

**FOR FURTHER INFORMATION CONTACT:** Tina Faecke, Management and Program Analyst, NEHRP, Engineering Laboratory, NIST, 100 Bureau Drive, Mail Stop 8604, Gaithersburg, Maryland 20899–8604. Ms. Faecke’s email address is [tina.faecke@nist.gov](mailto:tina.faecke@nist.gov) and her phone number is (301) 975–5911.

**SUPPLEMENTARY INFORMATION:** Authority: 42 U.S.C. 7704(a)(5) and the Federal Advisory Committee Act, as amended, 5 U.S.C. app. The Committee is currently composed of 12 members, appointed by the Director of NIST, who were selected for their established records of distinguished service in their professional community, their knowledge of issues affecting NEHRP, and to reflect the wide diversity of technical disciplines, competencies, and communities involved in earthquake hazards reduction. In addition, the Chairperson of the U.S. Geological Survey Scientific Earthquake Studies Advisory Committee serves as an ex-officio member of the Committee.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. app., notice is hereby given that the ACEHR will meet on Tuesday, August 23, 2022, from 1:00 p.m. to 4:00 p.m. and Wednesday, August 24, 2022, from 1:00 p.m. to 4:00 p.m. Eastern Time. The meeting will be open to the public and will be held via web conference. Interested members of the public will be able to participate in the meeting from remote locations. The primary purpose of this meeting is for the Committee to review the activities of NEHRP. The agenda may change to accommodate Committee business. The final agenda and any meeting materials will be posted on the NEHRP website at <https://nehrrp.gov/committees/meetings.htm>.

Individuals and representatives of organizations who would like to offer comments and suggestions related to items on the Committee’s agenda for this meeting are invited to request a place on the agenda. Approximately fifteen minutes will be reserved for public comments and speaking times will be assigned on a first-come, first-serve basis. This meeting will be recorded. Public comments can be provided via email or by web conference attendance. The amount of time per speaker will be determined by the number of requests received. Questions from the public will not be considered during this period. All those wishing to speak must submit their request by email to Tina Faecke at [tina.faecke@nist.gov](mailto:tina.faecke@nist.gov) by 5:00 p.m. Eastern Time, Tuesday, August 16, 2022. Speakers who wish to expand upon their oral statements, those who

wish to speak but cannot be accommodated on the agenda, and those who are unable to attend are invited to submit written statements electronically by email to [tina.faecke@nist.gov](mailto:tina.faecke@nist.gov).

Anyone wishing to attend this meeting via web conference must register by 5:00 p.m. Eastern Time, Tuesday, August 16, 2022. Please submit your full name, the organization you represent (if applicable), email address, and phone number to Tina Faecke at [tina.faecke@nist.gov](mailto:tina.faecke@nist.gov).

**Alicia Chambers,**

*NIST Executive Secretariat.*

[FR Doc. 2022–09113 Filed 4–27–22; 8:45 am]

**BILLING CODE 3510–13–P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

[Docket Number: 220420–0100]

#### Alternative Personnel Management System (APMS) at the National Institute of Standards and Technology

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of modifications.

**SUMMARY:** This notice modifies the National Institute of Standards and Technology (NIST) Alternative Personnel Management System (APMS) published October 21, 1997 to allow NIST to implement a term appointment with a minimum duration of more than one year that may be extended up to six years, for research positions in the Scientific and Engineering (ZP) career path at the Pay Band III-level and above. These term appointments will be subject to a trial period that lasts the duration of the term (initial appointment including any subsequent extensions). This notice also modifies the APMS to allow NIST to convert an employee serving under a term appointment under this authority to a permanent appointment in the competitive service without further competition.

**DATES:** This notice is effective on April 28, 2022.

**FOR FURTHER INFORMATION CONTACT:** For further information, please contact Essex W. Brown III, NIST Office of Human Resources Management, by telephone at (301) 975–3801 or by email at [essex.brown@nist.gov](mailto:essex.brown@nist.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with Public Law 99–574, the National Bureau of Standards Authorization Act for Fiscal Year 1987, the Office of Personnel Management

(OPM) approved a demonstration project plan, “Alternative Personnel Management System (APMS) at the National Institute of Standards and Technology (NIST),” and published the plan in the **Federal Register** on October 2, 1987 (52 FR 37082). The published demonstration project plan was modified twice, once to clarify certain NIST authorities (54 FR 21331, May 17, 1989) and once to revise the performance appraisal system and the pay administration system in order to better link pay with performance (55 FR 39220, September 25, 1990). The APMS was made permanent in Section 10 of the National Technology Transfer and Advancement Act of 1995, Public Law 104–113, 110 Stat. 775 (Mar. 7, 1996) (codified at 15 U.S.C. 275 note), and the project plan and subsequent amendments were consolidated in the final APMS plan, which was published in the **Federal Register** on October 21, 1997 (62 FR 54604). NIST published ten subsequent amendments to the final APMS plan: One on May 6, 2005 (70 FR 23996), which became effective upon publication in the **Federal Register**; one on July 15, 2008 (73 FR 40500), which became effective on October 1, 2008; one on July 21, 2009 (74 FR 35841), which became effective upon publication in the **Federal Register**; one on January 5, 2011 (76 FR 539), which became effective upon publication in the **Federal Register**; one on June 19, 2012 (77 FR 36485), which became effective upon publication in the **Federal Register**; one on August 13, 2012 (77 FR 48128), which became effective upon publication in the **Federal Register**; one on August 24, 2012 (77 FR 51518), which became effective upon publication in the **Federal Register**; one on September 24, 2015 (80 FR 57580), which became effective upon publication in the **Federal Register**; one on July 21, 2009 (74 FR 35843), which became effective upon publication in the **Federal Register**; and one on April 11, 2019 (84 FR 14654), which became effective upon publication in the **Federal Register**.

The APMS allows for modifications to be made as experience is gained, results are analyzed, and conclusions are reached on how the system is working. Through this notice, NIST recognizes a modification within the APMS plan that allows NIST to:

(a) Implement a term appointment, with a minimum duration of more than one year that may be extended up to six years, for research positions in the Scientific and Engineering (ZP) career path at the Pay Band III-level and above. These term appointments will be subject to a trial period that lasts the duration

of the term (initial appointment including any subsequent extensions).

(b) Convert an employee serving under a term appointment under this authority to a permanent appointment in the competitive service without further competition if all of the following are met—

(1) such individual was appointed under open, competitive examination under subchapter I of chapter 33 to the term position;

(2) the announcement for the term appointment from which the conversion is made stated that there was potential for subsequent conversion to a career-conditional or career appointment;

(3) the employee has completed at least 2 years of current continuous service under a term appointment in the competitive service under this authority;

(4) the employee's performance under such term appointment was at least Contributor level (Level 3) or equivalent; and

(5) the position to which such employee is being converted under this section is in the same occupational series, is in the same geographic location, and provides no greater promotion potential than the term position for which the competitive examination was conducted.

Conversion to a permanent position is not guaranteed even if the above conditions are met.

Dated:

**Del Brockett,**

*Chair, Personnel Management Board.*

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### I. Executive Summary

The National Institute of Standards and Technology's (NIST) Alternative Personnel Management System (APMS) is designed to: (1) Improve hiring and allow NIST to compete more effectively for high-quality researchers through direct hiring, selective use of higher-entry salaries, and selective use of recruiting allowances; (2) motivate and retain staff through higher pay potential, a pay-for-performance system, more responsive personnel systems, and selective use of retention allowances; (3) strengthen the manager's role in personnel management through delegation of personnel authorities; and (4) increase the efficiency of personnel systems through installation of a simpler and more flexible classification system based on pay banding, through reduction of guidelines, steps, and

paperwork in classification, hiring, and other personnel systems, and through automation (52 FR 37082, October 2, 1987). Since implementing the APMS, NIST is more competitive for talent, and NIST managers report significantly more authority to make decisions concerning employee pay.

As provided in this notice, NIST is modifying its APMS to allow NIST to (a) implement a new appointment mechanism that allows NIST to hire individuals on a term appointment, with a minimum duration of more than one year that may be extended up to six years, and (b) convert an employee serving under a term appointment under this authority to a permanent appointment in the competitive service without further competition. These authorizations will provide NIST with greater flexibility to shape the workforce based on research program changes by permitting term appointments of longer duration and authorizing a streamlined way to convert term employees to permanent status. In addition, they will enhance NIST's ability to recruit and retain highly skilled individuals in mission-critical occupations and provide greater opportunities for term employees in pursuing their career objectives.

The positions for which this term appointment will be utilized include research positions within the Scientific and Engineering (ZP) career path at the Pay Band III-level and above.

### II. Basis for Recognition of OPM Authorization in the APMS Plan

At NIST, research projects routinely require highly technical expertise in a particular scientific field. Depending on programmatic shifts in research, administrative priorities, and technological advances, at times, such projects continue for a short duration, while, at other times, such projects must continue for years before their successful completion. To address such programmatic shifts and changing priorities, NIST would benefit from the opportunity to hire individuals on a term appointment with a minimum duration of more than one year that may be extended up to six years and the ability to convert the individuals to a career or career-conditional appointment non-competitively. As research priorities shift with external changes, it is critical that NIST have the ability to align its human capital with the essential expertise required.

Title 5, CFR 316.301 ("Term employment/Purpose and duration") allows agencies to make a term appointment for a period of one to four years where the need for an employee's

services is not permanent. This section also provides OPM with the authority to "authorize exceptions beyond the 4-year limit when the extension is clearly justified and is consistent with applicable statutory provisions." The authority found in 5 CFR 316.301 does not adequately fulfill NIST's research needs, as when changes in national research priorities occur, NIST must address them quickly and efficiently and manage human capital accordingly. To fulfill these needs, NIST is modifying its APMS to utilize a term appointment, with a minimum duration of more than one year that may be extended up to six years, for research positions in the Scientific and Engineering (ZP) career path at the Pay Band III-level and above, which includes the ability to convert individuals hired under this authority to a career or career-conditional appointment non-competitively. These term appointments will be subject to a trial period that lasts the duration of the term (initial appointment including any subsequent extensions).

### III. Authorities and Waiver of Laws and Regulations Required

Public Law 99-574 gave NIST the authority to experiment with several specific personnel system innovations which are otherwise prohibited by law and regulations. NIST is waiving the following laws and regulations:

- 5 Code of Federal Regulations 316.301, Purpose and Duration
- 5 Code of Federal Regulations 316.304, Trial Period; when required (waived only for positions in the Scientific and Engineering Career path)
- 5 Code of Federal Regulations Part 322, or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service (waived to the extent inconsistent with APMS).

### IV. Language Inserted Into the APMS Plan

The APMS at NIST, published in the **Federal Register** on October 21, 1997 (62 FR 54604), is amended as follows:

After the section titled "Promotion," a new section titled "Term Appointment for ZP Positions" will be inserted with the following:

#### *Term Appointment for ZP Positions*

NIST may hire individuals on term appointments with a minimum duration of more than one year that may be extended up to six years to research positions in the Scientific and Engineering (ZP) career path at the Pay Band III or above. These term

appointments will be subject to a trial period that lasts the duration of the term (initial appointment including any subsequent extensions). NIST may also convert an employee serving under a term appointment under this authority to a permanent appointment in the competitive service without further competition if all of the following are met—

(1) such individual was appointed under open, competitive examination under subchapter I of chapter 33 to the term position;

(2) the announcement for the term appointment from which the conversion is made stated that there was potential for subsequent conversion to a career-conditional or career appointment;

(3) the employee has completed at least 2 years of current continuous service under a term appointment in the competitive service;

(4) the employee's performance under such term appointment was at least Contributor level (Level 3) or equivalent; and

(5) the position to which such employee is being converted under this section is in the same occupational series, is in the same geographic location, and provides no greater promotion potential than the term position for which the competitive examination was conducted.

Conversion to a permanent position is not guaranteed even if the above conditions are met.

**Alicia Chambers,**

*NIST Executive Secretariat.*

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**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Availability of Final Evaluation Findings of State Coastal Programs and National Estuarine Research Reserves

**AGENCY:** Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of availability of evaluation findings.

**SUMMARY:** Notice is hereby given of the availability of final evaluation findings for three state coastal programs, Illinois, Indiana, and Massachusetts, and two national estuarine research reserves, Apalachicola and Delaware, under

Sections 312 and 315 of the Coastal Zone Management Act (CZMA).

**ADDRESSES:** Copies of these final evaluation findings may be downloaded at [https://coast.noaa.gov/czm/evaluations/evaluation\\_findings/index.html](https://coast.noaa.gov/czm/evaluations/evaluation_findings/index.html) or by submitting a written request to Michael Migliori at [Michael.Migliori@noaa.gov](mailto:Michael.Migliori@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Michael Migliori, Lead Evaluator, NOAA Office for Coastal Management, by phone at (443) 332-8936 or email at [Michael.Migliori@noaa.gov](mailto:Michael.Migliori@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The NOAA Office for Coastal Management has completed the coastal zone management program evaluations for the States of Illinois, Indiana, and Massachusetts. The states were found to be implementing and enforcing their federally approved coastal zone management programs, addressing the national coastal management objectives identified in CZMA Section 303(2), and adhering to the programmatic terms of their financial assistance awards. In addition, the NOAA Office for Coastal Management has completed the national estuarine research reserve evaluations for Apalachicola and Delaware. The reserves were found to be adhering to programmatic requirements of the National Estuarine Research Reserve System. NOAA published in the **Federal Register** notices for public meetings and opportunities to submit public comments on the evaluation of these state coastal zone management programs (CZMPs) and national estuarine research reserves (NERRs). See 85 FR 56220 (Sep. 11, 2020) (Illinois CZMP); 86 FR 10034 (Feb. 18, 2021) (Indiana CZMP); 86 FR 14080 (March 12, 2021) (Massachusetts CZMP); 86 FR 33662 (Jun. 25, 2021) (Apalachicola NERR); and 85 FR 56219 (Sept. 11, 2020) (Delaware NERR). Public comments received are addressed in the final evaluation findings.

*Authority:* 16 U.S.C. 1458 and 1461(f); 15 CFR 921.40 and 923.133(b)(7).

**Keelin Kuipers,**

*Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XB994]

#### Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

**ACTION:** Notice; public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council) will hold a public meeting of its Mackerel, Squid, and Butterfish (MSB) Committee. See **SUPPLEMENTARY INFORMATION** for agenda details.

**DATES:** The meeting will be held on Monday, May 16, 2022, from 9 a.m. until 1 p.m.

**ADDRESSES:** The meeting will be held via webinar. Connection information will be posted to the calendar prior to the meeting at [www.mafmc.org](http://www.mafmc.org).

*Council address:* Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331; [www.mafmc.org](http://www.mafmc.org).

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526-5255.

**SUPPLEMENTARY INFORMATION:** The Council's Mackerel, Squid, and Butterfish (MSB) Committee will develop recommendations for the Council regarding Atlantic mackerel rebuilding and associated 2023 specifications, including the fishery's river herring and shad cap.

#### Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526-5251, at least 5 days prior to the meeting date.

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

Dated: April 25, 2022.

**Tracey L. Thompson,**

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

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