

*Estimated Total Annual Cost to Public:* 0.

*Respondent's Obligation:* Voluntary.  
*Legal Authority:* Sections 744.15, and 744.16 of the EAR.

#### IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2022–25700 Filed 11–23–22; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[Docket No. 221020–0223]

RIN 0648–BL36

##### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the Ocean Wind 1 Offshore Wind Energy Project Offshore of New Jersey; Extension of Public Comment Period

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

**ACTION:** Notice; extension of public comment period.

**SUMMARY:** On October 26, 2022, NMFS published a proposed rule, with a 30-day public comment period ending November 25, 2022, in response to a request by Ocean Wind, LLC (Ocean Wind) for regulations and associated Letter of Authorization (LOA), pursuant to the Marine Mammal Protection Act (MMPA), that would authorize the take of marine mammals, by Level A harassment and Level B harassment, incidental to the Ocean Wind Offshore Wind Energy Project (Ocean Wind 1), offshore of New Jersey. In response to a request, NMFS is announcing an extension of the public comment period by an additional 15 days ending on December 10, 2022.

**DATES:** The deadline for receipt of comments on the proposed rule published on October 26, 2022 (87 FR 64868), is extended from November 25, 2022, to December 10, 2022.

**ADDRESSES:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov](http://www.regulations.gov) and enter NOAA–NMFS–2022–0109 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Kelsey Potlock, Office of Protected Resources, NMFS, (301) 427–8401.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 26, 2022, NMFS published a proposed rulemaking in response to a request from Ocean Wind that NMFS authorize the taking, by Level A harassment and Level B harassment, of marine mammals incidental to the construction of Ocean Wind 1, located off of New Jersey in and around lease area OCS–A–0498. When

published, the proposed rule (87 FR 64868; October 26, 2022) allowed for a 30-day public comment period, ending on November 25, 2022. On November 10, 2022, we received a request from the Natural Resource Defense Council (NRDC) for a 15-day extension of the public comment period. NMFS considered the request and the targeted timelines for this project and, in this case, is extending the comment period on the proposed rule for an additional 15 days to provide further opportunity for public comment. This extension provides a total of 45 days for public input on the proposed rule.

All comments and information submitted previously regarding the proposed rule for Ocean Wind 1 will be fully considered during the development of the final rule and LOA, if determined to be promulgated and issued, and do not need to be resubmitted.

#### Information Solicited

Interested persons may submit information, suggestions, and comments concerning the proposed rulemaking for the Ocean Wind 1 project (see **ADDRESSES**). NMFS will consider all information, suggestions, and comments from both the initial and extended public comment periods related to the request during the development of final regulations governing the incidental taking of marine mammals by Ocean Wind, if appropriate.

Dated: November 18, 2022.

**Kimberly Damon-Randall,**

*Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2022–25771 Filed 11–23–22; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### Notice of Availability of a Final Programmatic Environmental Impact Statement for Surveying and Mapping Projects in U.S. Waters for Coastal and Marine Data Acquisition

**AGENCY:** National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Notice of availability of a final programmatic environmental impact statement.

**SUMMARY:** The National Oceanic and Atmospheric Administration, National Ocean Service has prepared a final programmatic environmental impact

statement (PEIS) in accordance with the National Environmental Policy Act of 1969, as amended (NEPA), to analyze the potential environmental impacts associated with NOS' recurring data collection projects to characterize submerged features (*e.g.*, habitat, bathymetry, marine debris). The "action area" for these projects encompasses the United States (U.S.) territorial sea, the contiguous zone, the U.S. Exclusive Economic Zone (U.S. EEZ), U.S. rivers, States' offshore waters, and coastal and riparian lands. As part of the Proposed Action, NOS may use active acoustic equipment such as sub-bottom profilers, single beam and multibeam echo sounders, side-scan sonars, and Acoustic Doppler Current Profilers. The Final PEIS analyzes NOS data collection projects for a time period of five years. In preparing the Final PEIS, NOS has considered public comments received on the Draft PEIS, which was published in June 2021.

**DATES:** NOS will publish a Record of Decision no sooner than 30 days after publication of the U.S. Environmental Protection Agency's Notice of Availability for this Final PEIS in the **Federal Register**.

**ADDRESSES:** The Final PEIS can be viewed or downloaded from the NOS website at <https://oceanservice.noaa.gov/about/environmental-compliance/surveying-mapping.html>.

**FOR FURTHER INFORMATION CONTACT:** Jay Nunenkamp, Environmental Compliance Coordinator, National Ocean Service, SSMC4, 1305 East West Highway, Silver Spring, MD 20910, [nosaa.ec@noaa.gov](mailto:nosaa.ec@noaa.gov), (302) 715-2405.

**SUPPLEMENTARY INFORMATION:** The Proposed Action analyzed in the Final PEIS is to continue NOS' surveying and mapping projects throughout the action area. The Final PEIS assesses the direct, indirect, and cumulative environmental impacts of a suite of surveying and mapping data collection activities.

The Final PEIS responds to, and incorporates where appropriate, agency and public comments received on the Draft PEIS, which was available for public review from June 25, 2021 to November 22, 2021. During the public comment period for the Draft PEIS, NOS received 31 comment submissions from 30 commenters via [Regulations.gov](https://www.regulations.gov) and email. NOS responses to agency and public comments are provided in Appendix C of the Final PEIS.

NOS updated the Draft PEIS to include additional mitigation measures designed to minimize the impacts of surveying and mapping activities on the human environment. Additional mitigation measures incorporated into

the Final PEIS are expected to result in a reduction of adverse environmental impacts analyzed in the Draft PEIS.

Due to the timing of the consultations and publication of the Final PEIS, the temporal scope of the Proposed Action has been reduced from six years (2022–2027) to five years (2023–2027). The annual numbers for project activities and project miles are expected to remain consistent with those estimated in the Draft PEIS; however, since the Final PEIS covers one less year than the Draft PEIS, the total estimated survey effort has decreased.

NOS has incorporated additional data sources into the calculations of marine mammal density, and made technical corrections to the acoustic exposure estimates. These data have been updated for the Final PEIS.

The Final PEIS evaluates three alternatives:

- *Alternative A—No Action:* Under Alternative A, NOS would continue to operate a variety of equipment and technologies to gather accurate and timely data on the nature and condition of the marine and coastal environment. This alternative reflects the technology, equipment, scope, and methods currently in use by NOS, at the level of effort reflecting NOS fiscal year 2019 funding levels. (NOS is using 2019 as the baseline year for funding, as that was the last year of normal NOS operations prior to COVID-19 disruptions.)

- *Alternative B:* This alternative consists of Alternative A plus the more widespread adoption of new techniques and technologies (such as remotely operated vehicles (ROVs), microwave water level (MWWL) sensors, etc.) to more efficiently perform surveying, mapping, charting and related data gathering. Specific examples of adaptive methods and equipment that NOS programs are likely to adopt under Alternative B in the next five years include:

- Greater use of ROVs with echo sounder technologies;
- Greater use of autonomous underwater vehicles (AUVs) and uncrewed surface vehicles (USVs) with echo sounder technologies;
- Conversion of one or more existing 10-m (33 feet) crewed survey boats into USVs;
- Greater use of more efficient, wide-beam sonar systems (phase-differencing bathymetric systems) for nearshore hydrographic surveys;
- Increased field operations in the National Marine Sanctuary system with associated requirements for hydroacoustic charting, surveying, mapping and associated activities; and

- Installation, operation, and maintenance of additional water level stations including transitioning to mostly MWWL sensors and upgraded storm strengthening to make stations more climate resilient.

Under Alternative B, all of the activities and equipment operation described in Alternative A would continue, many at a higher level of effort. The nature of these actions would not change, but the overall level of activity would be increased.

- *Alternative C:* Like Alternative B, Alternative C adopts new techniques and technologies to encourage greater program efficiencies regarding surveying, mapping, charting, and related data gathering activities. In addition, Alternative C would consist of NOS program implementation with an overall funding increase of 20 percent relative to Alternative B. Under Alternative C, all of the activities and equipment operation described in Alternative B would continue, many at a higher level of effort. The nature of these actions would not change, but the overall level of activity would be augmented.

NOS has identified Alternative B as the preferred alternative, which fully addresses the purpose and need of the Proposed Action.

NOS initiated consultations under the Magnuson-Stevens Fishery Conservation and Management Act for Essential Fish Habitat, Endangered Species Act, and National Marine Sanctuaries Act following publication of the Draft PEIS. NOS has also completed Federal consistency determinations to comply with Section 307 of the Coastal Zone Management Act (CZMA) and has received concurrence responses from several States. Under the Marine Mammal Protection Act, NOS has submitted an application for a Letter of Authorization to the National Marine Fisheries Service, and an Incidental Take Regulation request to the U.S. Fish and Wildlife Service. NOS will initiate consultation under the National Historic Preservation Act prior to conducting individual projects that may affect cultural and historic properties.

### Public Review

We are not requesting public comments on the FEIS, but any written comments we receive will become part of the public record associated with this action. The entirety of the comment, including the name of the commenter, email address, attachments, and other supporting materials, will be publicly accessible. Sensitive personal information, such as account numbers or Social Security numbers, should not

be included with the comment. Comments that are not responsive or that contain profanity, vulgarity, threats, or other inappropriate language will not be considered.

*Authority:* The preparation of the Final PEIS was conducted in accordance with the requirements of NEPA, the Council on Environmental Quality's Regulations (40 CFR 1500 *et seq.* (1978)), other applicable regulations, and NOAA's policies and procedures for compliance with those regulations. While the CEQ regulations implementing NEPA were revised as of September 14, 2020 (85 FR 43304, July 16, 2020), and further revised as of May 20, 2022 (87 FR 23453, April 20, 2022), NOS prepared this Final PEIS using the 1978 CEQ regulations because this environmental review began on December 19, 2016, when NOS published a Notice of Intent to prepare a NEPA document for its mapping program.

**Nicole R. LeBoeuf,**

*Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service, National Oceanic and Atmospheric Administration.*

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## BUREAU OF CONSUMER FINANCIAL PROTECTION

### Supervisory Highlights, Issue 28, Fall 2022

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Supervisory Highlights.

**SUMMARY:** The Consumer Financial Protection Bureau (CFPB or Bureau) is issuing its twenty-eighth edition of Supervisory Highlights.

**DATES:** The Bureau released this edition of the Supervisory Highlights on its website on November 16, 2022. The findings in this report cover examinations in the areas of auto servicing, consumer reporting, credit card account management, debt collection, deposits, mortgage origination, mortgage servicing and payday lending completed between January 1, 2022, and June 31, 2022.

**FOR FURTHER INFORMATION CONTACT:** Jaclyn Sellers, Senior Counsel, at (202) 435-7449. If you require this document in an alternative electronic format, please contact [CFPB\\_Accessibility@cfpb.gov](mailto:CFPB_Accessibility@cfpb.gov).

**SUPPLEMENTARY INFORMATION:**

### 1. Introduction

The CFPB's supervision program is focused on ensuring that financial institutions subject to its authority comply with Federal consumer financial laws. Where violations of law or compliance weaknesses are found, CFPB encourages compliance and deters misconduct and recidivism.<sup>1</sup> *Supervisory Highlights* promotes transparency of the Bureau's supervisory work and provides the public with insight into supervisory findings.

In this issue of *Supervisory Highlights* several trends are evident. The first is that examiners continue to identify the same violations of law across multiple institutions of a certain type, even though past editions of *Supervisory Highlights* have publicized such violations at other institutions of that type. Another is findings related to entities that engaged in unfair, deceptive or abusive acts or practices (UDAAP) in violation of the Consumer Financial Protection Act (CFPA).<sup>2</sup> In addition, there are findings on CARES Act-related or COVID-19-related issues. Finally, this issue contains certain types of novel supervisory findings that have not previously been reported in *Supervisory Highlights* involving unique factual or legal analysis.

The findings in this report cover examinations in the areas of auto servicing, consumer reporting, credit card account management, debt collection, deposits, mortgage origination, mortgage servicing and payday lending completed between January 1, 2022, and June 31, 2022. To maintain the anonymity of the supervised institutions discussed in *Supervisory Highlights*, references to institutions generally are in the plural and the related findings may pertain to one or more institutions.

Supervision is increasing its focus on repeat offenders, particularly those who violate agency or court orders. As part of that focus, Supervision has created a Repeat Offender Unit.

The Repeat Offender Unit is focused on:

- Reviewing and monitoring the activities of repeat offenders;
- Identifying the root cause of recurring violations;
- Pursuing and recommending solutions and remedies that hold entities accountable for failing to

<sup>1</sup> If a supervisory matter is referred to the Office of Enforcement, Enforcement may cite additional violations based on these facts or uncover additional information that could impact the conclusion as to what violations may exist.

<sup>2</sup> 12 U.S.C. 5531, 5536.

consistently comply with Federal consumer financial law; and,

- Designing a model for order review and monitoring that reduces the occurrences of repeat offenders.

The Repeat Offender Unit will focus on ways to enhance the detection of repeat offenses, develop a process for rapid review and response designed to address the root cause of violations, and recommend corrective actions designed to stop recidivist behavior. This will include closer scrutiny of corporate compliance with orders to ensure that requirements are being met and any issues are addressed in a timely manner.

We invite readers with questions or comments about *Supervisory Highlights* to contact us at [CFPB\\_Supervision@cfpb.gov](mailto:CFPB_Supervision@cfpb.gov).

### 2. Supervisory Observations

#### 2.1 Auto Servicing

The Bureau continues to evaluate auto loan servicing activities, primarily to assess whether entities have engaged in any UDAAPs prohibited by the CFPA.<sup>3</sup> Examiners identified unfair and deceptive acts or practices across many aspects of auto servicing, including violations related to add-on product charges, loan modifications, double billing, use of devices that interfered with driving, collection tactics, and payment allocation.

##### 2.1.1 Overcharging for Add-On Products at Early Payoff

When consumers purchase an automobile, auto dealers and finance companies offer optional, add-on products that consumers can purchase. Some of the add-on products provide specific types of potential benefits, such as guaranteed asset protection (GAP) products that offer to help pay off an auto loan if the car is totaled or stolen and the consumer owes more than the car's depreciated value, accident and health protection, or credit life protection. The add-on products' potential benefits apply only for specific time periods, such as four years after purchase or for the term of the loan, and only under certain circumstances.

Auto dealers and finance companies often charge consumers all payments for any add-on products as a lump sum at origination of the auto loan or purchase of the vehicle. Dealers and finance companies generally include the lump sum cost of the add-on product as part of the total vehicle financing agreement, and consumers typically make payments on these products throughout the loan term, even if the product expires years earlier.

<sup>3</sup> 12 U.S.C. 5531, 5536.