under the Individuals with Disabilities Act of 2004 (20 U.S.C. 1400 *et seq.*) to advise the Secretary of the Interior, through the Assistant Secretary-Indian Affairs, on the needs of Indian children with disabilities. All meetings, including virtual sessions, are open to the public in their entirety.

Agenda

The following agenda items will be for the January 19, 2023 and January 20, 2023 meeting. The reports are regarding special education topics from the:

- BIE Central Office.
- BIE Associate Deputy Director regions regarding Special Education updates for Bureau Operated Schools, Navajo Schools, and Tribally Controlled Schools.
- BIE's State Performance Plan/Annual Performance Report (SPP/APR)—Indicator 8, Parent Involvement target setting.
- Haskell Indian Nations University and the Southwest Indian Polytechnic Institute—to address challenges of preparing educators for schools serving significant numbers of Native American students in Bureau funded schools.
- BIE Human Resource Department—status of current vacant educator positions and turnover as compared to last year for educator positions at the school level, and how the BIE recruits and retains personnel to fill position vacancies.
- BIE/Division of Performance and Accountability (DPA)/Special Education Program Updates.
- Four Public Commenting Sessions will be provided during both meeting days.
  - On Thursday, January 19, 2022 two sessions (15 minutes each) will be provided, 11:15 a.m. to 11:30 a.m. MST and 1 p.m. to 1:15 p.m. MST. Public comments can be provided via webinar or telephone conference call. Please use the online access codes as listed below.
  - On Friday, January 20, 2022 two sessions (15 minutes each) will be provided, 11:15 a.m. to 11:30 a.m. MST and 1 p.m. to 1:15 p.m. MST. Public comments can be provided during the

meeting or telephone conference call. Please register for each meeting day to obtain the online meeting access codes as listed below.

○ Public comments can also be emailed to the DFO at *Jennifer.davis@bie.edu;* or faxed to (602) 265–0293 Attention: Jennifer Davis, DFO; or mailed or hand delivered to the Bureau of Indian Education, Attention: Jennifer Davis, DFO, 2600 N Central Ave., 12th Floor, Suite 250, Phoenix, Arizona 85004.

Registration

- To attend the January 19, 2023, board meeting, please register at *https://www.zoomgov.com/meeting/register/vJItd-uorzwpHX0JScKwuiQ5-_fhSLVprEg.*
- To attend the January 20, 2023, board meeting, please register at *https://www.zoomgov.com/meeting/register/vJIsceCvqDsvGeULtmV6M2Lp47zKlRfHfRY.*

Authority: 5 U.S.C. Appendix 5; 20 U.S.C. 1400 *et seq.*

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2022–27104 Filed 12–13–22; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1574 (Final)]

Superabsorbent Polymers From South Korea Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of superabsorbent polymers (SAP) from South Korea, provided for in subheadings 3906.90.50 and 3906.10.00 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'').[2]

Background

The Commission instituted this investigation effective November 2, 2021, following receipt of a petition filed with the Commission and Commerce by the Ad Hoc Coalition of American SAP Producers, whose members include BASF Corporation, Florham Park, New Jersey; Evonik Superabsorber LLC, Greensboro, North Carolina; and Nippon Shokubai America Industries, Inc., Pasadena, Texas. The Commission scheduled the final phase of the investigation following notification of a preliminary determination by Commerce that imports of SAP from South Korea were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 28, 2022 (87 FR 38422). The Commission conducted its hearing on October 18, 2022. All persons who requested the opportunity were permitted to participate.

The Commission made this determination pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determination in this investigation on December 8, 2022. The views of the Commission are contained in USITC Publication 5388 (December 2022), entitled *Superabsorbent Polymers from South Korea: Investigation No. 731–TA–1574 (Final).*

By order of the Commission.

Issued: December 8, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–27115 Filed 12–13–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1334–1337 (Review)]

Emulsion Styrene-Butadiene Rubber From Brazil, Mexico, Poland, and South Korea; Notice of Commission Determination To Conduct Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to the Tariff Act of 1930 to determine whether revocation of the antidumping duty orders on emulsion styrene-butadiene rubber from Brazil, Mexico, Poland, and South Korea would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date.

DATES: November 4, 2022.

FOR FURTHER INFORMATION CONTACT: Tyler Berard (202–205–3354), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On November 4, 2022, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)).[1] The Commission found that both the domestic and respondent interested party group responses from Mexico and South Korea to its notice of institution (87 FR 47001, August 1, 2022) were adequate, and determined to conduct full reviews of the orders on imports from Mexico and South Korea. The Commission also found that the respondent interested party group responses from Brazil and Poland were inadequate but determined to conduct full reviews of the orders on imports from those countries in order to promote administrative efficiency in light of its determinations to conduct full reviews of the orders with respect to Mexico and South Korea. A record of the Commissioners' votes will be available from the Office of the Secretary and at the Commission's website.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 87 FR 65035 (October 27, 2022).

[1] Commissioner Randolph J. Stayin did not participate.

By order of the Commission.

Issued: December 9, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–27116 Filed 12–13–22; 8:45 am]

BILLING CODE 7020–02–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Joint Board for the Enrollment of Actuaries gives notice of a teleconference meeting of the Advisory Committee on Actuarial Examinations (a portion of which will be open to the public) on January 5–6, 2023.

DATES: Thursday, January 5, 2023, from 9:00 a.m. to 5:00 p.m. (ET), and Friday, January 6, 2023, from 9:00 a.m. to 5:00 p.m. (ET).

ADDRESSES: The meeting will be held by teleconference.

FOR FURTHER INFORMATION CONTACT: Elizabeth Van Osten, Designated Federal Officer, Advisory Committee on Actuarial Examinations, at 202–317–3648 or *elizabeth.j.vanosten@irs.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet by teleconference on Thursday, January 5, 2023, from 9:00 a.m. to 5:00 p.m. (ET), and Friday, January 6, 2023, from 9:00 a.m. to 5:00 p.m. (ET).

The purpose of the meeting is to discuss topics and questions that may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in 29 U.S.C. 1242(a)(1)(B) and to review the November 2022 Pension (EA–2F) Examination in order to make recommendations relative thereto, including the minimum acceptable pass score. Topics for inclusion on the syllabus for the Joint Board's examination program for the May 2023 Basic (EA–1) Examination and the May 2023 Pension (EA–2L) Examination also will be discussed.

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the portions of the meeting dealing with the discussion of questions that may appear on the Joint Board's examinations and the review of the November 2022 Pension (EA–2F) Examination fall within the exceptions to the open meeting requirement set forth in 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such portions be closed to public participation.

The portion of the meeting dealing with the discussion of the other topics will commence at 1:00 p.m. (ET) on January 5, 2023, and will continue for as long as necessary to complete the discussion, but not beyond 3:00 p.m. (ET). Time permitting, after the close of this discussion by Advisory Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements should contact the Designated Federal Officer at *NHQJBEA@IRS.GOV* and include the written text or outline of comments they propose to make orally. Such comments will be limited to 10 minutes in length. Persons who wish to attend the public session should contact the Designated Federal Officer at *NHQJBEA@IRS.GOV* to obtain teleconference access instructions. Notifications of intent to make an oral statement or to attend the meeting must be sent electronically to the Designated Federal Officer by no later than December 30, 2022. In addition, any interested person may file a written statement for consideration by the Joint Board and the Advisory Committee by sending it to *NQJBEA@IRS.GOV.*

Dated: December 9, 2022.

Thomas V. Curtin Jr.,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2022–27146 Filed 12–13–22; 8:45 am]

BILLING CODE 4830–01–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Civil Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Civil Rules; Notice of open meeting.

SUMMARY: The Advisory Committee on Civil Rules will hold a meeting in a hybrid format with remote attendance options on March 28, 2023 in West Palm Beach, FL. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *https://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: March 28, 2023.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: December 8, 2022.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2022–27103 Filed 12–13–22; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Bankruptcy Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Bankruptcy Rules; Notice of open meeting.

SUMMARY: The Advisory Committee on Bankruptcy Rules will hold a meeting in a hybrid format with remote attendance options on March 30, 2023 in West Palm Beach, FL. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *https://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: March 30, 2023.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: December 8, 2022.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2022–27102 Filed 12–13–22; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Class Exemption for Plan Asset Transactions Determined by In-House Asset Managers

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before January 13, 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: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Section 408(a) of the Employee Retirement Income Security Act (ERISA) authorizes the Secretary of Labor ''to grant a conditional or unconditional exemption of any fiduciary or class of fiduciaries or transactions, from all or part of the restrictions imposed by section 406 and 407(a).'' Class exemption PTE 96–23, granted on April 10, 1996, permits various parties in interest to employee benefit plans to engage in transactions involving plan assets if, among other requirements, the assets are managed by an in-house asset manager (INHAM). The information collection requirements that are conditions of the PTE include written policies and procedures by an INHAM and audit requirements. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 22, 2022 (87 FR 43897).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: Class Exemption for Plan Asset Transactions Determined by In-House Asset Managers.

OMB Control Number: 1210–0145.

Affected Public: Private Sector—Businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 20.

Total Estimated Number of Responses: 20.

Total Estimated Annual Time Burden: 940 hours.

Total Estimated Annual Other Costs Burden: $400,000.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: December 8, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–27076 Filed 12–13–22; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Statutory Exemption for Cross-Trading of Securities

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before January 13, 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: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Statutory Exemption for Cross-Trading of Securities regulation implements the content requirements for the written cross-trading policies and procedures required under section 408(b)(19)(H) of ERISA, as added by section 611(g) of the Pension Protection Act of 2006 (the PPA). The statutory exemption exempts from the prohibitions of sections 406(a)(1)(A) and 406(b)(2) of ERISA

cross-trading transactions involving the purchase and sale of a security between an account holding assets of a pension plan and any other account managed by the same investment manager, provided that certain conditions are satisfied. The information collection requirements of the regulation are third-party disclosures to plan fiduciaries involving the development and initial disclosure of written policies and procedures pertaining to an investment manager's cross-trading program under the statutory exemption for cross-trading. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 22, 2022 (87 FR 43897).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: Statutory Exemption for Cross-Trading of Securities.

OMB Control Number: 1210–0130.

Affected Public: Private Sector—Businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 271.

Total Estimated Number of Responses: 2,439.

Total Estimated Annual Time Burden: 2,832 hours.

Total Estimated Annual Other Costs Burden: $15,854.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: December 8, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–27075 Filed 12–13–22; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Class Exemption for Certain Transactions Involving Purchase of Securities Where Issuer May Use Proceeds To Reduce or Retire Indebtedness to Parties in Interest

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before January 13, 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: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Section 408(a) of the Employee Retirement Income Security Act (ERISA) authorizes the Secretary of Labor ''to grant a conditional or unconditional exemption of any fiduciary or class of fiduciaries or transactions, from all or part of the restrictions imposed by section 406 and 407(a).'' Class exemption PTE 80–83, granted on November 4, 1980, allows employee benefit plans to purchase securities, which may aid the issuer of the securities to reduce or retire indebtedness to a party in interest. Entities who rely on the exemption are mainly banks that purchase, on behalf of employee benefit plans, securities issued by a corporation indebted to the bank that is a party in interest to the plan. The ICR contains recordkeeping requirement to keep records regarding transactions covered by the exemption that are sufficient to establish that the conditions of the exemption have been met. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 22, 2022 (87 FR 43897).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: Class Exemption for Certain Transactions Involving Purchase of Securities where Issuer May Use Proceeds to Reduce or Retire Indebtedness to Parties in Interest.

OMB Control Number: 1210–0064.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 25.

Total Estimated Number of Responses: 25.

Total Estimated Annual Time Burden: 15 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: December 8, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–27074 Filed 12–13–22; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–22–0026; NARA–2023–011]

Records Schedules; Administrative Correction Notice

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of administrative correction to a records schedule.

SUMMARY: We are making the following administrative correction to DAA–0095–2018–0099 of the U.S. Forest Service for their Equipment Program Development Records. The schedule covers records related to the development and testing of new Forest Service equipment and equipment program administration. An administrative correction addresses errors or oversights to temporary items in an approved records schedule. We are adding a superseded item citation.

DATES: We must receive responses on the schedules listed in this notice by January 30, 2023.

ADDRESSES: You can find the records schedule subject to this proposed administrative correction on the Records Control Schedule page [*https://www.archives.gov/records-mgmt/rcs*].

You may submit comments by the following method:

Federal eRulemaking Portal: https://www.regulations.gov. On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the docket for this notice which has a 'comment' button to submit a comment. For more information on *regulations.gov* and on submitting comments, see their FAQs at *https://www.regulations.gov/faq.*

If you are unable to comment via *regulations.gov*, you may email us at *request.schedule@nara.gov* for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on.

FOR FURTHER INFORMATION CONTACT: Kimberly Richardson, Strategy and Performance Division, by email at *regulation_comments@nara.gov* or by phone at 301–837–2902. For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: An administrative correction is a change to a temporary item on an approved record schedule to address errors or oversights when the records were originally scheduled. This notice applies only to the change described, and not to other portions of the schedule. We invite public comments on this administrative correction, as required by 44 U.S.C. 3303a(a). The submitting agency cannot implement the administrative correction until the comment period ends and NARA approves the change.

This administrative correction should be read in conjunction with the previously approved records schedule, DAA–0095–2018–0099 Item 0001, Department of Agriculture, U.S. Forest Service, Equipment Development Program Records. You can find this schedule on the Records Control Schedule at *https://www.archives.gov/files/records-mgmt/rcs/schedules/departments/department-of-agriculture/rg-0095/daa-0095-2018-0099_sf115.pdf.*

Proposed Change

We are making an administrative correction to Item 0001 Equipment Development Program Records to add a superseded item. Item 0001 was meant to supersede N1–095–10–010, item 157, Equipment Development Program records, which can be found on the Records Control Schedule at *https://www.archives.gov/files/records-mgmt/rcs/schedules/departments/department-of-agriculture/rg-0095/n1-095-10-010_sf115.pdf.* The supersession did not appear in the Portable Document Format (PDF) version of the schedule because of a technical error. This error created an ambiguous disposition. DAA–0095–2018–0099–0001 will now supersede N1–095–10–010 item 157. Both the 2018 item and the superseded item have temporary dispositions, and the retention period is the same.

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2022–27090 Filed 12–13–22; 8:45 am]

BILLING CODE 7515–01–P

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Notice of Establishment of the National Intelligence University (NIU) Board of Visitors (BoV)

AGENCY: Office of the Director of National Intelligence (ODNI).

ACTION: Notice.

SUMMARY: The ODNI, announces the establishment of the NIU BoV by the Director of National Intelligence (DNI). The BoV will provide the DNI with independent advice and recommendations on matters concerning the NIU. Duration of this Board is for two years unless renewed by the DNI.

DATES: The proposed NIU BoV Charter will be filed on December 26, 2022 unless comments are received that result in a contrary determination.

FOR FURTHER INFORMATION CONTACT: Executive Vice President, NIU, ODNI, Patricia Larsen, 301–243–2121, *excom@odni.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Authority

Pursuant to 50 U.S.C. 3227c, 41 CFR part 102–3, and the Federal Advisory Committee Act of 1972 (5 U.S.C. appendix, as amended), the ODNI, announces the establishment of the NIU BoV by the Director of National Intelligence (DNI).

The NIU is the Intelligence Community's (IC) sole accredited, federal degree-granting institution. Cleared government students, representing a mixture from federal agencies and all branches of the United States Armed Services, come to NIU to gain knowledge, drive debate, participate in collaborative learning and information sharing, and engage in research concerning intelligence and national security topics in a classified setting. Previously, NIU was part of the Defense Intelligence Agency (DIA). However, Congress subsequently mandated that the DNI and the Secretary of Defense work together to transition the NIU from the DIA and into the ODNI. See Section 5324(b)(l) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 (Pub. L. 116–92).

The NIU BoV shall provide the DNI independent advice and recommendations on NIU matters, including, but not limited to, mission, policy, accreditation, faculty, students, facilities, curricula, educational methods, research, and administration. The BoV fulfills a key element of the NIU's accreditation in ensuring that its primary purpose is educational and that it operates as an academic institution with appropriate autonomy. As such, its functions cannot be performed by the ODNI, another existing committee, or other means.

The NIU BoV is essential to the NIU's administration and continued accreditation. As the IC's sole degree-granting institution, NIU is the leading institution for intelligence education, in-depth research, and interagency engagement. NIU's continued service to the national security community, under BoV guidance, is in the public interest.

II. Structure

The Board shall consist of up to 12 members, including the Chair. Members

are appointed to provide advice on the basis of their best judgment without representing any particular points of view and in a manner that is free from conflict of interest.

The members and chair shall possess extensive professional experience in the fields of national intelligence, national defense, or academia.

As necessary, subordinate subcommittees may be established with the approval of the DNI or designee to perform specific functions within the Board's purview.

Members shall be invited to serve for consecutive terms of one year, for a total not to exceed six years.

Meetings shall be held a minimum of two times per year at the call of the Designated Federal Official or designee who shall approve the agenda and shall be present at all meetings.

III. Compensation

NIU BoV members who are not Regular Government Employees (RGE) will not be paid salaries, wages, or compensation attributable to their services. If necessary and if requested, members may be reimbursed for travel and daily expenses incurred in connection with their service in accordance with the Federal Travel Regulations. Participating RGEs will continue to receive their government salary and may receive government per diem and travel allowances for any applicable NIU BOV-related work.

Dated: December 7, 2022.

Robert A. Newton,

Deputy Chief Operating Officer.

[FR Doc. 2022–27045 Filed 12–13–22; 8:45 am]

BILLING CODE 3910–A79–P–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request.

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to establish this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting Office of Management and Budget (OMB) clearance of this collection for no longer than 3 years.

DATES: Written comments on this notice must be received by February 13, 2023 to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to address below.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite E7400, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: National Science Foundation (NSF) Directorate for Technology, Innovation and Partnerships (TIP) Reviewer Request Form.

OMB Control No.: 3145–New.

Expiration Date of Approval: Not applicable.

Abstract: NSF has advanced the full spectrum of fundamental research and education in all fields of science, technology, engineering and mathematics, or STEM, for more than 70 years—from foundational, curiosity-driven research that has led to new knowledge about our world, to use-inspired, solution-oriented research that has directly impacted people's everyday lives. At every stage, investments across this spectrum have been deeply intertwined.

NSF's Directorate for Technology, Innovation, and Partnerships (TIP) doubles down on the agency's commitment to support use-inspired research and the translation of research results to the market and society. In doing so, the new directorate strengthens the intense interplay between foundational and use-inspired work, enhancing the full cycle of discovery and innovation. This is best illustrated through the programs within the TIP Directorate portfolio—America's Seed Fund, Convergence Accelerator, Innovation Corps (I-Corps), Partnerships for Innovation, Pathways to Enable Open-Source Ecosystems, and Regional Innovation Engines—all reflect and represent the various phases of the technology transition/translation spectrum, while accentuating the core theme of use-inspired and solution-oriented research.

Due to the specialized nature of these programs, it is necessary for the TIP Directorate to refine its reviewer recruitment efforts and reach out to individuals that have the adequate and appropriate combinations of expertise and experience to serve as proposal reviewers for these programs. To recruit cognizant reviewers that have the set of unique skills and credentials—ones that meet and align well with the needs of these programs, the NSF TIP Directorate requests the Office of Management and Budget (OMB) approval of a customizable, directorate-wide *Reviewer Request Form* to collect information that is germane and bespoke to each program within the TIP Directorate.

There are two parts to the Form. The first part is similar to the agency-wide Reviewer Request Form (NSF 428A), in that information pertaining to the individual's name, contact information, demographics, education level, and professional experience will be asked. The second part will vary based on the program, as some programs in TIP are more topically-driven, and/or theme-focused than others. The information collected on the second part encompasses, but is not limited to, the following areas: type of employing institutions, areas of expertise, provision of the individual's LinkedIn or professional web page, and potential conflict of interests. Such data collection will enable the Program Directors to better assess whether the combination of experience, expertise, and skills of the interested individuals are adequate and well-suited to help the programs to evaluate proposals through the merit review criteria as set forth by the agency and the National Science Board. (For more information on NSF merit review principles and criteria, please consult the NSF Proposal & Award Policies & Procedures Guides (PAPPG), Chapter III.A.)

Following standard OMB requirements, NSF will require OMB approval in advance and provide OMB with a copy of the form containing these questions and/or data fields. Data collected will be used strictly for reviewer recruiting purposes. The data collection burden to the individuals will be limited to no more than 10 minutes of the respondents' time in each instance.

Respondents: The respondents generally have the education and/or experience level commensurate to a university assistant professor.

Estimated Number of Annual Respondents: 3,500.

Burden on the Public: The overall annualized cost to the respondents is estimated to be $25,718. The following table shows the annualized estimate of costs to the respondents who generally have the education and/or experience level commensurate to university assistant professors. This estimated hourly rate is based on a report from the American Association of University

Professors, ''Annual Report on the Economic Status of the Profession, 2020–21,'' *Academe,* March–April 2021, Survey Report Table 1. According to this report, the average salary of an assistant professor across all types of doctoral-granting institutions was $91,408. When divided by the number of standard annual work hours (2,080), this calculates to approximately $44 per hour.

Respondent type	Number of respondents	Burden hours per respondent	Average hourly rate	Estimated annual cost
PIs	3500	0.167	$44	$25,718
Total				25,718

Dated: December 8, 2022.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2022–27036 Filed 12–13–22; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; 2023 National Survey of College Graduates

AGENCY: National Center for Science and Engineering Statistics, National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Center for Science and Engineering Statistics (NCSES) within the National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register** and two comments were received. NCSES is forwarding the proposed information collection to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAmain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays). Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

Comments: Comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the NSF, including whether the information shall have practical utility; (b) the accuracy of the NSF's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, use, and clarity of the information on respondents; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to the points of contact in the **FOR FURTHER INFORMATION CONTACT** section.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Comments: As required by 5 CFR 1320.8(d), comments on the information collection activities as part of this study were solicited through the publication of a 60-day notice in the **Federal Register** on 4 May 2022, at 87 FR 26375. We received two comments. The nature of each comment and our responses are summarized below.

Comment: On 4 May 2022, Dr. Andrew Reamer of George Washington University sent an email to NSF on behalf of the American Economic Association and the Industry Studies Association. He requested the draft information collection request (ICR) materials for the 2023 NSCG.

Response: NSF responded to Dr. Reamer on 13 May 2022, explaining that the 2023 NSCG ICR materials were in the process of being prepared and that the NSCG would be largely unchanged from its 2021 design, except that all the COVID-related items would be removed from the questionnaire such that the content would be returned to what it was in 2019.

Comment: On 24 June 2022, Dr. Jacqueline Robinson-Hamm sent an email to NSF on behalf of Dr. Patricia Morris, President of the Federation of American Societies for Experimental Biology (FASEB). FASEB recommended that the National Center for Science and Engineering Statistics (NCSES) expand its efforts to collect sexual orientation and gender identity (SOGI) data via its workforce surveys.

Response: NSF responded to Drs. Morris and Robinson-Hamm on 4 August 2022, informing them that NCSES continues to take a measured approach to adding SOGI questions to its surveys, to appropriately balance data quality, respondent burden, confidentiality, and data user needs, and directing them to an FAQ on the NCSES website (here).

Title of Collection: 2023 National Survey of College Graduates.

OMB Control Number: 3145–0141.

Summary of Collection: The National Survey of College Graduates (NSCG) has been conducted biennially since the 1970s. The 2023 NSCG sample will be selected from the 2021 American Community Survey (ACS) and the 2021 NSCG, providing coverage of the college graduate population residing in the United States. The purpose of this repeated cross-sectional survey is to collect data that will be used to provide national estimates on the science and engineering workforce and changes in their employment, education, and demographic characteristics.

The National Science Foundation Act of 1950, as subsequently amended, includes a statutory charge to ''. . . provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources, and to provide a source of information for policy formulation by other agencies of the Federal Government.'' The NSCG is designed to comply with these mandates by providing information on the supply and utilization of the nation's scientists and engineers.

The U.S. Census Bureau, as in the past, will conduct the NSCG for NSF. The survey data collection will begin in March 2023 using web and mail questionnaires. Nonrespondents to the web or mail questionnaire will be followed up by computer-assisted telephone interviewing. The individual's response to the survey is voluntary. The survey will be conducted in conformance with Census Bureau statistical quality standards and, as such, the NSCG data will be afforded protection under the applicable Census Bureau confidentiality statutes.

Use of the Information: NSF uses the information from the NSCG to prepare congressionally mandated reports such as Women, Minorities and Persons with Disabilities in Science and Engineering and Science and Engineering Indicators. A public release file of collected data, designed to protect respondent confidentiality, will be made available to researchers on the internet.

Expected Respondents: A statistical sample of approximately 166,000 persons will be contacted in 2023. NSF estimates the 2023 NSCG response rate to be 65 to 75 percent.

Estimate of Burden: The amount of time to complete the questionnaire may vary depending on an individual's circumstances; however, on average it will take approximately 25 minutes to complete the survey. NSF estimates that the average annual burden for the 2023 NSCG over the course of the three-year OMB clearance period will be no more than 17,292 hours [(166,000 sample persons × 75% response × 25 minutes)/ 3 years].

Dated: December 8, 2022.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2022–27035 Filed 12–13–22; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–27; NRC–2022–0050]

Pacific Gas and Electric Company; Humboldt Bay Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application and exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing License Amendment No. 5 to Special Nuclear Materials (SNM) License No. SNM–2514 for the Humboldt Bay Independent Spent Fuel Storage Installation (ISFSI), located in Humboldt County, California, and is granting an exemption that would relieve Pacific Gas and Electric Company (PG&E, the licensee) from the requirement to submit annual effluent monitoring reports for the Humboldt Bay ISFSI. The requested amendment proposes to delete and make administrative changes to certain license conditions, revise certain technical specifications that are no longer applicable to the Humboldt Bay ISFSI, and add a new administrative technical specification concerning the processing of administrative changes to Humboldt Bay ISFSI's quality assurance program. The amendment also removes license condition 18, which requires the licensee to update its final safety analysis report within 90 days of the NRC issuing a renewed license.

DATES: The amendment and exemption were issued on October 11, 2022.

ADDRESSES: Please refer to Docket ID NRC–2022–0050 when contacting the NRC about the availability of information regarding this action. You may obtain publicly available information related to this action using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0050. 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 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:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Donald Habib, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–1035, email: *Donald.Habib@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. License Amendment

By letter dated December 14, 2021 (ADAMS Accession No. ML21348A389), the NRC received an application from PG&E, the licensee of the Humboldt Bay ISFSI, to amend License No. SNM–2514, which authorizes the receipt, possession, storage, and transfer of spent fuel, reactor-related greater than Class C waste, and other greater than Class C radioactive materials at the Humboldt Bay ISFSI. The requested amendment incorporates the following changes to the license:

1. Makes administrative changes to license conditions that reference Humboldt Bay Power Plant.

2. Deletes license conditions that are complete, no longer applicable, or restate NRC regulations.

3. Revises technical specifications to remove Humboldt Bay Power Plant systems, structures, components, and activities that are no longer applicable.

4. Adds a new administrative technical specification for processing administrative changes to the Humboldt Bay ISFSI Quality Assurance Program.

An administrative completeness review found the application acceptable for a technical review (ADAMS Accession No. ML22027A468). In accordance with section 72.16 of title 10 of the *Code of Federal Regulations* (10 CFR), a notice of docketing was published in the **Federal Register** on March 8, 2022 (87 FR 13011). The notice of docketing included an opportunity to request a hearing and to petition for

leave to intervene. No requests for a hearing or petitions for leave to intervene were submitted. In a letter to PG&E dated February 3, 2022, the NRC notified PG&E that the application was acceptable to begin a technical review.

In addition to the changes proposed in PG&E's license amendment request, the NRC staff considered in its evaluation removal from the license of condition 18, which requires the licensee to incorporate certain changes in its final safety analysis report within 90 days of the NRC issuing a renewed license.

The NRC staff prepared a safety evaluation report (SER) (ADAMS Accession No. ML22214A119) to document its review and evaluation of the amendment request. As part of the review, the NRC staff determined that condition 18 could be removed from the license because the actions required under the condition had been completed by the licensee.

The NRC also determined that one of the changes requested in PG&E's application required exemption from NRC regulations. The staff's evaluation of the exemption is discussed as follows.

As further explained in the SER, the NRC determined that the license amendment is administrative in nature, and therefore satisfies the 10 CFR 51.22(c)(11) criteria for a categorical exclusion from the requirement to prepare an environmental impact statement. Under 10 CFR 51.22(c)(11), this action is eligible for categorical exclusion, because it is an amendment to a materials license that is administrative, organizational, or procedural in nature, or which results in a change in process operations or equipment, provided that (i) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, (ii) there is no significant increase in individual or cumulative occupational radiation exposure, (iii) there is no significant construction impact, and (iv) there is no significant increase in the potential for or consequences from radiological accidents. This administrative change would not result in any of the effects listed in 10 CFR 51.22(c)(11). Consequently, an environmental assessment and finding of no significant impact are not required.

Upon completing its review, the NRC staff determined that the request complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), as well as the NRC's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, that are set forth in the license amendment. The NRC approved and issued Amendment No. 5 to License No. SNM–2514 for the receipt, possession, transfer, and storage of spent fuel and associated radioactive materials at the Humboldt Bay ISFSI (ADAMS Package Accession No. ML22214A115). Pursuant to 10 CFR 72.46(d), the NRC is providing notice of the action taken. Amendment No. 5 was effective as of the date of issuance.

II. Exemption

Pursuant to 10 CFR 72.7, the Commission may, upon application by any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations of 10 CFR part 72 as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

Under 10 CFR 72.44(d)(3), the licensee for an ISFSI is required to submit an annual report to NRC specifying the quantities of radionuclides released in gaseous and liquid and gaseous effluents during the previous year. Among the license changes included in Amendment No. 5 is a revision to technical specification 5.1.2 a. stating that there are no radioactive gaseous or liquid effluents released from the Humboldt Bay ISFSI during operation, a radioactive effluent monitoring system is not required, routine monitoring for effluents is not performed, and the licensee is exempted from the reporting requirements of 10 CFR 72.44(d)(3). The staff determined that this change required an exemption from 10 CFR 72.44(d)(3) and evaluated the exemption in accordance with the requirements of 10 CFR 72.7. Reproduced in this notice is the NRC's evaluation from the SER of the exemption granted to PG&E for the Humboldt Bay ISFSI with minor edits.

Pursuant to 10 CFR 72.7, the Commission may, upon application by any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in 10 CFR part 72 as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. As discussed in section 3.1.2.4.1 of [the] SER, the staff determined that revising Technical Specification 5.1.2.a to state that the effluent reporting requirements of 10 CFR 72.44(d)(3) do not apply to the Humboldt Bay ISFSI would require that NRC grant an exemption from 72.44(d)(3). Therefore, the staff evaluated the exemption to determine whether the granting of this exemption would meet the criteria specified in 10 CFR 72.7.

Section 72.44(d)(3) of 10 CFR requires:

An annual report be submitted to the Commission in accordance with 10 CFR 72.4, specifying the quantity of each of the principal radionuclides released to the environment in liquid and in gaseous effluents during the previous 12 months of operation and such other information as may be required by the Commission to estimate maximum potential radiation dose commitment to the public resulting from effluent releases. On the basis of this report and any additional information that the Commission may obtain from the licensee or others, the Commission may from time to time require the licensee to take such action as the Commission deems appropriate. The report must be submitted within 60 days after the end of the 12-month monitoring period.

Authorized by Law

The Commission has the legal authority to issue exemptions from the requirements of 10 CFR part 72 as provided in 10 CFR 72.7. The NRC staff has determined that issuance of this exemption is consistent with the Act, and not otherwise inconsistent with NRC regulations or other applicable laws. Therefore, issuance of the exemption is authorized by law.

Will Not Endanger Life or Property or the Common Defense and Security

Granting the exemption would relieve PG&E of the requirement to submit annual radiological effluent monitoring reports for the Humboldt Bay ISFSI. Under its current license and [updated final safety analysis report], the Humboldt Bay ISFSI does not release effluents to the environment and PG&E does not conduct effluent monitoring. Therefore, there is no monitoring data to be submitted to the NRC in an annual effluent monitoring report. The change does not alter or impede the design, function, or operation of any ISFSI structure, system, or component associated with the facility's security and, therefore, does not affect any ISFSI equipment that is necessary to maintain a safe and secure status. In addition, the change has no impact on ISFSI security or safeguards. Not submitting an annual radiological effluent monitoring report, therefore, will not endanger life or property or the common defense and security.

Separate from the radiological effluent monitoring report required under 10

CFR 72.44(d)(3), PG&E currently conducts thermoluminescent dosimeter monitoring for the site and reports this monitoring data to the NRC in an annual radiological environmental monitoring report. PG&E submits these reports to demonstrate that it meets the requirements of 10 CFR 72.104, ''Criteria for radioactive materials in effluents and direct radiation from an ISFSI or MRS.'' PG&E has recently submitted these reports on March 8, 2022, February 18, 2021, March 5, 2020, March 14, 2019, and April 26, 2018. In issuing this exemption, the NRC is not relieving PG&E of the requirements related to the thermoluminescent dosimeter monitoring under 10 CFR 72.104.

Otherwise in the Public Interest

Granting the exemption would relieve PG&E of the requirement to submit annual radiological effluent monitoring reports for the Humboldt Bay ISFSI. Because the Humboldt Bay ISFSI emits no effluents and conducts no effluent monitoring, submitting the annual effluent monitoring report imposes an administrative burden without providing a commensurate benefit to public health and safety or the environment. Relieving PG&E of the annual effluent monitoring report requirement would therefore be in the public interest because it would reduce the administrative burden on PG&E in making the report to the NRC, which would preserve NRC staff resources because NRC will no longer have to receive, review, or inspect to the report that is not necessary for this facility. The NRC finds that the relief given would not impact public health and safety or the environment.

Accordingly, PG&E's proposed Technical Specification 5.1.2 a. is further revised by the NRC staff the following to reflect the issued exemption:

5.1.2 Radioactive Effluent Control Program

a. This program is established and maintained to implement the requirements of 10 CFR 72.44(d) or 72.126, as appropriate. There are no radioactive gaseous or liquid effluents released from the Humboldt Bay ISFSI during operation. Therefore, a radioactive effluent monitoring system is not required, routine monitoring for effluents is not performed, and the licensee is exempted from the reporting requirements under of 10 CFR 72.44(d)(3).

The NRC's environmental evaluation of the exemption from the SER is reproduced as follows:

The exemption of the annual reporting requirements under 10 CFR 72.44(d)(3) to the Humboldt Bay ISFSI License No. SNM–2514 would not significantly change the types or significantly increase the amounts of any effluents that may be released offsite. In addition, the staff determined that there is no significant increase in individual or cumulative occupational radiation exposure. Further, the proposed change does not involve construction of any kind, and therefore there is no significant construction impact. The exemption does not involve an increase in the potential for consequences from radiological accidents and the total offsite doses remain below the 10 CFR 72.104 limits and are considered acceptable. Accordingly, the exemption meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(11) and, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the exemption.

III. Conclusion

Using the reasons set forth in the safety evaluation, the staff issued an exemption and granted the license amendment request on October 11, 2022 (ADAMS Package Accession No. ML22214A115).

Dated: December 9, 2022.

For the Nuclear Regulatory Commission.

Bernard H. White,

Acting Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2022–27093 Filed 12–13–22; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2020–192; CP2020–202; CP2023–75]

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:* December 16, 2022.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and

[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).

39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2020–192; *Filing Title:* Notice of the United States Postal Service of Filing Modification Two to International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service with Reseller Contract 2 Negotiated Service Agreement; *Filing Acceptance Date:* December 8, 2022; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Jennaca D. Upperman; *Comments Due:* December 16, 2022.

2. *Docket No(s).:* CP2020–202; *Filing Title:* Notice of the United States Postal Service of Filing Modification Two to International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 9 Negotiated Service Agreement; *Filing Acceptance Date:* December 8, 2022; *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:* December 16, 2022.

3. *Docket No(s).:* CP2023–75; *Filing Title:* Notice of United States Postal Service of Filing Functionally Equivalent Inbound Competitive Multi-Service Agreement with Foreign Postal Operator—FY23–2; *Filing Acceptance Date:* December 7, 2022; *Filing Authority:* 39 U.S.C. 3633, 39 CFR 3035.105, and Docket Nos. MC2010–34 and CP2010–95, Order Adding Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 to the Competitive Product List and Approving Included Agreement, September 29, 2010 (Order No. 546); *Public Representative:* Katalin K. Clendenin; *Comments Due:* December 16, 2022.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2022–27120 Filed 12–13–22; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–96468; File No. SR–LCH SA–2022–007]

Self-Regulatory Organizations; LCH SA; Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 2, Relating to Providing Clearing Services for Additional Index and Single Name Credit Default Swaps

December 8, 2022.

I. Introduction

On August 29, 2022, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4,[2] a proposed rule change to provide clearing services for the iTraxx Asia ex Japan Index, the Markit CDX Emerging Markets (''CDX.EM'') Index and the single name credit default swaps (''CDS'') that comprise each index, as well as a list of additional sovereign single name CDS which do not constitute an index (together, the ''New Products''). The proposed rule change was published for comment in the **Federal Register** on September 12, 2022.[3] On October 25, 2022, the Commission designated a longer period within which to take action on the proposed rule change, until December 11, 2022.[4] The Commission did not receive comments regarding the proposed rule change. On December 2, 2022, LCH SA filed Amendment No. 1 to the proposed rule change. On December 7, 2022, LCH SA filed Amendment No. 2 to the proposed rule change, which replaced and superseded in their entirety both the original filing and Amendment No. 1.[5] The Commission is publishing this notice to solicit comments on Amendment No. 2 from interested persons and is approving the proposed rule change, as modified by Amendment No. 2 (hereinafter, ''proposed rule change''), on an accelerated basis.

II. Description of the Proposed Rule Change

To accommodate clearing of the New Products, the proposed rule change would amend (A) the CDS Clearing Supplement (the ''Clearing Supplement''); (B) the Methodology Services Reference Guide: Credit Default Swap Margin Framework (''CDSClear Risk Methodology''); and (C) the CDS Default Fund Methodology (Guide Stress Testing) (''CDSClear Default Fund Methodology'').

Unrelated to clearing of the New Products, the proposed rule change also would make two other amendments to the Clearing Supplement and would make a correction to Section 2 of the LCH SA CDS Clearing Procedures (*Margin, NPV Payment and Price Alignment*) (the ''CDS Clearing Procedures'').[6]

A. Clearing Supplement

The proposed rule change would amend certain defined terms in the Clearing Supplement and amend the Index Cleared Transaction Confirmation to accommodate clearing of the New Products. The proposed rule change also would amend Section 4, which relates to certain events affecting reference entities, and Section 6, which relates to physical settlement, to apply to the New Products.

With respect to defined terms, the proposed amendments would take into account the New Products. For example, the proposed rule change would revise the definitions of ''Compression Cut-off Date'' and ''Novation Cut-off Date'' to include two additional credit events. These credit events are the ''Obligation Acceleration Credit Event'' and the ''Repudiation/Moratorium Credit Event.'' While both of these Credit Events are standard for the 2014 Credit Derivatives Definitions published by the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change Relating to Providing Clearing Services for Additional Index and Single Name CDS, Exchange Act Release No. 95674 (Sep. 6, 2022); 87 FR 55872 (Sep. 12, 2022) (SR–LCH SA–2022–007) (''Notice'').

[4] Self-Regulatory Organizations; LCH SA; Notice of Designation of Longer Period for Commission Action on Proposed Rule Relating To Providing Clearing Services for Additional Index and Single Name CDS, Exchange Act Release No. 96148 (Oct. 25, 2022); 87 FR 65629 (Oct. 31, 2022) (SR–LCH SA–2022–007).

[5] Amendment No. 2 amends confidential Exhibit 5C, LCH SA Methodology Services Reference Guide: CDS Margin Framework (V3.14), to correct a non-substantive formatting error. Amendment No. 2 also submits three exhibits to the proposed rule change, each as an Exhibit 3. In a separate correspondence that accompanied Amendment No. 2, LCH SA requested confidential treatment for these exhibits (together, ''Confidential Exhibit 3''). Confidential Exhibit 3 reproduces certain information that LCH SA submitted to the Commission in support of the proposed rule change.

[6] This description is substantially excerpted from the Notice, 87 FR at 55872. Capitalized terms used but not defined herein have the meanings specified in the LCH SA CDS Clearing Rule Book, Clearing Supplement, CDSClear Risk Methodology, CDSClear Default Fund Methodology, or the CDS Clearing Procedures, as applicable.

International Swaps and Derivatives Association (''ISDA''), they do not apply to any of the products that LCH SA currently clears. These Credit Events do apply to certain sovereign CDS that are included in the New Products, however, so the proposed rule change would add these Credit Events to accommodate clearing of these products.

For a similar reason, the proposed rule change would amend the term ''Transaction Business Day.'' Currently, ''Transaction Business Day'' means a Business Day, as defined in the Index Cleared Transaction Confirmation or the Single Name Cleared Transaction Confirmation, as applicable. The proposed rule change would add to this definition a qualification. If the relevant Index Cleared Transaction Confirmation or Single Name Cleared Transaction Confirmation defines such term differently depending upon its use, then such distinction shall also apply to the use of the term ''Transaction Business Day'' in the terms of the cleared transaction. The proposed rule change would add this provision to account for the situation where such confirmations could include different definitions of the term ''Business Day'' depending on the circumstances. This would apply, for example, when LCH SA clears certain of the New Products related to the iTraxx Asia ex Japan index.

The proposed rule change would amend the definition of ''Index Cleared Transaction Confirmation'' as well as how LCH SA modifies the Index Cleared Transaction Confirmation when it accepts a transaction for clearing. The Index Cleared Transaction Confirmation is the document that sets out the contractual terms that govern a transaction in an index CDS. The Index Cleared Transaction Confirmation in turn incorporates certain standard terms set out in a document known as a standard terms supplement, and the content of the standard terms supplement varies depending on the type of index involved and the series number of the index.

In LCH SA's Clearing Supplement, the defined term ''Index Cleared Transaction Confirmation'' determines which standard terms supplement applies to a transaction based on the index type and series number. For example, for a transaction in Markit iTraxx® Europe Index Series 22 or above, the Index Cleared Transaction Confirmation is the form of confirmation that incorporates the iTraxx® Europe Untranched Standard Terms Supplement. The proposed rule change would amend the definition of ''Index Cleared Transaction Confirmation'' to accommodate clearing of the iTraxx Asia ex Japan Index and the CDX.EM Index. For transactions in the iTraxx Asia ex Japan Index Series 27 or above, the Index Cleared Transaction Confirmation would be the form of confirmation that incorporates the iTraxx® Asia/Pacific Untranched Standard Terms Supplement. For transactions in the CDX.EM Index Series 27 or above, the Index Cleared Transaction Confirmation would be the form of confirmation that incorporates the CDX Emerging Markets Untranched Transactions Standard Terms Supplement.

The Clearing Supplement also modifies the terms of the standard terms supplement in certain minor respects. For example, Section 2.2 of the Clearing Supplement replaces the standard names for parties to the transaction (''Party A'' and ''Party B'') with ''LCH SA'' and ''Clearing Member.'' The proposed rule change would amend Section 2.2 to make it applicable to the clearing of the New Products. The proposed rule change would do so by adding to Section 2.2 references to the iTraxx Asia ex Japan Index and the CDX.EM Index.

The proposed rule change would next amend Section 4. Section 4 applies to certain events that affect the reference entity covered by a CDS, such as a credit event, a succession, or a rename. Section 4.1 prohibits LCH SA and a Clearing Member from sending certain notices during restructurings following such events. Specifically, the proposed rule change would add a ''Repudiation/Moratorium Extension Notice'' to the types of notices that neither LCH SA nor a clearing member is entitled to deliver with regard to an M(M)R Restructuring in accordance with the terms of any Restructuring Cleared Transaction. While these types of notices do not apply to any of the products that LCH SA currently clears, they do apply to certain sovereign CDS that are included in the New Products. Accordingly, the proposed rule change would add these notices to accommodate clearing of these products.

The proposed rule change also would amend Section 6. Section 6 describes how LCH SA would implement physical settlement, which could apply as a fallback method to certain cleared transactions. Section 6.5 sets out details related to providing notices related to physical settlement. The proposed rule change would add to Section 6.5 a ''Package Observable Bond'' to the types of asset packages that can be identified in a Notice of Physical Settlement (''NOPS'') or a NOPS Amendment Notice. While the Package Observable Bond does not apply to any of the products that LCH SA currently clears, it does apply to certain sovereign CDS that are included in the New Products. Accordingly, the proposed rule change would add the Package Observable Bond to Section 6.5 to accommodate clearing of these products.[7]

Finally, and for a similar reason, the proposed rule would add to Section 6.8 a new subsection (c). New Section 6.8(c) would clarify the application of the ''60 Business Day Cap on Settlement'' under the ISDA 2014 Credit Derivatives Definitions. This provision would be relevant to transactions in the CDX.EM Index. Accordingly, the proposed rule change would add these notices to accommodate clearing of this product.[8]

B. CDSClear Risk Methodology

The CDSClear Risk Methodology describes LCH SA's pricing and margin methodologies for single-name CDS, CDS indices, and CDS Index Options. Section 3.4.5 of the CDSClear Risk Methodology describes portfolio margining, which is a reduction in overall margin that results from a Clearing Member holding offsetting positions in its portfolio. European Union regulations applicable to LCH SA limit how much LCH SA can reduce overall margin due to portfolio margining. There is an exception to this limitation for an index basis package, which is a term that describes a Clearing Member portfolio containing an index and a basket of single-name constituents of the index that perfectly offsets the position in the index. Section 3.4.5 lists various combinations of products that together can constitute an index basis package. The proposed rule change would update this list to include the iTraxx Asia ex Japan Index and its single-name constituents, as well as the CDX.EM Index and its single-name constituents.

Section 3.5 of the CDSClear Risk Methodology describes the Short Charge aspect of margin. The Short Charge covers the cost of liquidating a defaulting Clearing Member's portfolio where one or more of the reference entities in the portfolio has gone into default. Section 3.5 begins with a

[7] For the same reason, the proposed rule change would make a similar amendment to Section 5 of Appendix XIII of Part B of the Clearing Supplement. Appendix XIII of Part B of the Clearing Supplement sets out the terms of transactions between a Clearing Member and its Client with respect to client clearing.

[8] For the same reason, the proposed rule change would make a similar amendment to Sections 7.8 and 7.18 of Appendix XIII of Part B of the Clearing Supplement. Appendix XIII of Part B of the Clearing Supplement sets out the terms of transactions between a Clearing Member and its Client with respect to client clearing.

general description of the Short Charge and notes that in determining the Short Charge, LCH SA considers the worst consecutive defaults within the applicable holding periods for all eligible products across Europe and the US. The proposed rule change would add ''Asia'', in addition to Europe and the US, to account for the iTraxx Asia ex Japan Index and related single-name constituents.

As part of the Short Charge, LCH SA considers the recovery rate, which is used to calculate an estimate of the amount that could be recovered in a default. Section 3.5.1 lists recovery rates for categories of reference entities, like insurers and banks. The proposed rule change would add a recovery rate for state-owned enterprises. This change would account for the additional sovereign single names that LCH SA will clear as part of the new products. Relatedly, the proposed rule change would add a new Section 3.5.2 [9] to explain how LCH SA would treat a Clearing Member's positions in a state-owned enterprise and its sovereign entity. If those positions are not risk reducing, and the sovereign entity owns more than 50% of the state-owned enterprise, then LCH SA would default the two entities jointly. New Section 3.5.2 also would explain that LCH SA would calculate exposures for state-owned enterprises with a fixed 70% recovery rate.

Section 3.8 of the CDSClear Risk Methodology describes the Wrong Way Risk aspect of margin. Wrong Way Risk accounts for the risk that exposure to a given counterparty increases when that counterparty defaults. This could occur, for example, when a Clearing Member sells protection on a CDS index of which it is a constituent. LCH SA calculates Wrong Way Risk by, among other things, considering the risk in certain geographic regions because historical data shows correlations among defaults in these regions. The proposed rule change would expand these regions to include Asia, to account for the iTraxx Asia ex Japan Index and related single-name constituents.

Section 4.1 of the CDSClear Risk Methodology describes the Liquidity and Concentration Charge aspect of margin. The Liquidity and Concentration Charge covers the cost of liquidating a defaulting Clearing Member's portfolio that contains a very concentrated or illiquid position. To estimate this cost, LCH SA mimics the liquidation procedure used in its default management process. The first step in this process is to macro-hedge a portfolio to reduce the impact of market risk. As part of the macro-hedge, LCH SA divides portfolios into separate indices and their components. Section 4.1.2 lists these different indices, which are the indices that LCH SA clears. Thus, the proposed rule change would add to this list in Section 4.1.2 the iTraxx Asia ex Japan Index and CDX.EM Index. Moreover, the proposed rule change would move from Section 4.1.2 to Section 4.1.1 language to note that the liquidation cost of a sub-portfolio composed of a single year position in the principal on the run index is simply the sum of the macro hedging costs, and add to Section 4.1.1 a note that single names without a parent index are considered a sub-portfolio for which LCH SA charges the cost of unwinding a non-hedged sub-portfolio.

Finally, in Section 4.1.7 the proposed rule change would make certain updates related to clearing the New Products. Specifically, the proposed rule change would update the existing thresholds and include more cleared indexes in the table for volume thresholds. The proposed rule change also would add a dedicated liquidity grid for sovereign single names.

C. CDSClear Default Fund Methodology

The CDSClear Default Fund Methodology describes how, during extreme but plausible circumstances, LCH ensures its financial resources are enough to cover the potential losses from a close-out of the largest two groups of members' portfolios and all clients of both of these groups of members. Section 2 of the CDSClear Default Fund Methodology describes the stress-testing framework that LCH SA uses to assess the potential impact of the default of one or more clearing members under stressed market conditions in excess of the initial margin that LCH SA has collected for those clearing members. This stress testing aims to identify a total stress test loss over initial margin under extreme but plausible scenarios. Section 2.2 provides an overview of how LCH treats single-name CDS and CDS indices in these extreme but plausible scenarios. The proposed rule change would amend this description to include the iTraxx Asia ex Japan Index and CDX.EM Index, as well as the iTraxx Australia Indices.[10]

Moreover, one component of the stress test loss over initial margin is the stressed short charge, which considers the jump to default risk under stress conditions. With respect to the sovereign single names that LCH SA will clear, the proposed rule change would amend Sections 2.4.1 and 2.4.2 to describe how LCH SA would add State-Owned Entities' exposures to the stressed short charge. The proposed rule change also would amend Sections 2.4.3 and 2.7.2 to describe the same with mathematical formulas instead of with plain text.

Finally, in Section 2.6, which discusses how LCH SA treats index options in default scenarios, the proposed rule change would add a description of how LCH SA would consider the stressed short charge for sovereigns.

D. Unrelated Changes

Unrelated to clearing the New Products, the proposed rule change would make two other amendments to the Clearing Supplement. First, the proposed rule change would modify Section 2.2 to provide an additional term for each Index Cleared Transaction Confirmation. This new term would specify that the applicable Physical Settlement Matrix is the version of the Physical Settlement Matrix that is in force on the Clearing Day on which the Index Cleared Transaction is registered by LCH SA. LCH explains that this amendment would ensure that the Additional Provisions for Certain Russian Entities published by ISDA on March 25, 2022 will apply to the relevant cleared trades.[11]

Next, the proposed rule change would make a correction in Section 7 of Appendix XIII of Part B of the Clearing Supplement. Appendix XIII of Part B sets out the terms of transactions between a Clearing Member and its Client. The proposed rule change would remove from Section 7.15 and Section 7.17 of Appendix XIII the phrase ''for the purposes of the Matched Contracts of the related Settlement Matched Pair.'' This phrase is applicable to transactions

[9] LCH would move the contents of current Section 3.5.2 to a new Section 3.5.3.

[10] Although LCH SA added clearing of the iTraxx Australia Indices in a prior rule change, that prior rule change did not add the iTraxx Australia Indices to this description. Thus, the proposed rule change would correct this error and add the iTraxx Australia Indices to Section 2.2. *See* Notice, 87 FR at 55874; Self-Regulatory Organizations; LCH SA; Order Approving Proposed Rule Change Relating to the Clearing of Markit iTraxx® Australia Indices and the Associated Single-Name Constituents and Remediation of WWR Margin Instability, Exchange Act Release No. 95503 (Aug. 16, 2022), 87 FR 51471 (Aug. 22, 2022) (SR–LCH SA–2022–004).

[11] *See* Notice, 87 FR at 55873. For additional detail on these provisions and how compliance with them would facilitate the clearance of transactions in CDS contracts (or components thereof) for which the Russian Federation is a reference entity, *see* Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change Relating to the ICC Clearing Rules, Exchange Act Release No. 94784 (Apr. 22, 2022), 87 FR 25324 (Apr. 28, 2022) (SR–ICC–2022–005).

between LCH SA and a Clearing Member. Because Appendix XIII applies to transactions between a Clearing Member and its Client, this phrase is unnecessary.

Finally, the proposed rule change would make a correction to Section 2.7 of the CDS Clearing Procedures. Specifically, the first sentence of Section 2.7(c) currently states that, where a Clearing Member is acting as a CDS Seller, Short Charge Margin will be required to cover the risk that the Clearing Member is subject to an event of default at the same time that a credit event occurs ''with respect to a Reference Entity.'' To acknowledge that a credit event may occur with respect to more than one Reference Entity, the proposed rule change would revise this sentence to read ''one or more Reference Entities.''

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.[12] Based on its review of the record, including the supporting information provided in Confidential Exhibit 3, and for the reasons given below, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act [13] and Rules 17Ad–22(e)(4)(ii) and 17Ad–22(e)(6)(i).[14]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of LCH SA be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions.[15] Based on its review of the record, including the supporting information provided in Confidential Exhibit 3, and for the reasons discussed below, the Commission believes the proposed changes are consistent with the promotion of the prompt and accurate clearance and settlement of securities transactions at LCH SA.

As discussed above, the proposed rule change would amend the Clearing Supplement, the CDSClear Risk Methodology, and the CDSClear Default Fund Methodology to accommodate clearing of the New Products. For example, the proposed rule change would amend the Clearing Supplement to, among other things, introduce new defined terms and revise the Index Cleared Transaction Confirmation to accommodate clearing of the New Products. The proposed rule change also would amend the CDSClear Risk Methodology and the CDSClear Default Fund Methodology to consider the New Products in calculating certain components of margin and in calculating the stress test loss over initial margin. The Commission believes that the amendments to the Clearing Supplement would help to ensure that LCH SA has in place rules to appropriately govern the clearing of the New Products. The Commission also believes that the amendments to the CDSClear Risk Methodology and the CDSClear Default Fund Methodology would help to ensure that LCH SA's risk management system considers the risks of clearing the New Products. The Commission believes that these changes, taken together in consideration with the supporting information provided in Confidential Exhibit 3, would promote the prompt and accurate clearance and settlement of transactions in the New Products at LCH SA.

The Commission similarly believes that the unrelated changes discussed in Part II.D above would promote the prompt and accurate clearance and settlement of transactions at LCH SA. Specifically, the Commission believes specifying that the Physical Settlement Matrix is the version in force on the Clearing Day on which the Index Cleared Transaction is registered would help to ensure the application of the Additional Provisions for Certain Russian Entities published by ISDA on March 25, 2022. In doing so, the Commission believes this change would help facilitate LCH SA's clearance and settlement of transactions to which these additional provisions would apply.[16] Moreover, the Commission believes that removing an inapplicable phrase from Appendix XIII of Part B of the Clearing Supplement would correct a potential error that could hinder the consistent application of Appendix XIII to cleared transactions. Finally, the Commission believes that correcting ''Reference Entity'' to ''Reference Entities'' in Section 2 of the CDS Clearing Procedures would help to ensure that LCH SA applies Section 2 to multiple Reference Entities, as intended, should ever a credit event occur for more than one Reference Entity.

Therefore, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act.[17]

B. Consistency With Rule 17Ad–22(e)(4)(ii)

Rule 17Ad–22(e)(4)(ii) requires that LCH SA establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain, to the extent not already maintained pursuant to Rule 17Ad–22(e)(4)(i),[18] additional financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families that would potentially cause the largest aggregate credit exposure for LCH SA in extreme but plausible market conditions.[19]

As discussed above, the proposed rule change would amend the CDSClear Default Fund Methodology to accommodate clearing of the New Products. Among other things, these changes would revise the description of the stress scenarios and of the calculation of stress test loss over initial margin to consider the New Products. LCH SA sizes its default fund to cover the highest two exposures arising from the stress test loss over initial margin calculation under extreme but plausible stress scenarios. Considering the New Products in these calculations would help to ensure that LCH SA, while clearing the New Products, continues to maintain financial resources to cover the default of the two participant families that would potentially cause the largest aggregate credit exposure for LCH SA in extreme but plausible market conditions.

Therefore, the Commission finds that this aspect of the proposed rule change is consistent with Rule 17Ad–22(e)(4)(ii).[20]

C. Consistency With Rule 17Ad–22(e)(6)(i)

Rule 17Ad–22(e)(6)(i) requires that LCH SA establish, implement, maintain and enforce written policies and procedures reasonably designed to cover

[12] 15 U.S.C. 78s(b)(2)(C).

[13] 15 U.S.C. 78q–1(b)(3)(F).

[14] 17 CFR 240.17Ad–22(e)(4)(ii) and 17Ad–22(e)(6)(i).

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] For additional detail on these provisions and how compliance with them would facilitate the clearance of transactions in CDS contracts (or components thereof) for which the Russian Federation is a reference entity, *see* Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change Relating to the ICC Clearing Rules, Exchange Act Release No. 94784 (Apr. 22, 2022), 87 FR 25324 (Apr. 28, 2022) (SR–ICC–2022–005).

[17] 15 U.S.C. 78q–1(b)(3)(F).

[18] 17 CFR 240.17Ad–22(e)(4)(i).

[19] 17 CFR 240.17Ad–22(e)(4)(ii).

[20] 17 CFR 240.17Ad–22(e)(4)(ii).

its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.[21]

As discussed above, the proposed rule change would amend the CDSClear Risk Methodology to accommodate clearing of the New Products. These changes would revise the descriptions of the Short Charge, Wrong Way Risk, and Liquidity and Concentration Charge to cover clearing of the New Products. Because LCH SA uses the Short Charge, Wrong Way Risk, and Liquidity and Concentration Charge to calculate initial margin along with the other components discussed in the CDSClear Risk Methodology, and based on the Commission's review of the proposed rule change, including the supporting information provided in Confidential Exhibit 3, the Commission believes these changes will help to ensure that LCH SA's margin system identifies the risks of clearing the New Products.

Therefore, the Commission finds that these aspects of the proposed rule change are consistent with Rule 17Ad–22(e)(6)(i).[22]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as modified by Amendment No. 2, 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–LCH SA–2022–007 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–2022–007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of LCH SA and on LCH SA's website at: *https://www.lch.com/resources/rulebooks/proposed-rule-changes.* All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–LCH SA–2022–007 and should be submitted on or before January 4, 2023.

V. Accelerated Approval of the Proposed Rule Change, as Modified by Amendment No. 2

Under Section 19(b)(2)(C)(iii) of the Act,[23] the Commission may grant accelerated approval of a proposed rule change if the Commission finds good cause for doing so. For the reasons discussed below, the Commission finds good cause, pursuant to Section 19(b)(2)(C)(iii) of the Act,[24] for approving the proposed rule change on an accelerated basis prior to the 30th day after the date of publication of notice of Amendment No. 2 in the **Federal Register**.

Amendment No. 2, which replaced and superseded in their entirety both the original filing and Amendment No. 1, does not substantively alter the proposed rule change. Rather, it corrects a non-substantive formatting error and includes as Confidential Exhibit 3 certain information that LCH SA submitted to the Commission in support of the proposed rule change. By correcting a non-substantive formatting error in the Confidential Exhibit 5C, Amendment No. 2 should help to ensure that the LCH SA Methodology Services Reference Guide: CDS Margin Framework (V3.14) is accurate, free from error, and therefore can be used and applied consistently by LCH SA personnel. Because LCH SA uses its CDS Margin Framework in clearing transactions, the Commission believes correcting this error would be consistent with the prompt and accurate clearance and settlement of transactions.

Moreover, as noted above, Amendment No. 2 includes Confidential Exhibit 3, which reproduces certain information that LCH SA submitted to the Commission in support of the proposed rule change. The Commission considered this information as part of its review of the record for the proposed rule change and believes this information supports the findings discussed in Part III above. The Commission therefore believes that amending the proposed rule change to include Confidential Exhibit 3 would be consistent with its findings discussed above.

The Commission therefore finds good cause, pursuant to Section 19(b)(2)(C)(iii) of the Act,[25] for approving the proposed rule change on an accelerated basis prior to the 30th day after the date of publication of notice of Amendment No. 2 in the **Federal Register**.

VI. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A(b)(3)(F) of the Act[26] and Rules 17Ad–22(e)(4)(ii) and 17Ad–22(e)(6)(i).[27]

It is therefore ordered pursuant to Section 19(b)(2) of the Act[28] that the proposed rule change, as modified by Amendment No. 2 (SR–LCH SA–2022–007), be, and hereby is, approved.[29]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2022–27052 Filed 12–13–22; 8:45 am]

BILLING CODE 8011–01–P

[21] 17 CFR 240.17Ad–22(e)(6)(i).

[22] 17 CFR 240.17Ad–22(e)(6)(i).

[23] 15 U.S.C. 78s(b)(2)(C)(iii).

[24] 15 U.S.C. 78s(b)(2)(C)(iii).

[25] 15 U.S.C. 78s(b)(2)(C)(iii).

[26] 15 U.S.C. 78q–1(b)(3)(F).

[27] 17 CFR 240.17Ad–22(e)(4)(ii) and (e)(6)(i).

[28] 15 U.S.C. 78s(b)(2).

[29] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 87 FR 75683, December 9, 2022.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Wednesday, December 14, 2022 at 10:00 a.m.

CHANGES IN THE MEETING: The Open Meeting scheduled for Wednesday, December 14, 2022 at 10:00 a.m. has been changed to Wednesday, December 14, 2022 at 11:00 a.m.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

Dated: December 12, 2022.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–27222 Filed 12–12–22; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–96469; File No. SR–NYSEARCA–2022–61]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade the Shares of the Breakwave Tanker Shipping ETF

December 8, 2022.

On September 13, 2022, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade the shares (''Shares'') of the Breakwave Tanker Shipping ETF (''Fund''). The proposed rule change was published for comment in the **Federal Register** on September 27, 2022.[3]

On November 2, 2022, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] This order institutes proceedings under Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.

I. Summary of the Exchange's Proposal

As described in more detail in the Notice,[7] the Exchange proposes to list and trade the Shares of the Fund under NYSE Arca Rule 8.200–E, Commentary .02, which governs the listing and trading of Trust Issued Receipts on the Exchange. The Fund will be a series of ETF Managers Group Commodity Trust I (''Trust),[8] and the Fund and the Trust will be managed and controlled by their sponsor and investment manager, ETF Managers Capital LLC (''Sponsor'').[9]

According to the Exchange, the Fund's investment objective will be to provide investors with exposure to the daily change in the price of tanker freight futures, before expenses and liabilities of the Fund, by tracking the performance of a portfolio (''Benchmark Portfolio'') consisting of the nearest calendar quarter of futures contracts on specified indexes (individually, ''Reference Index'') that measure prices for shipping crude oil (''Freight Futures'').[10] Each Reference Index is published each U.K. business day by the London-based Baltic Exchange[11] and measures the charter rate for shipping crude oil in a specific size category of cargo ship and for a specific route. The two Reference Indexes are: (1) the TD3C Index: Persian Gulf to China 270,000mt cargo (Very Large Crude Carrier or VLCC tankers); and (2) the TD20 Index: West Africa to Europe, 130,000mt cargo (Suezmax tankers).[12] The value of each of the TD3C Index and TD20 Index is disseminated daily at 4:00 p.m., London Time by the Baltic Exchange. Such Reference Index information also is widely disseminated by Reuters, Bloomberg, and/or other major market data vendors.[13]

The Fund will seek to achieve its objective by purchasing Freight Futures.[14] Freight Futures reflect market expectations for the future cost of transporting crude oil. The Fund also may hold exchange-traded options on Freight Futures. The principal markets for Freight Futures are ICE Futures Europe (''ICE'') and the Chicago Mercantile Exchange (''CME''). The applicable exchange acts as a counterparty for each member for clearing purposes. The Fund's investments in Freight Futures will be cleared by ICE and/or CME.[15] According

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 95853 (Sept. 21, 2022), 87 FR 58552 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 96213, 87 FR 67513 (Nov. 8, 2022). The Commission designated December 26, 2022, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Notice, *supra* note 3.

[8] The Exchange states that, on July 1, 2022, the Trust submitted to the Commission on a confidential basis its draft registration statement on Form S–1 (''Registration Statement'') under the Securities Act of 1933. *See* Notice, 87 FR at 58552 n.5.

[9] The Sponsor is registered with the Commodity Futures Trading Commission (''CFTC'') as a commodity pool operator and is a member of the National Futures Association. Breakwave Advisors LLC (''Breakwave'') is registered as a commodity trading advisor with the CFTC and will serve as the Fund's commodity trading advisor. ETFMG Financial LLC will be the Fund's distributor, and US Bancorp Fund Services LLC will be the Fund's administrator and transfer agent (''Administrator'' and ''Transfer Agent''). *See id.* at 58552–53.

[10] *See id.* at 58553. According to the Exchange, Freight Futures are primarily traded through broker members of the Forward Freight Agreement Brokers Association (''FFABA''). Members of the FFABA must be members of the Baltic Exchange and must be regulated by the Financial Conduct Authority if resident in the U.K., or if not resident in the U.K., by an equivalent body if required by the authorities in the jurisdiction. *See id.* at 58555 n.10. Freight Futures are quoted in U.S. dollars per metric ton, with a minimum lot size of 1,000 metric tons. One lot represents freight costs to transport in U.S. dollars. The nominal value of a contract is simply the product of lots and Freight Futures prices. *See id.* at 58555.

[11] The Baltic Exchange, which is a wholly-owned subsidiary of the Singapore Exchange, is a membership organization and an independent source of maritime market information for the trading and settlement of physical and derivative shipping contracts. *See id.* at 58553 n.6.

[12] *See id.* at 58553. The Reference Indexes are published by the Baltic Exchange's subsidiary company, Baltic Exchange Information Services Ltd (''Baltic''), which publishes a wide range of market reports, fixture lists and market rate indicators on a daily and (in some cases) weekly basis. The Baltic indices, which include the Reference Indexes, are an assessment of the price of moving the major raw materials by sea. The indices are based on assessments of the cost of transporting various bulk cargoes, both wet (*e.g.,* crude oil and oil products) and dry (*e.g.,* coal and iron ore), made by leading shipbroking houses located around the world on a per ton and daily hire basis. The information is collated and published by the Baltic Exchange. Procedures relating to administration of the Baltic indices are set forth in ''The Baltic Exchange, Guide to Market Benchmarks'' November 2016, including production methods, calculation, confidentiality and transparency, duties of panelists, code of conduct, audits, and quality control. *See id.* at 58553 n.7.

[13] *See id.* at 58553.

[14] Generally, Freight Futures trade from approximately 3:00 a.m. Eastern Time (''E.T.'') to approximately 1:00 p.m. E.T. The great majority of trading volume occurs during London business hours, from approximately 4:00 a.m. E.T. time to approximately 12:00 p.m. E.T. Some limited trading takes place during Asian business hours as well (12:00 a.m. to 3:00 a.m. E.T.). The final closing prices for settlement are published daily around 12:30 p.m. E.T. Final cash settlement occurs the first business day following the expiry day. *See id.* at 58555.

[15] *See id.* CME and ICE are members of the Intermarket Surveillance Group (''ISG''). *See id.* at 58553 n.8.

to the Exchange, the liquidity of tanker Freight Futures (clean and dirty) has been increasing, in lot terms, over the last five years. For example, in 2021, approximately 560 thousand lots in Freight Futures traded. As of 2022, open interest in Freight Futures stood at approximately 145,000 lots across all asset classes representing an estimated value of more than $2 billion. Major market participants in the tanker Freight Futures market include commodity producers, commodity users, commodity trading houses, ship operators, major banks, investment funds, and independent ship owners.[16]

The Fund's portfolio will be traded with a view to reflecting the performance of the Benchmark Portfolio, whether the Benchmark Portfolio is rising, falling, or flat over any particular period.[17] The Benchmark Portfolio, which is maintained by Breakwave and will be rebalanced annually, will hold long positions in Freight Futures corresponding to the TD3C Index and TD20 Index.[18] The Benchmark Portfolio's initial allocation will be approximately 90% TD3C contracts and 10% TD20 contracts, based on contract value, not number of lots.[19] Given each asset's individual price movements during the year, such percentages might deviate from the targeted allocation. The Benchmark Portfolio will consist of positions in the three-month strip of the nearest calendar quarter of Freight Futures and roll them constantly to the next calendar quarter. The four-calendar quarters are January, February, and March (Q1), April, May, and June (Q2), July, August, and September (Q3), and October, November, and December (Q4).[20] The Benchmark Portfolio will hold all positions to maturity and settle them in cash. During any given calendar quarter, the Benchmark Portfolio will progressively increase its position to the next calendar quarter three-month strip, thus maintaining constant long exposure to the Freight Futures market as positions mature. The Fund maintains the right to invest in other maturities of Freight Futures if such strategy is deemed necessary. According to the Exchange, the Benchmark Portfolio will not include, and the Fund will not invest in swaps, non-cleared freight forwards, or other over-the-counter derivative instruments that are not cleared through exchanges or clearing houses.[21]

To track the Benchmark Portfolio, the Fund will attempt to roll positions in the nearby calendar quarter, on a pro rata basis.[22] For example, if the Fund was currently holding the Q1 calendar quarter comprising the January, February and March monthly contracts, each week in the month of February, the Fund will attempt to purchase Q2 contracts in an amount equal to approximately one quarter of the expiring February positions. As a result, by the end of February, the Fund would have rolled the February position to Q2 freight contracts, leaving the Fund with March and Q2 contracts. At the end of March, the Fund will have completed the roll and will then hold only Q2 exposure comprising April, May, and June monthly contracts. Since Freight Futures contracts are cash settled, the Fund need not close out of existing contracts. Rather, it will hold such contracts to expiration and apply the above methodology in order acquire the nearby calendar contract.[23]

To maintain the correlation between the Fund and the change in the Benchmark Portfolio, the Sponsor may adjust the Fund's portfolio of investments on a daily basis in response to creation and redemption orders or otherwise as required. The Sponsor anticipates that the Fund's Freight Futures positions will be held to expiration and settle in cash against the respective Reference Index as published by the Baltic Exchange and ICE or CME.[24]

When establishing positions in Freight Futures, the Fund will be required to deposit initial margin with a value of approximately 10% to 40% of the notional value of each Freight Futures position at the time it is established.[25] These margin requirements are established and subject to change from time to time by the relevant exchanges, clearing houses, or the Fund's futures commission merchant (''FCM''). On a daily basis, the Fund will be obligated to pay, or entitled to receive, variation margin in an amount equal to the change in the daily settlement level of its overall futures positions. Any assets not required to be posted as margin with the FCM will be held at the Fund's custodian in cash or cash equivalents.[26] The Fund will place purchase orders for Freight Futures with an execution broker. The broker will identify a selling counterparty and, simultaneously with the completion of the transaction, will submit the block traded Freight Futures to the relevant exchange or clearing house for clearing, thereby completing and creating a cleared futures transaction. If the exchange or clearing house does not accept the transaction for any reason, the transaction will be considered null and void and of no legal effect.[27]

The Exchange represents that not more than 10% of the net assets of the Fund in the aggregate invested in Freight Futures and exchange-traded options on Freight Futures will consist of Freight Futures and exchange-traded options on Freight Futures whose principal market is not a member of the ISG or is a market with which the Exchange does not have in place a comprehensive surveillance sharing agreement.[28]

II. Proceedings To Determine Whether To Approve or Disapprove SR–NYSEARCA–2022–61 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[29] to determine whether the proposed rule change should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change, as discussed below. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[30] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices'' and

[16] *See id.* at 58556.

[17] *See id.* at 58553.

[18] *See id.* at 58554.

[19] *See id.*

[20] *See id.*

[21] *See id.*

[22] *See id.*

[23] *See id.*

[24] *See id.* at 58553.

[25] *See id.*

[26] The Fund will hold cash or cash equivalents, such as U.S. Treasuries or other high credit quality, short-term fixed-income or similar securities for direct investment or as collateral for the U.S. Treasuries and for other liquidity purposes, and to meet redemptions that may be necessary on an ongoing basis. *See id.* at 58553 n.9.

[27] *See id.* at 58553.

[28] *See id.* at 58553–54.

[29] 15 U.S.C. 78s(b)(2)(B).

[30] *Id.*

''to protect investors and the public interest.'' [31]

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice,[32] in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on the following questions and asks commenters to submit data where appropriate to support their views:

- The Exchange asserts that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices because the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Rule 8.200–E.[33] What are commenters' views on whether the proposed Fund and Shares would be susceptible to manipulation? What are commenters' views generally on whether the Exchange's proposal is designed to prevent fraudulent and manipulative acts and practices?
- According to the Exchange, the liquidity of tanker Freight Futures (clean and dirty) has been increasing, in lot terms, over the last five years.[34] What are commenters' views on the Exchange's assertions regarding the increase in liquidity of Freight Futures and the data supporting such assertions?

III. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[35]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by January 4, 2023. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by January 18, 2023.

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–NYSEARCA–2022–61 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2022–61. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2022–61 and should be submitted by January 4, 2023. Rebuttal comments should be submitted by January 18, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[36]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2022–27054 Filed 12–13–22; 8:45 am]

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[31] 15 U.S.C. 78f(b)(5).

[32] *See* Notice, *supra* note 3.

[33] *See* Notice, 87 FR at 58558.

[34] *See id.* at 58556.

[35] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[36] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34769; File No. 812–15388]

Monroe Capital Corporation, et al.

December 8, 2022.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of application for an order (''Order'') under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to amend a previous order granted by the Commission that permits certain business development companies (''BDCs'') and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: Monroe Capital Corporation, Monroe Capital Income Plus Corporation, Monroe Capital BDC Advisors, LLC, Monroe Capital Management Advisors, LLC, Monroe Capital Asset Management LLC, Monroe Capital Management LLC, Monroe Capital CLO Manager LLC, Monroe Capital CLO Manager II LLC, Monroe Capital Partners Fund Advisors, Inc., Monroe Capital Partners Fund II Advisors, Inc., MRCC Holding Company I, LLC, MRCC Holding Company II, LLC, MRCC Holding Company III, LLC, MRCC Holding Company IV, LLC, MRCC Holding Company V, LLC, MRCC Holding Company VI, LLC, MRCC Holding Company VII, LLC, MRCC Holding Company VIII, LLC, MRCC Holding Company IX, LLC, MRCC Holding Company X, LLC, MRCC Holding Company XI, LLC, MRCC Holding Company XII, LLC, MRCC

Holding Company XIII, LLC, MRCC Holding Company XIV, LLC, MRCC Holding Company XV, LLC, MRCC Holding Company XVI, LLC, MRCC Holding Company XVII, LLC, MRCC Holding Company XVIII, LLC, MRCC Holding Company XIX, LLC, MRCC Holding Company XX, LLC, MC Income Plus Financing SPV LLC, Monroe Capital Income Plus ABS Funding, LLC, MCIP Holding Company I, LLC, MCIP Holding Company II, LLC, MCIP Holding Company III, LLC, MCIP Holding Company IV, LLC, MCIP Holding Company V, LLC, MCIP Holding Company VI, LLC, MCIP Holding Company VII, LLC, MCIP Holding Company VIII, LLC, MCIP Holding Company IX, LLC, MCIP Holding Company X, LLC, MCIP Holding Company XI, LLC, MCIP Holding Company XII, LLC, MCIP Holding Company XIII, LLC, MCIP Holding Company XIV, LLC, MCIP Holding Company XV, LLC, MCIP Holding Company XVI, LLC, MCIP Holding Company XVII, LLC, MCIP Holding Company XVIII, LLC, Monroe (NP) U.S. Private Debt Fund LP, Monroe Capital Fund SCSp SICAV–RAIF—Private Credit Fund (Marsupial), Monroe Capital Fund SCSp SICAV RAIF-Private Credit Fund III, Monroe Capital Fund SCSp SICAV RAIF-Private Credit Fund III (Unleveraged), Monroe Capital CLO 2014–1. Ltd., Monroe Capital MML CLO 2016–1, Ltd., Monroe Capital MMML CLO 2017–1, Ltd., Monroe Capital MML CLO VI, Ltd., Monroe Capital MMML CLO VII, Ltd., Monroe Capital MML CLO VIII, Ltd., Monroe Capital MML CLO IX, Ltd., Monroe Capital MML CLO X, LLC, Monroe Capital MML CLO XI, Ltd., Monroe Capital MML CLO XII, Ltd., Monroe Capital MML CLO XIII, LLC, Monroe Capital MML CLO XIV, Ltd., Monroe Capital MML CLO XV, Ltd., Monroe Capital Opportunistic Private Credit Master Fund SCSp, Monroe Capital Opportunistic II Private Credit Master Fund SCSp SICAV–RAIF, Monroe Capital Partners Fund II, LP, Monroe Capital Partners Fund, L.P., Monroe Capital Private Credit Fund 559 LP, Monroe Capital Private Credit Fund I LP, Monroe Capital Private Credit Fund II (Unleveraged Offshore) LP, Monroe Capital Private Credit Fund II–O (Unleveraged Offshore) LP, Monroe Capital Private Credit Fund II (Unleveraged) LP, Monroe Capital Private Credit Fund II LP, Monroe Capital Private Credit Fund III (Unleveraged) LP, Monroe Capital Private Credit Fund III LP, Monroe Capital Private Credit Fund L LP, Monroe Capital Private Credit Fund VT LP, Monroe Capital Private Credit Master Fund IV (Unleveraged) SCSp, Monroe Capital Private Credit Master Fund IV SCSp, Monroe Capital Private Credit STARR (Unleveraged) Master Fund 1 LP, Monroe Capital Private Credit STARR Fund 1 LP, Monroe Capital Private Credit Versailles Master Fund SCSp SICAV–RAIF, Monroe Opportunistic Fund GG, LLC, Monroe Private Credit Fund A LP, Monroe FCM Direct Loan Fund, LP, Monroe Capital Fund O, LLC, Monroe Capital Insurance Fund Series Interests of the SALI Multi-Series Fund, L.P., Panther Lender MRCC BDC, LLC, Panther Lender MCIP BDC LLC.

FILING DATES: The application was filed on September 26, 2022.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on January 3, 2023, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Theodore Koenig at *tkoenig@monroecap.com.* Steven B. Boehm, Esq., Stephani Hildebrandt, Esq., and Anne G. Oberndorf, Esq., Eversheds Sutherland (US) LLP, at *anneoberndorf@eversheds-sutherland.us.*

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel, or Terri Jordan, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' application, dated September 26, 2022, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at, at *http://www.sec.gov/edgar/searchedgar/legacy/companysearch.html.* You may also call the SEC's Public Reference Room at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2022–27043 Filed 12–13–22; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–96467; File No. SR–NASDAQ–2022–070]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Schedule of Credits at Equity 7, Section 118(a)

December 8, 2022.

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 December 1, 2022, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's schedule of credits at Equity 7, Section 118(a), as described further below. The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's schedule of credits, at Equity 7, Section 118(a). Specifically, with respect to its schedule of supplemental credits for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) that provide liquidity, the Exchange proposes to (1) add a restriction to and reduce an existing supplemental credit, (2) delete an existing supplemental credit of $0.0001 currently labeled as ''M–ELO Supplemental Credit B,'' and (3) make conforming changes to its schedule of credits.

Reduction of Existing Growth Credit and Proposed Restriction

Currently, the Exchange provides a supplemental credit of $0.0001 per share to a member that, through one or more of its Nasdaq Market Center MPIDs, (i) increases its shares of liquidity provided in all securities by at least 30% as a percentage of Consolidated Volume during the month relative to the month of October or November 2021 and (ii) has shares of liquidity provided of least 15 million average daily volume (''ADV'') during the month. The Exchange proposes to reduce this credit from $0.0001 per share to $0.00005 per share. Currently, this credit is in addition to other credits otherwise available to members for adding displayed liquidity to the Exchange (other than Supplemental Orders or Designated Retail Orders). The Exchange proposes to add a restriction to this existing credit whereby the credit cannot be combined with the Qualified Market Maker (''QMM'') Program Tier 2 credit set forth in Equity 7, Section 114(e).[3] The Exchange provides this current $0.0001 supplemental credit to incentivize members to increase their liquidity providing activity on the Exchange. However, the Exchange has limited resources available to it to offer its members market-improving incentives, and it allocates those limited resources to those segments of the market where it perceives the need to be greatest and/or where it determines that the incentive is likely to achieve its intended objective. Accordingly, the Exchange proposes to reduce the credit from $0.0001 to $0.00005 and to exclude firms already benefitting from Tier 2 QMM Program credits from receiving this modified supplemental growth credit of $0.00005.

Deletion of M–ELO Supplemental Credit B

Currently, the Exchange provides a credit of $0.0001 per share executed to a member which, through one or more of its Nasdaq Market Center MPIDs, either: (i) increases the extent of its ADV of M–ELO Orders and/or midpoint orders (that execute against M–ELO Orders) in all securities by an ADV of 2 million shares or more during the month relative to the month of June 2021; or (ii) executes a combined volume of at least 4 million shares ADV through midpoint orders provided and M–ELO Orders during the month and increases the extent of its ADV of midpoint orders provided and M–ELO Orders in all securities by 150% or more during the month relative to the month of June 2021. The Exchange proposes to delete this credit. The Exchange provides this credit to incentivize members to grow or add M–ELO or midpoint liquidity. However, the Exchange has limited resources available to it to offer its members market-improving incentives, and it allocates those limited resources to those segments of the market where it perceives the need to be greatest and/or where it determines that the incentive is likely to achieve its intended objective. As M–ELO volume has grown over time, the current M–ELO Supplemental Credit C, which is more aligned with current volumes, will continue to provide members an incentive to grow or add M–ELO or midpoint liquidity during the month. Accordingly, the Exchange proposes to streamline the M–ELO Supplemental Credits and eliminate current M–ELO Supplemental Credit B.

Conforming Changes

The Exchange also proposes to rename current M–ELO Supplemental Credit C as M–ELO Supplemental Credit B given the proposed deletion of current M–ELO Supplemental Credit B. In addition, the Exchange proposes to clarify that M–ELO Supplemental Credit A may not be combined with proposed M–ELO Supplemental Credit B (current M–ELO Supplemental Credit C), rather than with both M–ELO Supplemental Credits B and C, given the removal of current M–ELO Supplemental Credit B. Similarly, the Exchange proposes to clarify that proposed M–ELO Supplemental Credit B (current M–ELO Supplemental Credit C) may not be combined with M–ELO Supplemental Credit A, rather than with both M–ELO Supplemental Credits A and B, given the removal of current M–ELO Supplemental Credit B.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposed changes to its schedule of credits are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [6]

[3] The credit may continue to be combined with the QMM Program Tier 1 credit set forth in Equity 7, Section 114(e).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4) and (5).

[6] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [7]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several equity venues to which market participants may direct their order flow. Competing equity exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.

Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. As such, the proposal represents a reasonable attempt by the Exchange to increase its liquidity and market share relative to its competitors.

The Exchange believes it is reasonable, equitable, and not unfairly discriminatory for the Exchange to add a restriction to an existing credit for displayed orders (other than Supplemental Orders or Designated Retail Orders) that provide liquidity to the Exchange and reduce the amount of the credit from $0.0001 to $0.00005, as described above. These changes would better align the growth incentives with the Exchange's needs. The Exchange has limited resources to devote to incentive programs, and it is appropriate for the Exchange to reallocate these incentives periodically in a manner that best achieves the Exchange's overall mix of objectives.

It is also reasonable, equitable, and not unfairly discriminatory for the Exchange to eliminate the current M–ELO Supplemental Credit B for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) that provide liquidity to the Exchange and make related conforming changes. Elimination of current M–ELO Supplemental Credit B and related conforming changes will streamline and recalibrate the M–ELO Supplemental Credits to account for changes in member behavior over time. As M–ELO volume has grown over time, the proposed M–ELO Supplemental Credit B (*i.e.,* the current M–ELO Supplemental Credit C), which is more aligned with current volumes, will continue to provide members an incentive to grow or add M–ELO or midpoint liquidity during the month. To the extent that the Exchange succeeds in increasing the addition of midpoint or M–ELO liquidity or executions on the Exchange, all participants will benefit from the increase in market quality.

The Exchange notes that the credits affected by this proposal are voluntary. Moreover, nothing about the Exchange's volume-based tiered pricing model, as set forth in Equity 7, is inherently unfair; instead, it is a rational pricing model that is well-established and ubiquitous in today's economy among firms in various industries—from co-branded credit cards to grocery stores to cellular telephone data plans—that use it to reward the loyalty of their best customers that provide high levels of business activity and incent other customers to increase the extent of their business activity. It is also a pricing model that the Exchange and its competitors have long employed with the assent of the Commission. It is fair because it enhances price discovery and improves the overall quality of the equity markets.

Those participants that are dissatisfied with the amendments to the Exchange's schedule of credits are free to shift their order flow to competing venues that provide more generous incentives or less stringent qualifying criteria.

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.

Intramarket Competition

The Exchange does not believe that its proposal will place any category of Exchange participant at a competitive disadvantage.

As noted above, the Exchange intends for its proposed changes to its credits to reallocate its limited resources more efficiently and optimally, to recalibrate the credit schedule to reflect changing market behavior, and to align the credit schedule with the Exchange's overall mix of objectives. The Exchange notes that its members are free to trade on other venues to the extent they believe that these proposals are not attractive. As one can observe by looking at any market share chart, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes.

Intermarket Competition

The Exchange believes that the proposed changes to its schedule of credits as described above will not impose a burden on competition because the Exchange's execution services are completely voluntary and subject to extensive competition both from the other live exchanges and from off-exchange venues, which include alternative trading systems that trade national market system stock. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its credits and fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own credits and fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which credit or fee changes in this market may impose any burden on competition is extremely limited.

The proposed changes to the Exchange's credits are reflective of this competition because, as a threshold issue, the Exchange is a relatively small market so its ability to burden intermarket competition is limited. In this regard, even the largest U.S. equities exchange by volume only has 17–18% market share, which in most markets could hardly be categorized as having enough market power to burden competition. Moreover, as noted above, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes. This is in addition to free flow of order flow to and among off-exchange venues which comprises more than 40% of industry volume in recent months.

59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[7] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

In sum, if the change proposed herein is unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed change will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[8]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2022–070 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–2022–070. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2022–070 and should be submitted on or before January 4, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2022–27051 Filed 12–13–22; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–96466; File No. SR–CboeEDGX–2022–052]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

December 8, 2022.

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 December 1, 2022, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX Options'') proposes to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to eliminate two Market Maker Volume Tiers, effective December 1, 2022.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 options venues to which market participants may direct their order flow. Based on publicly available information, no single options exchange has more than 18% of the market share and currently the Exchange represents only approximately 6% of the market share.[3] Thus, in such a low-concentrated and

[3] *See* Cboe Global Markets U.S. Options Market Monthly Volume Summary (November 30, 2022), available at *https://markets.cboe.com/us/options/market_statistics/.*

highly competitive market, no single options exchange, including the Exchange, possesses significant pricing power in the execution of option order flow. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain the Exchange's transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

The Exchange's Fees Schedule sets forth standard rebates and rates applied per contract. For example, the Exchange assesses a standard fee of $0.20 per contract for Market Maker orders that add liquidity in both Penny and Non-Penny Securities. The Fee Codes and Associated Fees section of the Fees Schedule also provides for certain fee codes associated with certain order types and market participants that provide for various other fees or rebates. Additionally, the Fee Schedule offers tiered pricing which provides Members [4] opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing, which provides Members with opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

For example, pursuant to Footnote 2 of the Fees Schedule, the Exchange currently offers eight Market Maker Volume Tiers which provide reduced fees between $0.01 and $0.17 per contract for qualifying Market Makers orders that yield fee code PM or NM where a Member meets the respective tiers' volume thresholds.[5] In particular, Market Maker Volume Tier 7 provides a reduced fee of $0.04 per contract for a Member's qualifying orders (*i.e.,* yielding fee code PM or NM) if a Member: (1) has an ADV in Customer orders greater than or equal to 0.70% of average OCV; (2) has an ADV in Customer or Market Maker orders greater than or equal to 0.50% of average OCV; (3) has an ADV in AIM Agency Orders greater than or equal to 0.30% of average OCV; and (4) has an ADV in complex Customer orders (yielding fee codes ZA, ZB, ZC, or ZD) greater than or equal to 0.10% of average OCV. Market Maker Volume Tier 8 provides a reduced fee of $0.03 per contract for a Member's qualifying orders (*i.e.,* yielding fee code PM or NM) if a Member: (1) has an ADV in Customer orders greater than or equal to 1.00% of average OCV; (2) has an ADV in Customer or Market Maker orders greater than or equal to 1.10% of average OCV; (3) has an ADV in AIM Agency Orders greater than or equal to 0.75% of average OCV; and (4) has an ADV in complex Customer orders (yielding fee codes ZA, ZB, ZC, or ZD) greater than or equal to 0.20% of average OCV. The Exchange notes that no Member has reached either Tier 7 or 8 in several months and the Exchange therefore proposes to eliminate these Tiers from the Fees Schedule.[6]

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.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [8] 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) [9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient.

The Exchange believes that eliminating Market Maker Volume Tiers 7 and 8 under Footnote 2 is reasonable because the Exchange is not required to maintain these tiers or provide reduced fees. The Exchange also believes the proposed change is reasonable because no Members have reached these tiers in several months. Further, Members still have other opportunities to obtain reduced fees, such as via Market Maker Volume Tiers 1 through 6.[10] The Exchange believes that eliminating Market Maker Volume Tiers 7 and 8 is equitable and not unfairly discriminatory because it applies uniformly to all Members. The Exchange also notes that the proposed changes will not adversely impact any Member's ability to otherwise qualify for reduced fees or enhanced rebates offered under other tiers.

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. In particular, the Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposal to eliminate Market Maker Volume Tiers 7 and 8 applies to all Members, in that, such Tiers will not be available for any Member. The Exchange does not believe the proposed changes burden competition as all Members will continue to have an opportunity receive enhanced rebates or reduced fees offered under various tiers, including Market Maker Volume Tiers 1 through 6, which tiers are generally designed to increase the competitiveness of EDGX and attract order flow and incentivize participants to increase their participation on the Exchange, providing for additional execution opportunities for market participants and improved price transparency. Greater overall order flow, trading opportunities, and pricing transparency benefit all market participants on the Exchange by enhancing market quality

[4] *See* Exchange Rule 1.5(n).

[5] *See* Cboe EDGX U.S. Options Exchange Fees Schedule, Footnote 2, Market Maker Volume Tiers.

[6] In connection with the proposed elimination of Tier 7, the Exchange also proposes to eliminate references to the listed fee of ''$0.04'' for fee codes PM and NM in the Standard Rates table as such reduced fee will no longer be an option for Market-Maker orders that add liquidity. The Exchange notes that it is not proposing to eliminate the reference to ''$0.03'' notwithstanding the proposed elimination of Tier 8 as another Market Maker Volume Tier (*i.e.,* Tier 5) currently also offers a reduced fee of $0.03.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *Id.*

[10] *See* Cboe EDGX Options Fees Schedule, Footnote 2.

and continuing to encourage Members to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

The Exchange also believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues they may participate on and direct their order flow, including 15 other options exchanges. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single options exchange has more than 18% of the market share. Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchanges if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''. Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and paragraph (f) of Rule 19b–4 [12] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2022–052 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–CboeEDGX–2022–052. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2022–052, and should be submitted on or before January 4, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2022–27053 Filed 12–13–22; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

[13] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2022–0029]

Privacy Act of 1974; Matching Program

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a new matching program with The Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA).

DATES: Submit comments on the proposed matching program on or before January 13, 2023. The matching program will be applicable on March 6, 2023, or once a minimum of 30 days after publication of this notice has elapsed, whichever is later. The matching program will be in effect for a period of 18 months.

ADDRESSES: You may submit comments by any one of three methods—internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which

method you choose, please state that your comments refer to Docket No. SSA–2022–0029 so that we may associate your comments with the correct regulation.

Caution: You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. *Internet:* We strongly recommend that you submit your comments via the internet. Please visit the Federal eRulemaking portal at *https://www.regulations.gov.* Use the *Search* function to find docket number SSA–2022–0029 and then submit your comments. The system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each submission manually. It may take up to a week for your comments to be viewable.

2. *Fax:* Fax comments to (833) 410–1613.

3. *Mail:* Matthew Ramsey, Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, G–401 WHR, 6401 Security Boulevard, Baltimore, MD 21235–6401, or emailing *Matthew.Ramsey@ssa.gov.* Comments are also available for public viewing on the Federal eRulemaking portal at *http://www.regulations.gov* or in person, during regular business hours, by arranging with the contact person identified below.

FOR FURTHER INFORMATION CONTACT: Interested parties may submit general questions about the matching program to Cynthia Scott, Division Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, G–401 WHR, 6401 Security Boulevard, Baltimore MD 21235–6401, at telephone: (410) 966–5855, or send an email to *Cynthia.Scott@ssa.gov.*

SUPPLEMENTARY INFORMATION: None.

Matthew Ramsey,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

PARTICIPATING AGENCIES:

SSA and VA VBA.

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

This Agreement is executed under the Privacy Act of 1974, 5 U.S.C. 552a, as amended by the Computer Matching and Privacy Protection Act (CMPPA) of 1988, Public Law (Pub. L.) 100–503, 102 Stat. 2507 (1988), as amended, and the Computer Matching and Privacy Protection Amendments of 1990, and the regulations and guidance promulgated thereunder.

The CMPPA applies when computerized comparisons of Privacy Act-protected records contained within a Federal agency's databases and the records of another organization are made in order to determine an individual's eligibility to receive a Federal benefit. The CMPPA requires the parties participating in a matching program to execute a written agreement specifying the terms and conditions under which the matching program will be conducted.

Legal authorities for the disclosures under this Agreement are covered by two sections of the Social Security Act (Act):

- Section 1144(a)(1) and (b)(1) of the Act [42 U.S.C. 1320b–14(a)(1) and (b)(1)] concerns the SSA's outreach efforts to increase awareness of the availability of Medicare cost-sharing and subsidies for low-income individuals under Title XVIII of the Act (Medicare).
- Section 1860D 14(a)(3) of the Act [42 U.S.C. 1395w 114(a)(3)] concerns the Medicare coverage gap discount program that makes manufacturer discounts available to eligible Medicare beneficiaries receiving applicable, covered Part D drugs, while in the coverage gap.

PURPOSE(S):

This matching program establishes the conditions under which the VA VBA will provide SSA with VA compensation and pension payment data. This disclosure will provide SSA with information necessary to verify an individual's self-certification of eligibility for the Medicare Prescription Drug (Medicare Part D) subsidy (Extra Help). It will also enable SSA to identify individuals who may qualify for Extra Help as part of the agency's Medicare outreach efforts.

CATEGORIES OF INDIVIDUALS:

The individuals whose information is involved in this matching program are those who are recorded in VA compensation and pension payment records and are matched with data in SSA's Medicare Database system of records. Such individuals have self-certified eligibility to SSA for the Medicare Part D Extra Help. In addition, SSA will use the information to identify individuals who may quality for Extra Help as part of the agency's Medicare outreach efforts.

CATEGORIES OF RECORDS:

VA's data file comes from compensation and pension payment data records. SSA matches VA data against Medicare Database (MDB) data.

SSA will conduct the match using the Social Security number, name, date of birth, and VA claim number on both the VA file and the MDB.

SYSTEM(S) OF RECORDS:

VA will provide compensation and pension payment data from its System of Records (SOR) entitled ''Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records–VA'' (58VA21/22/28), last fully published at 74 FR 14865 (April 1, 2009) and last amended at 86 FR 61858 (November 8, 2021).

SSA will match the VA data with SSA SOR ''Medicare Database File,'' 60–0321, last fully published at 71 FR 42159 (July 25, 2006) and amended at 72 FR 69723 (December 10, 2007) and 83 FR 54969 (November 1, 2018).

[FR Doc. 2022–27107 Filed 12–13–22; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2022–0062]

Agency Information Collection Activities: Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions and one extension of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA

Comments: https://www.reginfo.gov/public/do/PRAMain. Submit your comments online referencing Docket ID Number [SSA–2022–0062].

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance

Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *https://www.reginfo.gov/public/do/PRAMain,* referencing Docket ID Number [SSA–2022–0062].

SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than January 13, 2023. Individuals can obtain copies of these OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

Certificate of Coverage Request—20 CFR 404.1913—0960–0554. The United States (U.S.) has agreements with 30 foreign countries to eliminate double Social Security coverage and taxation where, except for the provisions of the agreement, a worker would be subject to coverage and taxes in both countries. These agreements contain rules for determining the country under whose laws the worker's period of employment is covered, and to which country the worker will pay taxes. The agreements further dictate that, upon the request of the worker or employer, the country under whose system the period of work is covered will issue a certificate of coverage. The certificate serves as proof of exemption from coverage and taxation under the system of the other country. The information we collect assists us in determining a worker's coverage and in issuing a U.S. certificate of coverage as appropriate. Per our agreements, we ask a set number of questions to the workers and employers prior to issuing a certificate of coverage; however, our agreements with Denmark, Netherlands, Norway, and Sweden require us to ask more questions in those countries. Respondents are workers and employers wishing to establish exemption from foreign Social Security taxes.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost Amount (dollars) *	Total annual opportunity cost (dollars) **
Requests via Letter—Individuals (minus Denmark, Netherlands, Norway, Poland & Sweden)	5,833	1	40	3,889	* $28.01	** $108,931
Requests via Internet—Individuals (minus Denmark, Netherlands, Norway, Poland & Sweden)	9,761	1	40	6,507	* 28.01	** 182,261
Requests via Letter—Individuals in Denmark, Netherlands, Norway, & Sweden	284	1	44	208	* 28.01	** 5,826
Requests via Letter—Individuals in Poland	16	1	41	11	* 28.01	** 308
Requests via Internet—Individuals in Denmark, Netherlands, Norway, & Sweden	427	1	44	313	* 28.01	** 8,767
Requests via Internet—Individuals in Poland	25	1	41	17	* 28.01	* 476
Requests via Letter—Employers (minus Denmark, Netherlands, Norway, Poland & Sweden)	26,047	1	40	17,365	* 28.01	** 486,394
Requests via Internet—Employers (minus Denmark, Netherlands, Norway, Poland, & Sweden)	39,096	1	40	26,064	* 28.01	** 730,053
Requests via Letter—Employers in Denmark, Netherlands, Norway, & Sweden	1,137	1	44	834	* 28.01	** 23,360
Requests via Letter—Employers in Poland	57	1	41	39	* 28.01	** 1,092
Requests via Internet—Employers in Denmark, Netherlands, Norway, & Sweden	1,704	1	44	1,250	* 28.01	** 35,013
Requests via Internet—Employers in Poland	86	1	41	59	* 28.01	** 1,653
Totals	84,473			56,556		** 1,584,134

* We based this figure on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm*).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

Dated: December 8, 2022.

Naomi Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2022–27041 Filed 12–13–22; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Colorado Springs Airport, Colorado Springs, Colorado

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invite public comment on the release and sale of a 12.693 acre parcel of land at the Colorado Springs Airport.

DATES: Comments are due within 30 days of the date of the publication of this notice in the **Federal Register**. Emailed comments can be provided to Mr. Michael Matz, Project Manager/Compliance Specialist, Denver Airports District Office, *michael.b.matz@faa.gov,* (303) 342–1251.

FOR FURTHER INFORMATION CONTACT: Mr. Troy Stover, Assistant Director of Aviation for Economic Development, Colorado Springs Airport, 7770 Milton E. Proby Parkway Suite 50, Colorado Springs, CO 80916, *Troy.Stover@coloradosprings.gov,* (719) 238–0398; or Michael Matz, Project Manager/Compliance Specialist, Denver Airports District Office, 26805 E. 68th Ave. Suite 224, Denver, CO, 80249, *michael.b.matz@faa.gov,* (303) 342–1251. Documents reflecting this FAA action may be reviewed at the above locations.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Colorado Springs Airport under the provisions of 49 U.S.C. 47107(h)(2). The proposal consists of 12.693 acres of land located on the South side of the airport, shown as Parcels 21A and 20A–B on the Airport Layout Plan. The parcel lies inside the Peak Innovation Business Park, South of Milton E. Proby Parkway. The FAA concurs that the parcel is no longer needed for airport purposes. The proposed use of this property is compatible with existing airport

operations in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, as published in the **Federal Register** on February 16, 1999.

Issued in Denver, Colorado, on December 8, 2022.

Marc Miller,

Acting Manager, Denver Airports District Office.

[FR Doc. 2022–27084 Filed 12–13–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–2020–0025]

Surface Transportation Project Delivery Program; Florida DOT Audit #4 Report

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Notice; Request for comment.

SUMMARY: The Surface Transportation Project Delivery Program allows a State to assume FHWA's environmental responsibilities for review, consultation, and compliance for Federal highway projects. When a State assumes these Federal responsibilities, the State becomes solely responsible and liable for the responsibilities it has assumed, in lieu of FHWA. This program mandates annual audits during each of the first 4 years to ensure the State's compliance with program requirements. This is the fourth and final audit of the Florida Department of Transportation's (FDOT) performance of its responsibilities under the Surface Transportation Project Delivery Program (National Environmental Policy Act (NEPA) Assignment Program). This notice announces and solicits comments on the fourth and final audit report for FDOT.

DATES: Comments must be received on or before January 13, 2023.

ADDRESSES: Mail or hand deliver comments to Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590. You may also submit comments electronically at *www.regulations.gov.* All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or you may print the acknowledgment page that appears after submitting comments electronically. Anyone can search the electronic form of all comments in any one of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, or labor union). The DOT posts these comments, without edits, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Marisel Lopez Cruz, Office of Project Development and Environmental Review, (407) 867–6402, *marisel.lopez-cruz@dot.gov,* Federal Highway Administration, U.S. Department of Transportation, 400 W. Washington Street, Room 4200, Orlando, FL 32801, or Mr. Patrick Smith, Office of the Chief Counsel, (202) 366–1345, *Patrick.c.smith@dot.gov,* Federal Highway Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this notice may be downloaded from the specific docket page at *www.regulations.gov.*

Background

The Surface Transportation Project Delivery Program, codified at 23 U.S.C. 327, commonly known as the NEPA Assignment Program, allows a State to assume FHWA's responsibilities for environmental review, consultation, and compliance for Federal highway projects. When a State assumes these Federal responsibilities, the State becomes solely liable for carrying out the responsibilities it has assumed, in lieu of FHWA. Effective December 14, 2016, FDOT assumed FHWA's responsibilities for environmental review and the responsibilities for reviews under other Federal environmental requirements.

Section 327(g) of Title 23, U.S.C., requires the Secretary to conduct annual audits to ensure compliance with the memorandum of understanding during each of the first 4 years of State participation and, after the fourth year, monitor compliance. The results of each audit must be made available for public comment. The third audit report was published in the **Federal Register** on June 17, 2020, at 85 FR 36657. This notice announces the availability of the fourth and final audit report for FDOT and solicits comment on same.

Authority: Section 1313 of Public Law 112–141; Section 6005 of Public Law 109–59; 23 U.S.C. 327; 23 CFR 773.

Stepanie Pollack,

Acting Administrator, Federal Highway Administration.

Surface Transportation Project Delivery Program, FHWA Audit #4 of the Florida Department of Transportation, May 2019 to April 2020

Executive Summary

This is a report of the fourth and final audit of the Florida Department of Transportation's (FDOT) assumption of National Environmental Policy Act (NEPA) responsibilities under the Surface Transportation Project Delivery Program. Under the authority of 23 U.S.C. 327, FDOT and the Federal Highway Administration (FHWA) executed a memorandum of understanding (MOU) on December 14, 2016, whereby FHWA assigned, and FDOT assumed, FHWA's NEPA responsibilities and liabilities for Federal-aid highway projects and other related environmental reviews for transportation projects in Florida.

The FHWA formed a team in January 2020 to conduct an audit of FDOT's performance according to the terms of the MOU. The team held internal meetings and reviewed FDOT's 2019 Project Development & Environment (PD&E) Manual and NEPA project files, FDOT's response to FHWA's pre-audit information request (PAIR), and FDOT's NEPA Assignment Self Assessment Summary Report. The team presented initial project file observations to FDOT Office of Environmental Management (OEM) on June 26 and July 28, 2020. The team conducted virtual interviews with FDOT, resource agencies, and prepared preliminary audit results from September 21–24, 2020. The team presented these preliminary observations to FDOT OEM leadership on September 25, 2020.

While FDOT continues to develop, revise, and implement procedures and processes required to carry out the NEPA Assignment Program, it is FHWA's expectation that documentation to support a project's decision will be included in the Statewide Environmental Project Tracker (SWEPT) system prior to project close out. By addressing the observation in this report, FDOT will continue to assure a successful program.

Overall, the team found that FDOT remains committed to delivering a successful NEPA Program. This report describes numerous successful practices, no observations, and one non-compliance observation. The FDOT has carried out the responsibilities it has assumed in keeping with the intent of the MOU and FDOT's application. Through this report, FHWA is notifying FDOT of the one non-compliance observation that requires FDOT to take corrective action. The report concludes with the status of FHWA's non-compliance observations from the first, second, and third audit reviews, including any FDOT self-imposed corrective actions.

Background

The purpose of the audits performed under the authority of 23 U.S.C. 327 is to assess a State's compliance with the provisions of the MOU as well as all applicable Federal statutes, regulations, policies, and guidance. The FHWA's review and oversight obligation entails the need to collect information to evaluate the success of the NEPA Assignment Program; to evaluate a State's progress toward achieving its performance measures as specified in the MOU; and to collect information for the administration of the NEPA Assignment Program. This report summarizes the results of the fourth audit in Florida and includes a summary discussion that describes progress since the last audit. This audit is the last of the required audits.

Scope and Methodology

The overall scope of this audit review is defined both in statute (23 U.S.C. 327) and the MOU (Part 11). An audit generally is defined as an official and careful examination and verification of accounts and records, especially of financial accounts, by an independent unbiased body. With regard to accounts or financial records, audits may follow a prescribed process or methodology and be conducted by ''auditors'' who have special training in those processes or methods. The FHWA considers this review to meet the definition of an audit because it is an unbiased, independent, official, and careful examination and verification of records and information about FDOT's assumption of environmental responsibilities.

The team consisted of NEPA subject matter experts (SME) from FHWA offices in Texas, Georgia, and Headquarters, as well as staff from FHWA's Florida Division. The diverse composition of the team, as well as the process of developing the review report and publishing it in the **Federal Register**, are intended to make this audit an unbiased official action taken by FHWA.

The team conducted a careful examination of FDOT policies, guidance, and manuals pertaining to NEPA responsibilities, as well as a representative sample of FDOT's project files. Other documents, such as the August 2020 PAIR responses and FDOT's August 2020 Self Assessment Summary Report, also informed this review. In addition, the team interviewed FDOT and resource and regulatory agency staff via video conference. This review is organized around the six NEPA Assignment Program elements: program management; documentation and records management; quality assurance/quality control (QA/QC); legal sufficiency; performance measurement; and training program. In addition, the team considered three cross-cutting focus areas: (1) Environmental Permits; (2) Process Improvements; and, (3) Project Authorizations.

The team defined the timeframe for highway project environmental approvals subject to this fourth audit to be between May 2019 and April 2020, when 635 projects were approved. The team drew judgmental samples totaling 110 projects from data in FDOT's online file system, SWEPT. In the context of this report, descriptions of environmental documents are consistent with FDOT's Project Development and Environment Manual. The FHWA judgmentally selected all reevaluations of Environmental Impact Statements (EIS) with Records of Decision (ROD) (3 projects) and Environmental Assessments (EA) with Findings of No Significant Impacts (FONSI) (8 projects). The team selected a random sample of 61 Type 1 Categorical Exclusions (CEs), 16 Type 2 CEs, and 22 Type 2 CE Reevaluations, for a total of 110 projects in the sample. The team reviewed all fiscal project authorization files in the audit period (422 project files) downloaded from FHWA Fiscal Management Information System to determine if the NEPA certification was completed for these projects prior to the authorization. Additionally, for all projects with a NEPA approval date within the audit year (316 projects), SWEPT was used to evaluate the supporting environmental information. The remaining 106 projects used the FDOT Project Approvals Reports to provide a cursory review of the environmental information.

The team submitted a PAIR to FDOT that contained 25 questions covering all 6 NEPA Assignment Program elements. The FDOT responses to the PAIR were used to develop questions for the virtual interviews with FDOT staff.

The team conducted a total of 32 interviews. Interview participants included staff from all seven FDOT District offices and the FDOT Central Office. The team interviewed FDOT legal and environmental staff. The team also interviewed representatives from the following resource agencies: National Oceanic and Atmospheric Administration—National Marine Fisheries Service; the U.S. Coast Guard; the U.S. Fish and Wildlife Service; U.S. Army Corps of Engineers; and the State Historic Preservation Officer from the Florida Department of State, Division of Historic Resources.

The team compared FDOT policies and procedures (including the published 2019 PD&E Manual) for the audit focus areas to the information obtained during interviews and project file reviews to determine if FDOT's performance of its MOU responsibilities are in accordance with FDOT policies and procedures and Federal requirements. Individual observations were documented during interviews and reviews and combined under the six NEPA Assignment Program elements. The audit results are described below by program element.

Overall Audit Opinion

The team recognizes that FDOT's efforts have included implementing the requirements of the MOU by: processing and approving projects; refining policies, procedures, and guidance documents; refining the SWEPT tracking system for official project files; training staff; implementing a QA/QC Plan; and conducting a self assessment for monitoring compliance with the assumed responsibilities. The team found evidence of FDOT's continuing efforts to train staff in clarifying the roles and responsibilities of FDOT staff, and in educating staff in an effort to assure compliance with all of the assigned responsibilities.

During the fourth audit, the team identified numerous successful practices, no observations, and one non-compliance observation that FDOT will need to address through corrective actions.

The FDOT has carried out the responsibilities it has assumed consistent with the intent of the MOU and FDOT's application. The team finds that FDOT is in substantial compliance with the terms of the MOU. By addressing the non-compliance observation in this report, FDOT will continue to assure a successful program.

Successful Practices and Observations

Successful practices are practices that the team believes are positive, and encourages FDOT to continue or expand those programs in the future. The team identified numerous successful practices in this report. Observations are items the team would like to draw FDOT's attention to, which may improve processes, procedures, and/or outcomes. The team identified no observations in this report.

A non-compliance observation is an instance where the team finds the State is not in compliance or is deficient with regard to a Federal regulation, statute, guidance, policy, State procedure, or the MOU. Non-compliance may also include instances where the State has failed to secure or maintain adequate personnel and/or financial resources to carry out the responsibilities they have assumed. The FHWA expects the State to develop and implement corrective actions to address all non-compliance observations. The team identified one non-compliance observation during this fourth audit.

The team acknowledges that sharing initial results during the closeout and sharing the draft audit report with FDOT provided them the opportunity to clarify any observation, as needed, and/or begin implementing corrective actions to improve the program.

The Audit Report addresses all six MOU program elements as separate discussions.

Program Management

Successful Practices

The FDOT has continued and expanded its working relationships with the resource agencies. The FDOT has been meeting early and often with some resource agencies to discuss ongoing and future projects. This enhanced communication minimizes delays in project delivery and permitting processes. The Efficient Transportation Decision Making process was in place prior to NEPA Assignment and this tool continues to foster good relationships between FDOT and the resource agencies. Districts are beginning to conduct periodic Environmental Technical Advisory Team (ETAT) Webinars instead of annual ETAT meetings to discuss upcoming projects. Additionally, federally funded positions dedicated to FDOT projects reduce delays in project delivery.

The SWEPT is a fundamental component of FDOT's NEPA Assignment success. The SWEPT continues to be a critical and flexible tool in implementing the NEPA Assignment program responsibilities. The review team learned through the interviews that as FDOT users have become more familiar with the SWEPT system, they have praised its usefulness in streamlining the NEPA documentation process. The SWEPT provides standards for documentation in templates, provides a consistent interface, and facilitates the creation of the administrative record. Users also have an opportunity to provide input to improve SWEPT's ability to track project progression. The SWEPT has continued to evolve and now used to support the permitting process for some projects.

The FDOT's internal communication is robust and effective. As FDOT's NEPA Assignment Program matures, communication and relationships continue to improve between FDOT's OEM Staff, District Staff, and consultants. Communications at the program level between OEM and District staff have become a regular part of their day-to-day operations. The OEM engagement through the Project Delivery Coordinators has helped save time on projects and improved consistency. Monthly meetings within the Districts among environmental staff and permit coordinators has improved project development and delivery. One District holds quarterly meetings between permitting, environmental management, and construction offices to discuss outstanding items and issues.

The FDOT Districts accelerate NEPA project delivery through enhanced scoping. The review team learned through interviews that two Districts have staff complete surveys and assessments before the NEPA process begins to accelerate project delivery. Once the NEPA process begins, the District consultants are then able to complete the NEPA phase in a shorter timeframe, without having to wait on seasonal surveys, such as those required for some species, and other information that is needed for the NEPA decisions. This early information gathering is an example of Planning and Environment Linkages to allow for accelerated NEPA project delivery and reduced costs for consultant services in the environmental phase.

Quality Assurance/Quality Control

Successful Practice

The SWEPT provides a QA/QC advantage. The review team learned through interviews that SWEPT provides additional environmental document quality control for the project file. The use of templates in SWEPT and the SWEPT system validation control point prevent project advancement and approval until required documents are uploaded and serve as additional QA/QC tools.

Legal Sufficiency

Successful Practices

The FDOT has an attorney dedicated to Section 4(f) reviews. Section 4(f) is a complex law which is challenging to master and implement. This practice allows FDOT counsel to provide consistent advice, develop subject matter expertise, and allows for streamlined reviews ensuring the analysis meets the legal sufficiency requirements in accordance with 23 CFR part 774.

Counsel has been fully integrated into the NEPA decisionmaking process. The FDOT Districts routinely contact counsel with questions throughout the NEPA development process. Consulting early and often with counsel has not only expedited the NEPA decisionmaking process but also translated into counsel being invited to participate in other phases of project development and policy matters.

Training Program

The FDOT has continued to focus resources ensuring staff, other agencies, and consultants are adequately trained. In the last year, FDOT again trained more than 2,300 staff, consultants, resource agencies and local agencies in over 100 courses on topics such as Section 4(f), Permits, Wetlands, and the PD&E Manual. Through information presented in the FDOT Self Assessment and the interviews, the review team learned of the variety in, and growth of, FDOT's environmental training program.

Successful Practice

The FDOT has a strong onboarding process when new employees join the OEM. The OEM initiated a 6-month pilot program to conduct weekly sessions led by technical experts. These onboarding mentoring sessions with subject matter experts are being recorded and made available for other FDOT staff to watch on demand.

Performance Measures

Based on information reported in FDOT's 2020 Self Assessment Summary Report, FDOT met, exceeded, or was close to achieving all targets for the review period.

Documentation and Records Management

The team reviewed environmental documentation for 61 Type 1 CEs, 16 Type 2 CEs, and 33 Reevaluations which included RODs, FONSIs, and

Type 2 CEs to determine if the environmental review met Federal requirements. The team also reviewed 422 fiscal project authorization files to determine if NEPA was completed for these projects prior to the authorization.

Non-Compliance Observation #1: Some FDOT Project Files Contain Insufficient Documentation To Support the Project Authorization, Environmental Analysis, or Environmental Decision

The team found some CEs that did not have a Statewide Transportation Improvement Program (STIP) page or had an outdated STIP page (10 projects) in their documentation for fiscal constraint. The team also found that some fiscal project authorizations did not have documentation verifying that NEPA was completed (11 projects). FDOT has already updated the SWEPT System by uploading any missing documentation. In addition, FDOT committed to making process improvements to address any remaining concerns.

While the SWEPT system has validation control points in place, there are still opportunities for additional enhancements regarding quality assurance to ensure these documents are included in all project files. It is FHWA's expectation that documentation to support a project's decision will be included in the SWEPT system prior to project close out.

Update From Previous Audit Findings

The FHWA reported a non-compliance observation related to some FDOT project files that lacked documentation to support the environmental analysis or decision as part of Audit #1, Audit #2, and Audit #3. Also, as part of Audit #3, FHWA identified the lack of documentation to support the project authorization. The FDOT and FHWA have productively worked together to resolve documentation issues from these previous audits. The FDOT implemented several process improvements to address noted procedural deficiencies.

2017 Audit #1, Non-Compliance Observation #1 and 2018 Audit #2, Non-Compliance Observation #1: Some FDOT Project Files Contain Insufficient Documentation To Support the Environmental Analysis or Decision

To address the 2017 and 2018 findings, FDOT implemented enhancements to SWEPT including revisions to the Type 1 CE checklist, the Type 2 CE form, and the reevaluation form. They added STIP/TIP planning consistency uploading instructions, added validation for data within the Type 1 CE checklist for ROW, wetlands, floodplains, and waterways, added an attachment point for the project commitment record in the Type 1 CE checklist, allowed multiple attachments for Section 7 ESA concurrence letters, integrated Section 4(f) approvals for applicable classes of action, and developed a spreadsheet tool for the project managers to verify which documents need to be uploaded to the project file. The FDOT also updated the PD&E manual, conducted training for their staff on the SWEPT and PD&E manual enhancements and on the areas of noted deficiencies. The FDOT also developed computer based training in some of these areas for future use.

2019 Audit #3, Non-Compliance Observation #1: Some FDOT Project Files Contain Insufficient Documentation To Support the Project Authorization, Environmental Analysis or Decision

To address the 2019 findings, FDOT implemented enhancements to SWEPT by adding validation for data within the Type 1 CE checklist for bridge permits. The FDOT also updated the PD&E manual, conducted training for their staff on the SWEPT, and made PD&E manual enhancements in the noted deficiency areas. The FDOT also developed computer based training for class of actions, CEs, and environmental assessments.

The improvements made in response to the 2017, 2018, and 2019 observations were assessed during this final audit and are considered sufficient to address the issues underlying the non-compliance observations in those audits.

Finalizing This Report

The FHWA provided a draft of the audit report to FDOT for a 14-day review and comment period. The team considered FDOT's comments in this draft audit report. The FHWA is publishing this notice in the **Federal Register** for a 30-day comment period in accordance with 23 U.S.C. 327(g). No later than 60 days after the close of the comment period, FHWA will address all comments submitted to finalize this draft audit report pursuant to 23 U.S.C. 327(g)(2)(B). Subsequently, FHWA will publish the final audit report in the **Federal Register**.

[FR Doc. 2022–27057 Filed 12–13–22; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

[DOCKET: DOT–OST–2013–0074]

Agency Information Collection; Activity Under OMB Review: Foreign Air Carrier Application for Statement of Authorization, ICR–2106–0035

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Notice and request for comments; Request OMB Clearance for extension of a currently approved information collection, Foreign Air Carrier Application for Statement of Authorization.

SUMMARY: In compliance with the Paperwork Reduction Act, this notice announces that the Information Collection Request, abstracted below, is being forwarded to the Office of Management and Budget for extension of approval of currently approved ICR–2106–0036, Foreign Air Carrier Application for Statement of Authorization. Earlier, a **Federal Register** Notice with a 60-day comment period was published on August 12, 2022. The agency received one comment from Bakersfield College—Britain Cambridge State University stating, ''Thank you''.

DATES: Written comments should be submitted by January 8, 2023.

ADDRESSES: Comments should be sent to OMB at the address that appears below and should identify the associated OMB Approval Number 2106–0035 and Docket DOT–OST–2013–0074.

FOR FURTHER INFORMATION CONTACT: Darren Jaffe, (202) 366–2512, Office of International Aviation, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W86–441, Washington, DC 20590. Office hours are from 9 a.m. to 5:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 2106–0035.

Title: Foreign Air Carrier Application for Statement of Authorization.

Form No.: Form OST 4540.

Type of Review: Extension of a currently approved collection.

Respondents: Foreign Air Carriers.

Number of Respondents: approximately 100.

Estimated Time per Response: 2.25 hours per application.

Total Annual Burden: 1,000 hours.

Abstract: Applicants use Form OST 4540 to request statements of authorization to conduct numerous types of operations authorized under Title 14, CFR part 212. The form requires basic information regarding the carrier(s) conducting the operation, the

party filing the form, the operations being conducted, the number of third- and fourth-freedom flights conducted in the last twelve-month period, and certification of reciprocity from the carrier's homeland government. DOT analysts will use the information collected to determine if applications for fifth-freedom operations meet the public interest requirements necessary to authorize such applications.

Burden Statement: We estimate that the industry-wide total hour burden for this collection to be approximately 1,000 hours or approximately 2.25 hours per application. Conservatively, we estimate the compilation of background information will require 1.75 hours, and the completion and submission of OST Form 4540 will require thirty (30) minutes. Reporting the number of third- and fourth-freedom operations conducted by an applicant carrier will require collection of flight data, and detailed analysis to determine which flights conducted by the carrier are third- and fourth-freedom. Applicants should be able to use data collected for the Department's T–100 program to provide this information (under this program, carriers are required periodically to compile and report certain traffic data to the Department, as more fully described in the Docket referenced in footnote 1 below). The Bureau of Transportation Statistics (BTS) provide carriers with a computer program that allows them to compile and monitor, among other things, flight origin and destination data, to be used in making the carriers' T–100 submissions.[1]

We estimated that carriers will require 1.25 hours per application [2] to compile and analyze the data necessary to disclose the number of third- and fourth-freedom flights conducted within the twelve-month period preceding the filing of an application.

Foreign carriers will also have to provide evidence that their homeland government will afford reciprocity to U.S. carriers seeking authority for the similar fifth-, sixth- and seventh-freedom operations. Carriers may cite certifications submitted by carriers from the same homeland if that homeland issued such certification within the preceding six-month period. Approximately 100 carriers from roughly 30 distinct homelands use OST Form 4540 to apply for statements of authorization annually. We estimate that one foreign carrier from any given homeland will expend roughly 4 hours every six-months to obtain certification from its homeland governments.[3]

We have apportioned 30 minutes to each application to account for the time required to obtain certifications from homeland governments.

We have no empirical data to indicate how much time is required for a person to complete OST Form 4540; however, anecdotal evidence reveals that respondents spend thirty (30) minutes or less completing the form and brief justification. In some cases, respondents spend a limited amount of time, less than ten (10) minutes, reviewing the form before sending it via facsimile or email to the Department. In the interest of providing a conservative estimate so as to not understate the burden hours, we estimate the hour burden for completing OST Form 4540 as thirty (30) minutes.

Issued in Washington, DC on December 8, 2022.

Benjamin J. Taylor,

Director, Office of International Aviation.

[FR Doc. 2022–27072 Filed 12–13–22; 8:45 am]

BILLING CODE 4910–9X–P

[1] The rule-making associated with the T–100 program can be found on the Federal Docket Management System (FDMS) at *https://www.regulations.gov,* in Docket DOT–OST–1998–4043. Information regarding burden hours is on file in the Office of Aviation Analysis (X–50).

[2] The Office of Aviation Analysis (X–50) estimated that small-carriers would require 1 burden hour per report, and large carriers would require 3 burden hours per report to analyze and report T–100 program data. Considering that the data required in this information collection can be derived from data already collected, we have taken an average of the estimated time required, and conservatively shortened the time by 45 minutes because no new data entry will be required.

[3] Calculation: (4 burden hours per application) × (30 foreign homelands) × (2 requests per year) = 240 annual burden hours. Apportioning 240 annual burden hours equally among an average of 430 applications annually = approximately 30 burden minutes per application.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2022–0119]

Notice of Rights and Protections Available Under the Federal Antidiscrimination and Whistleblower Protection Laws

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: No FEAR Act notice.

SUMMARY: This notice implements the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act of 2002). In doing so, the Department of Transportation notifies all employees, former employees, and applicants for Federal employment of the rights and protections available to them under the Federal Anti-discrimination and Whistleblower Protection Laws.

FOR FURTHER INFORMATION CONTACT: Yvette Rivera, Associate Director, Equity and Access Division (S–32), Departmental Office of Civil Rights, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W78–306, Washington, DC 20590, 202–366–5131 or by email at *Yvette.Rivera@dot.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

You may retrieve this document online through the Federal Document Management System at *http://www.regulations.gov.* Electronic retrieval instructions are available under the help section of the website.

No FEAR Act Notice

On May 15, 2002, Congress enacted the ''Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002,'' now recognized as the No FEAR Act (Pub. L. 107–174). The No FEAR Act was amended on January 1, 2021, by the ''Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020'' [further strengthening accountability for violations of federal civil rights laws]. One purpose of the No FEAR Act is to ''require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws.'' (Pub. L. 107–174, Summary). In support of this purpose, Congress found that ''agencies cannot be run effectively if those agencies practice or tolerate discrimination.'' (Pub. L. 107–174, Title I, General Provisions, section 101(1)). The No FEAR Act also requires the United States Department of Transportation (USDOT) to issue this Notice to all USDOT employees, former USDOT employees, and applicants for USDOT employment. This Notice informs such individuals of the rights and protections available under Federal antidiscrimination and whistleblower protection laws.

Antidiscrimination Laws

A Federal agency cannot discriminate against an employee, former employee or applicant with respect to the terms, conditions, or privileges of employment because of race, color, religion, sex (including gender identity and sexual orientation), national origin, age, disability, marital status, genetic information, political affiliation, or in retaliation for a protected activity. One or more of the following statutes prohibit discrimination on these bases: 5 U.S.C. 2302(b)(1), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 206(d), 29 U.S.C. 791, 42 U.S.C. 2000e–16 and 2000ff.

If you believe you have experienced unlawful discrimination on the bases of race, color, religion, sex (including gender identity and sexual orientation), national origin, age, retaliation, genetic information, and/or disability, you must contact a USDOT Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action to pursue any legal remedy. A directory of USDOT EEO counselors is available on the Departmental Office of Civil Rights website at *http://www.transportation.gov/civil-rights;* you can also contact the Departmental Office of Civil Rights by phone at 202–366–4648 for more information. Once you contact the EEO counselor, you will be offered the opportunity to resolve the matter through the informal complaint process; if you are unable to resolve the matter through the informal complaint process, you can file a formal complaint of discrimination with USDOT (See, *e.g.,* 29 CFR part 1614). Parties who complete the informal complaint process are provided with an electronic Individual Complaint of Employment Discrimination Form. The form can be submitted electronically at *https://secure.dot.gov/form/eeoc* or by email at *Patricia.Fields@dot.gov.* You may also contact the EEO Complaints and Investigations Division, Departmental Office of Civil Rights by phone at 202–366–9370 or by email at *DOCR_CMB@dot.gov* if you need additional assistance.

If you believe you experienced unlawful discrimination based on age, you must either contact an EEO counselor as noted above or file a civil action in a United States District Court under the Age Discrimination in Employment Act against the head of the alleged discriminating agency. If you choose to file a civil action, you must give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 days of the alleged discriminatory action, and not less than 30 days before filing a civil action. You may file such notice in writing with the EEOC via mail at P.O. Box 77960, Washington, DC 20013, the EEOC Public Portal at *https://www.eeoc.gov/employees/charge.cfm,* hand delivery at 131 M St. NE, Washington, DC 20507, or Fax at 202–663–7022.

If you are alleging discrimination based on marital status or political affiliation, you may file a written discrimination complaint with the U.S. Office of Special Counsel (OSC) using Form OSC–14. Form OSC–14 can be submitted electronically at the OSC website *http://www.osc.gov,* under the tab ''File a Complaint.'' You also have the option to call the Complaints Examining Unit at 1–800–872–9855 for additional assistance. In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through the USDOT administrative or negotiated grievance procedures, if such procedures apply and are available.

If you are alleging compensation discrimination pursuant to the Equal Pay Act and wish to pursue your allegations through the administrative process, you must contact an EEO counselor within 45 calendar days of the alleged discriminatory action, as such complaints are processed under EEOC's regulations at 29 CFR part 1614. Alternatively, you can file a civil action in a court of competent jurisdiction within two years, or, if the violation is willful, within three years of the date of the alleged violation, regardless of whether you pursued any administrative complaint processing. The filing of a complaint or appeal pursuant to 29 CFR part 1614 shall not toll the time for filing a civil action.

Whistleblower Protection Laws

A USDOT employee with authority to take, direct others to take, recommend, or approve any personnel action must not use that authority to take, or fail to take, or threaten to take a personnel action against an employee or applicant because of a disclosure of information by that individual that is reasonably believed to evidence violations of law, rule, or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless the disclosure of such information is specifically prohibited by law and such information is specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against a USDOT employee or applicant for making a protected disclosure is prohibited (5 U.S.C. 2302(b)(8)). If you believe you are a victim of whistleblower retaliation, you may file a written complaint with the U.S. Office of Special Counsel using Form OSC–14. Form OSC–14 can be filed electronically at *http://www.osc.gov.* You may also contact the USDOT Office of Inspector General Hotline by phone at 1–800–424–8071, by fax at 202–366–7749, by email at *hotline@oig.dot.gov,* online at *https://www.oig.dot.gov/hotline,* or by mail at 1200 New Jersey Avenue SE, West Bldg., 7th Floor, Washington, DC 20590.

Retaliation for Engaging in Protected Activity

A Federal agency cannot retaliate against an employee or applicant because that individual exercises their rights under any of the Federal antidiscrimination or whistleblower protection laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

Disciplinary Actions

Under existing laws, USDOT retains the right, where appropriate, to discipline a USDOT employee who engages in conduct that is inconsistent with Federal Antidiscrimination and Whistleblower Protection laws up to and including removal from Federal service. If USDOT takes an adverse action under 5 U.S.C. 7512 against an employee for a discriminatory act, it must include a notation of the adverse action and the reason for the action in the employee's personnel record. If OSC initiates an investigation under 5 U.S.C. 1214, USDOT must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation (5 U.S.C. 1214). Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a USDOT employee, or to violate the procedural rights of a USDOT employee accused of discrimination.

Additional Information

For more information regarding the No FEAR Act regulations, refer to 5 CFR part 724, as well as the appropriate office(s) within your agency (*e.g.,* EEO/civil rights offices, human resources offices, or legal offices). You can find additional information regarding Federal antidiscrimination, whistleblower protection, and retaliation laws at the EEOC website at *http://www.eeoc.gov* and the OSC website at *http://www.osc.gov.*

Existing Rights Unchanged

Pursuant to section 205 of the No FEAR Act, neither the No FEAR Act nor this notice creates, expands, or reduces any rights otherwise available to any employee, former employee, or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).

Issued in Washington, DC, on December 8, 2022.

Irene Marion,

Director, Departmental Office of Civil Rights, U.S. Department of Transportation.

[FR Doc. 2022–27048 Filed 12–13–22; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

[Catalog of Federal Domestic Assistance (CFDA) Number: 21.030]

Emergency Capital Investment Program; Notice of Investment Availability

AGENCY: Emergency Capital Investment Program, Department of the Treasury.

ACTION: Notice of investment availability.

SUMMARY: This NOIA is published in connection with the Emergency Capital Investment Program (ECIP), administered by the U.S. Department of the Treasury (Treasury). Through this NOIA, Treasury announces the availability of up to approximately $340 million in funding. Established by the Consolidated Appropriations Act, 2021, the ECIP was created to encourage low- and moderate-income community financial institutions to augment their efforts to support small businesses and consumers in their communities. Under the program, Treasury will provide up to $8.7 billion in capital directly to depository institutions that are certified community development financial institutions (CDFIs) or minority depository institutions (MDIs) to, among other things, provide loans, grants, and forbearance for small businesses, minority-owned businesses, and consumers, especially in low-income and underserved communities, that may be disproportionately impacted by the economic effects of the COVID–19 pandemic. Treasury previously invested a total of approximately $8.34 billion and may invest up to an additional approximately $340 million. This is the second round of ECIP funding available.

DATES: Low- and moderate-income community financial institutions may submit applications for investment starting on the date of publication of this Notice of Investment Availability (NOIA). In order to be considered for investment, applications must be submitted by 11:59 p.m. Eastern Time (ET) on January 31, 2023.

SUPPLEMENTARY INFORMATION: For more information, please see Treasury's ECIP website at *https://home.treasury.gov/policy-issues/coronavirus/assistance-for-small-businesses/emergency-capital-investment-program.* Any terms not defined in this NOIA are defined under 12 U.S.C. 4703a or the ECIP Application Forms and Instructions, as applicable.

Form of Application: Electronic application via the ECIP portal is required. As of the date of this NOIA, a copy of the ECIP Application Form and Instructions is available on the ECIP website at *https://home.treasury.gov/policy-issues/coronavirus/assistance-for-small-businesses/emergency-capital-investment-program.* Additional resources available on the ECIP website include application FAQs, forms of legal documents, information on how applications will be evaluated, and other information. Note that the displayed version of the application cannot be submitted for consideration. Applicants must use the application form available via the ECIP portal.

FOR FURTHER INFORMATION CONTACT: David Meyer, Program Manager, Emergency Capital Investment Program, (202) 819–3127, *ECIP@treasury.gov.*

Noel Poyo,

Deputy Assistant Secretary for Community and Economic Development.

[FR Doc. 2022–27000 Filed 12–13–22; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Annual Certification and Data Collection Report Form and the Abbreviated Transaction Level Report

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of the Treasury will submit the following information requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before January 13, 2023 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Melody Braswell by emailing *PRA@treasury.gov,* calling (202) 622–1035, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

CDFI Fund

Title: Annual Certification and Data Collection Report Form and the abbreviated Transaction Level Report.

OMB Control Number: 1559–0046.

Type of Review: Revision of a currently approved collection.

Description: A Certified Community Development Financial Institution (CDFI) is a specialized financial institution that works in markets that are underserved by traditional financial institutions and provide a range of Financial Products and Financial Services in economically distressed Target Markets. CDFIs include regulated institutions such as community development banks and credit unions, and non-regulated institutions such as loan and venture capital funds. CDFI Certification is a designation conferred by the Community Development Financial Institutions Fund (CDFI Fund) and is a requirement for accessing various CDFI Fund programs. A financial institution seeking to become a Certified CDFI and qualify to apply for assistance from the CDFI Fund must complete the CDFI Certification Application (OMB Control Number 1559–0028). CDFI Certification and the Annual Certification and Data Collection Report (ACR) are requirements of Certified CDFIs. The Transaction Level Report (TLR) is a requirement of CDFIs that receive Financial Assistance (FA) awards from the CDFI Fund.

The CDFI Fund is authorized by the Riegle Community Development Banking and Financial Institutions Act of 1994 (Pub. L. 103–325, 12 U.S.C. 4701 *et seq.*) (the Act). The regulations governing CDFI Certification are found at 12 CFR. 1805.201 (the Regulations). The significance of CDFI Certification has increased over the years, as the CDFI Certification status has come to serve as a qualifier for other federal government and private sector resources and benefits. Beginning in January 2017, through the issuance of a Request for Information, the CDFI Fund sought to review and update the CDFI Certification policies and procedures to ensure they continue to meet the statutory and regulatory requirements,

are responsive to the evolving nature of the CDFI industry, and protect government resources. In May 2020, the CDFI Fund requested public comment on proposed revisions to the CDFI Certification Application (Application) and reporting requirements for Certified CDFIs, including the introduction of the Certification Transaction Level Report (CTLR). As a result of comments received during that public comment period, the CDFI Fund made additional revisions to the existing ACR, the new CTLR and proposed Certification Application.

The revised ACR, new CTLR, certification policies, and Application attempt both to provide the flexibility necessary for CDFIs to grow and to serve the hardest to reach distressed communities, and to maintain the integrity of what it means to be a Certified CDFI from a mission perspective. In addition, where existing policy was considered appropriate, changes were made to the Application and guidance to provide greater transparency and clarity around the criteria that entities must meet to obtain and maintain CDFI Certification.

Form: Annual Certification and Data Collection Report.

Affected Public: Certified CDFIs.

Estimated Number of ACR Respondents: 1,460.

Estimated Annual Time per ACR Respondent: 14 hours.

Estimated Total ACR Annual Burden Hours: 20,440 hours.

Form: abbreviated Transaction Level Report.

Affected Public: Non-Financial Assistance Certified CDFIs seeking Recertification (597) and new Certification Applicants (150).

Estimated Number of abbreviated TLR Respondents: 747.

Estimated Annual Time per abbreviated TLR Respondent: 10 hours.

Estimated Total abbreviated TLR Annual Burden Hours: 7,470 hours.

Authority: 44 U.S.C. 3501 *et seq.*

Melody Braswell,

Treasury PRA Clearance Officer.

[FR Doc. 2022–27142 Filed 12–13–22; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Advisory Committee on Structural Safety of Department of Veterans Affairs (VA) Facilities

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), Office of Construction and Facilities Management, is seeking nominations of qualified candidates to be considered for appointment to the Advisory Committee on Structural Safety of Department Facilities (''the Committee'').

DATES: Nominations for membership on the Committee must be received no later than 5 p.m. EST on December 30, 2022.

ADDRESSES: All nominations should be submitted to Mr. Juan Archilla by email at *juan.archilla@va.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Juan Archilla, Office of Construction & Facilities Management (CFM), Department of Veterans Affairs, via email at *juan.archilla@va.gov,* or via telephone at (202) 632–5967. A copy of the Committee charter and list of the current membership can be obtained by contacting Mr. Archilla or by accessing the website: *http://www.va.gov/ADVISORY/Advisory_Committee_on_Structural_Safety_of_Department_of_Veterans_Affairs_facilities_Statutory.asp.*

SUPPLEMENTARY INFORMATION: In carrying out the duties set forth, the Committee responsibilities include:

(1) Providing advice to the Secretary of VA on all matters of structural safety in the construction and altering of medical facilities and recommending standards for use by VA in the construction and alteration of facilities.

(2) Reviewing of appropriate State and local laws, ordinances, building codes, climatic and seismic conditions, relevant existing information, and current research.

(3) Recommending changes to the current VA standards for structural safety, on a state or regional basis.

(4) Recommending the engagement of the services of other experts or consultants to assist in preparing reports on present knowledge in specific technical areas.

(5) Reviewing of questions regarding the application of codes and standards and making recommendations regarding new and existing facilities when requested to do so by VA.

Authority: The Committee was established in accordance with 38 U.S.C. 8105, to provide advice to the Secretary on all matters of structural safety in the construction and altering of medical facilities and recommends standards for use by VA in the construction and alteration of facilities. Nominations of qualified candidates are being sought to fill current and upcoming vacancies on the Committee.

Membership Criteria and Professional Qualifications: CFM is requesting nominations for current and upcoming vacancies on the Committee. The Committee is composed of approximately five members, in addition to ex-officio members. The Committee is required to include at least one architect and one structural engineer who are experts in structural resistance to fire, earthquake, and other natural disasters and who are not employees of the Federal Government. To satisfy this requirement and ensure the Committee has the expertise to fulfill its statutory objectives, VA seeks nominees from the following professions at this time:

(1) *Fire Safety Engineer:* Candidate must be an expert in fire protection engineering and building codes and standards, in particular related to the National Fire Protection Association (NFPA). A practicing, licensed Professional Engineer with expert knowledge in fire protection systems and experience with life safety requirements is required;

(2) *Geotechnical Engineer:* Candidate must be an expert in earthquake geotechnical engineering and foundation engineering, with experience in the topics of liquefaction, earthquake ground motions, soil-structure interaction, and soil improvement. A practicing, licensed Professional Engineer with a focus on geotechnical engineering is required; and

(3) *Research Structural Engineer:* Candidate must have experience leading experimental and/or computational research in the field of structural engineering to advance building structural performance and/or design methods against natural disasters, such as earthquakes, fire, hurricanes, tornados, etc.

Prior experience serving on nationally recognized professional and technical committees is also desired.

Requirements for Nomination Submission: Nominations should be type written (one nomination per nominator). Nomination package should include: (1) a letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating a willingness to serve as a member of the Committee; (2) the nominee's contact information, including name, mailing address, telephone numbers, and email address; (3) the nominee's curriculum vitae, and (4) a summary of the nominee's experience and qualification relative to the *professional qualifications* criteria listed above.

Membership Terms: Individuals selected for appointment to the Committee shall be invited to serve a two-year term. At the Secretary's discretion, members may be reappointed to serve an additional term. All members will receive travel expenses and a per diem allowance in accordance with the Federal Travel Regulation for any travel made in connection with their duties as members of the Committee.

The Department makes every effort to ensure that the membership of its Federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is made to ensure that a broad representation of geographic areas, gender, racial and ethnic minority groups, and the disabled are given consideration for membership. Appointment to this Committee shall be made without discrimination because of a person's race, color, religion, sex (including gender identity, transgender status, sexual orientation, and pregnancy), national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: November 8, 2022.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2022–27046 Filed 12–13–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0198]

Agency Information Collection Activity Under OMB Review: Application for Annual Clothing Allowance

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Health Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently Under 30-day Review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–0198.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0198'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Application for Annual Clothing Allowance, VA Form 10–8678.

OMB Control Number: 2900–0198.

Type of Review: Reinstatement of a previously approved collection.

Abstract: The Department of Veterans Affairs (VA) through its Veterans Health Administration (VHA) administers an integrated program of benefits and services, established by law for veterans, service personnel, and their dependents and/or beneficiaries. Information is requested by this form under the authority of 38 U.S.C., Section 1162, Clothing Allowance, which provides authority for the Secretary to pay a clothing allowance to veterans who, because of a service-connected disability, wear or use a prosthetic or orthopedic appliance (including a wheelchair) which tends to wear out or tear clothing or uses medication that causes irreparable damage to the outer garments. Entitlement to this benefit is granted by 38 CFR 3.810, Clothing Allowance, upon application by the eligible individual. VA Form 10–8678 is used to collect the necessary information to determine if the veteran has established entitlement to a clothing allowance 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 87 FR 194 on October 7, 2022, pages 61148 and 61149.

Affected Public: Individuals or Households.

Estimated Annual Burden: 1,120 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 6,720.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer, (Alt.) Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2022–27094 Filed 12–13–22; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 87 Wednesday,
No. 239 December 14, 2022

Part II

The President

Federal Register
Vol. 87, No. 239
Wednesday, December 14, 2022

Presidential Documents

Title 3—

The President

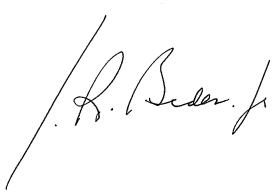
Notice of December 12, 2022

Continuation of the National Emergency With Respect to Serious Human Rights Abuse and Corruption

On December 20, 2017, by Executive Order 13818, the President declared a national emergency with respect to serious human rights abuse and corruption around the world and, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), took related steps to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

The prevalence and severity of human rights abuse and corruption that have their source, in whole or in substantial part, outside the United States, 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 on December 20, 2017, must continue in effect beyond December 20, 2022. 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 13818 with respect to serious human rights abuse and corruption.

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



THE WHITE HOUSE,
December 12, 2022.

[FR Doc. 2022–27270
Filed 12–13–22; 11:15 am]
Billing code 3395–F3–P

Presidential Documents

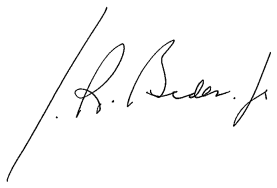
Notice of December 12, 2022

Continuation of the National Emergency With Respect to the Global Illicit Drug Trade

On December 15, 2021, by Executive Order 14059, 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, foreign policy, and economy of the United States constituted by global illicit drug trafficking.

The trafficking into the United States of illicit drugs, including fentanyl and other synthetic opioids, is causing the deaths of tens of thousands of Americans annually, as well as countless more non-fatal overdoses with their own tragic human toll. Drug cartels, transnational criminal organizations, and their facilitators are the primary sources of illicit drugs and precursor chemicals that fuel the current opioid epidemic, as well as drug-related violence that harms our communities. International drug trafficking—including the illicit production, global sale, and widespread distribution of illegal drugs; the rise of extremely potent drugs such as fentanyl and other synthetic opioids; as well as the growing role of Internet-based drug sales—continues 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 14059 of December 15, 2021, must continue in effect beyond December 15, 2022. 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 14059 with respect to global illicit drug trafficking.

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



THE WHITE HOUSE,
December 12, 2022.

[FR Doc. 2022–27271
Filed 12–13–22; 11:15 am]
Billing code 3395–F3–P

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Federal Register

Vol. 87, No. 239

Wednesday, December 14, 2022

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FEDERAL REGISTER PAGES AND DATE, DECEMBER

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List December 12, 2022

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