

Rules and Regulations

Federal Register

Vol. 88, No. 77

Friday, April 21, 2023

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 431

[EERE-2020-BT-TP-0032]

RIN 1904-AE53

Energy Conservation Program: Test Procedure for Commercial and Industrial Pumps; Correction

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule; correction.

SUMMARY: The U.S. Department of Energy (“DOE”) is correcting a final rule that appeared in the *Federal Register* on March 24, 2023. That document amended test procedures for commercial and industrial pumps. This document corrects a numbering and amendatory error in that final rule.

DATES: Effective April 24, 2023.

FOR FURTHER INFORMATION CONTACT:

Mr. Jeremy Domm, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-2J, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-9870. Email: ApplianceStandardsQuestions@ee.doe.gov.

Mr. Nolan Brickwood, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-9870. Email: Nolan.Brickwood@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

I. Background

DOE published a final rule in the *Federal Register* on March 24, 2023 (March 2023 final rule), amending the test procedure for commercial and industrial pumps. 88 FR 17934. This correction addresses numbering errors in that final rule.

The amendatory instructions in the March 2023 final rule amended § 431.463 by revising the materials incorporated by reference. The final rule erroneously used duplicative numbering in this section by adding two paragraphs numbered as (g)(3). Further, the amendatory instructions for appendix A to subpart Y of part 431 omitted adding new paragraph E.1.2.1.2.3 to Section III and the amendatory instructions for § 429.59 omitted adding paragraph (a)(2)(iv).

II. Need for Correction

As published, the regulatory text in the March 2023 final rule may result in confusion due to incorrect section references and missing amendatory instructions. Because this final rule would simply correct errors in the text without making substantive changes in the March 2023 final rule, the changes addressed in this document are technical in nature.

III. Procedural Issues and Regulatory Review

DOE has concluded that the determinations made pursuant to the various procedural requirements applicable to the March 2023 final rule remain unchanged for this final rule technical correction. These determinations are set forth in the March 2023 final rule. 88 FR 17968-17972.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b), DOE determines that notice and prior opportunity for comment on this rule are unnecessary and contrary to the public interest. Neither the errors nor the corrections in this document affect the substance of the March 2023 final rule or any of the conclusions reached in support of the final rule. For these reasons, DOE also determines that there is good cause to waive the 30-day delay in effective date in 5 U.S.C. 553(d).

Signing Authority

This document of the Department of Energy was signed on April 18, 2023, by Francisco Alejandro Moreno, Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal

Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the *Federal Register*.

Correction

In FR Doc. 2023-05635, appearing on page 17934 in the *Federal Register* of Wednesday, March 24, 2023, the following corrections are made:

§ 429.59 [Corrected]

■ 1. On page 17973, in the first column, revise amendatory instruction 2.c to read “Adding new paragraphs (a)(2)(iv) and (a)(3).;”

§ 431.463 [Corrected]

■ 2. On page 17978, in the first column, redesignate the second instance of paragraph (g)(3) as (g)(4).

§ 431.464 [Corrected]

■ 3. On page 17978, in the third column, revise amendatory instruction 8.d to read “In section III, revising paragraphs A through D, E.1.2.1.2, E.1.2.1.2.1., E.1.2.1.2.2, and E.1.2.1.2.3.;”

Signed in Washington, DC, on April 18, 2023.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2023-08483 Filed 4-20-23; 8:45 am]

BILLING CODE 6450-01-P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 115

RIN 3245-AH96

Surety Bond Guarantee Program: Removing Obsolete Forms

AGENCY: U.S. Small Business Administration.

ACTION: Direct final rule.

SUMMARY: The Small Business Administration (SBA) is issuing this direct final rule to remove references to SBA Form 990A in the regulations of the Surety Bond Guarantee (SBG) Program. SBA Form 990A is obsolete and has been discontinued.

DATES: This rule is effective June 20, 2023, without further action, unless significant adverse comment is received by May 22, 2023. If significant adverse comment is received, SBA will publish a timely withdrawal of the Rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by RIN 3245-AH96, using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Search for the rule by RIN number 3245-AH08 and follow the instructions for submitting comments.

- *Mail:* Jermaine Perry, Management Analyst, Office of Surety Guarantees, U.S. Small Business Administration, 409 3rd Street SW, 8th Floor, Washington, DC 20416.

- SBA will post all comments on <http://www.regulations.gov>. If you wish to submit confidential business information (CBI) as defined in the User Notice at <http://www.regulations.gov>, please submit the information to Jermaine Perry, Management Analyst, Office of Surety Guarantees, U.S. Small Business Administration, 409 3rd Street SW, 8th Floor, Washington, DC 20416. Highlight the information that you consider to be CBI and explain why you believe this information should be held confidential. SBA will review the information and make the final determination as to whether to publish the information.

FOR FURTHER INFORMATION CONTACT: Jermaine Perry, Director of Surety Guarantees at (202) 401-8275 or Jermaine.perry@sba.gov.

SUPPLEMENTARY INFORMATION:

A. General Information

The U.S. Small Business Administration (SBA) amending its Surety Bond Guaranty (SGB) rules to remove references to *Quick Bond Guaranty Application and Agreement* (SBA Form 990A). Form 990A was integrated with the current version of Form 990 and therefore discontinued. SBA guarantees bid, payment, and performance bonds for small and emerging contractors who cannot obtain surety bonds through regular commercial channels. SBA's guarantee authorized pursuant to part B of title IV of the Small Business Investment Act of 1958, 15 U.S.C. 694a *et seq.*, gives an authorized surety company ("Surety") an incentive to provide bonding for small businesses; thereby assisting small businesses in obtaining access to more contracting opportunities. SBA's guarantee is an agreement between SBA and a Surety that SBA will assume a certain percentage of the Surety's loss

should a contractor default on the underlying contract. SBA is authorized to guarantee a Surety for a contract up to \$6.5 million and, with the certification of a contracting officer of a federal agency, up to \$10 million. For more information about SBA's Surety Bond Guaranty Program, see <https://www.sba.gov/funding-programs/surety-bonds>.

SBA issued a Final Rule on Streamlining the Surety Bond Guaranty Program to address regulations that were obsolete, unnecessary, ineffective, or burdensome. That final rule was published in the **Federal Register** on August 8, 2022 (87 FR 48080). SBA also received approval from Office of Management and Budget (OMB) to revise the information collections language in the SBG Program's various forms, which were revised in accordance with that Final Rule, and are set to expire November 25, 2022.

B. Section-by-Section Analysis

Section 115.10. The definition of "Prior Approval Agreement" is being revised because Form 990A is being discontinued. The information collected on Form 990A has been integrated into current Form 990. SBA is removing the phrase "or Quick Bond Guaranty Application and Agreement (SBA Form 990A)" from the definition of "Prior Approval Agreement."

Section 115.30. SBA is removing references to the Quick Bond Guaranty Application and Agreement (SBA Form 990A), which is now discontinued. SBA is amending the remainder of paragraph (d) to remove the references to a choice of form.

Section 115.32. SBA is making a technical amendment to paragraph (b) to remove cross references to § 115.30(d)(1) and (2) because they are redundant.

SBA is amending paragraph (d)(1) to state that SBA Form 990 must be submitted to SBA when a surety notifies SBA of any increase or decrease in the contract or bond amount, even if the original application was on a Form 990A, *Quick Bond Guaranty Application and Agreement* form.

C. Compliance With Executive Orders 12866, 12988, 13132, and 13563, the Congressional Review Act (5 U.S.C. 801-808), the Paperwork Reduction Act (44 U.S.C., Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601-612)

Executive Order 12866

The Office of Management and Budget has determined that this rule is not a "significant regulatory action" under Executive Order 12866.

Executive Order 12988

This direct final rule meets applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. This action does not have preemptive effect or retroactive effect.

Executive Order 13132

This rule does not have federalism implications as defined in Executive Order 13132. It will not have substantial direct effects 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, as specified in the Executive Order. As such it does not warrant the preparation of a Federalism assessment.

Executive Order 13563

Executive Order 13563, Improving Regulation and Regulatory Review (January 18, 2011), requires agencies to adopt regulations through a process that involves public participation, and to the extent feasible, base regulations on the open exchange of information and perspectives from affected stakeholders and the public as a whole. SBA has developed this rule in a manner consistent with these requirements.

Previously, SBA engaged the public in rulemaking to revise, streamline, and modernize the Surety Bond Guaranty program. That final rule published in the **Federal Register** on August 8, 2022 (87 FR 48080). While developing that rule, SBA responded to specific inquiries from government officials and the public regarding changes in response to the notice of proposed rulemaking published in the **Federal Register** on September 23, 2021 (86 FR 52844).

This direct final rule revises some information collection language in SBG Program forms that conformed with the final rule published on August 8, 2022; that is set to expire November 30, 2025.

Congressional Review Act, 5 U.S.C. 801-808

The Office of Management and Budget has determined that this is not a major rule under 5 U.S.C. 804(2).

Paperwork Reduction Act, 44 U.S.C., Ch. 35

SBA has determined that this proposed rule would not impose new reporting or recordkeeping requirements under the Paperwork Reduction Act. The rule aligns the regulations with the discontinuation of SBA Form 990A, *Quick Bond Application and*

Agreement, currently approved under OMB Control Number 3245–0378.

Regulatory Flexibility Act, 5 U.S.C. 601–612

When an agency issues a proposed rule, the Regulatory Flexibility Act (RFA) requires the agency to “prepare and make available for public comment an initial regulatory flexibility analysis” which will “describe the impact of the proposed rule on small entities.” (5 U.S.C. 603(a)). However, section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

This direct final rule only removes references to SBA Form 990A in the regulations of the Surety Bond Guarantee (SBG) Program, as SBA Form 990A is obsolete and has been discontinued. Accordingly, the Administrator of the SBA hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities.

Justification for Direct Final Rule—Administrative Procedures Act

In general, SBA publishes a rule for public comment before issuing a final rule, in accordance with the Administrative Procedure Act. 5 U.S.C. 553. The Administrative Procedure Act provides an exception to this standard rulemaking process, however, where an agency finds good cause to adopt a rule without prior public participation. 5 U.S.C. 553(b)(3)(B). The good cause requirement is satisfied when prior public participation is impracticable, unnecessary, or contrary to the public interest.

SBA is publishing this rule as a direct final rule because public participation is unnecessary. SBA views this as a non-controversial administrative action because it merely removes references to SBA Form 990A in the regulations of the Surety Bond Guarantee (SBG) Program; as SBA Form 990A is obsolete and has been discontinued. This rule will be effective on the date shown in the **DATES** section unless SBA receives significant adverse comment on or before the deadline for comments. Significant adverse comments are comments that provide strong justifications why the rule should not be adopted or for changing the rule. SBA does not expect to receive any significant adverse comments because removes references to a discontinued form, with no extraneous interpretation or other expanded text.

If SBA receives significant adverse comment, SBA will publish a notice in the **Federal Register** withdrawing this rule before the effective date. If SBA receives no significant adverse comments, the rule will be effective 60 days after publication without further notice.

List of Subjects in 13 CFR Part 115

Claims, Reporting and recordkeeping requirements, small businesses, Surety bonds.

For the reasons stated in the preamble, SBA amends 13 CFR part 115 as follows:

PART 115—SURETY BOND GUARANTEE

Subpart A—Provisions for All Surety Bond Guarantees

- 1. The authority citation for part 115 continues to read as follows:

Authority: 5 U.S.C. app 3; 15 U.S.C. 687b, 687c, 694a, 694b note; and Pub. L. 110–246, Sec. 12079, 122 Stat. 1651.

- 2. Amend § 115.10 by revising the definition of “Prior Approval Agreement” to read as follows:

§ 115.10 Definitions.

* * * * *

Prior Approval Agreement means the Surety Bond Guarantee Agreement (SBA Form 990) entered into between a Prior Approval Surety and SBA under which SBA agrees to guarantee a specific bond.

* * * * *

- 3. Amend § 115.30 by revising paragraph (d) to read as follows.

§ 115.30 Submission of Surety’s guarantee application.

* * * * *

(d) *Prior Approval Agreement*. To apply for a bond guarantee, a Prior Approval Surety must submit a *Surety Bond Guarantee Agreement* (SBA Form 990) and select one of the following application types:

(1) *Regular*. A Prior Approval Surety may complete and submit a *Surety Bond Guarantee Agreement* (SBA Form 990) indicating a Regular application type to SBA for each Bid Bond or Final Bond. This Form must be approved by SBA prior to the Surety’s Execution of the bond. The guarantee fees owed in connection with Final Bonds must be paid in accordance with § 115.32.

(2) *Quick Bond Agreement*—(i) *General procedures*. Except as provided in paragraph (d)(2)(ii) of this section, a Prior Approval Surety may complete and submit a SBA Form 990 indicating a Quick Bond Agreement application type for each Bid Bond or Final Bond.

This form must be approved by SBA prior to the Surety’s Execution of the bond. The Quick Bond application type is used only for contract amounts that do not exceed \$500,000 at the time of application. The guarantee fees owed in connection with Final Bonds must be paid in accordance with § 115.32.

(ii) *Exclusions*. The Quick Bond application type may not be used under the following circumstances:

(A) The Principal has previously defaulted on any contract or has had any claims or complaints filed against it with any court or administrative agency;

(B) Work on the Contract commenced before a bond was Executed;

(C) The time for completion of the Contract exceeds 12 months;

(D) The Contract includes a provision for liquidated damages that exceed \$2,500 per day;

(E) The Contract involves asbestos abatement, hazardous waste removal, or timber sales; or

(F) The bond would be issued under a surety bonding line approved under § 115.33.

- 4. Amend § 115.32 by revising paragraphs (b) and (d)(1) to read as follows:

§ 115.32 Fees and Premiums.

* * * * *

(b) *SBA charge to Principal*. SBA does not charge Principals application or Bid Bond guarantee fees. If SBA guarantees a Final Bond, the Principal must pay a guarantee fee equal to a certain percentage of the Contract amount. The percentage is determined by SBA and is published in Notices in the **Federal Register** from time to time. The Principal’s fee is rounded to the nearest dollar and is to be remitted to SBA with the form submitted under § 115.30(d). See paragraph (d) of this section for additional requirements when the Contract amount changes.

* * * * *

(d) * * *

(1) *Notification and approval*. The Prior Approval Surety must notify SBA of any increases or decreases in the Contract or bond amount that aggregate 25% or \$500,000 of the original contract or bond amount, whichever is less, as soon as the Surety acquires knowledge of the change. Whenever the original bond amount increases as a result of a single change order of at least 25% or \$500,000 of the original contract or bond amount, whichever is less, the prior written approval of such increase by SBA is required on a supplemental Prior Approval Agreement and is conditioned upon payment by the Surety of the increase in the Principal’s

guarantee fee as set forth in paragraph (d)(2) of this section. In notifying SBA of any increase or decrease in the Contract or bond amount, the Prior Approval Surety must use SBA Form 990 and select the application type that it used in applying for the original bond guarantee.

* * * * *

Isabella Casillas Guzman,
Administrator.

[FR Doc. 2023-08458 Filed 4-20-23; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 120 and 121

RIN 3245-AH87

Affiliation and Lending Criteria for the SBA Business Loan Programs; Correction

AGENCY: U.S. Small Business Administration.

ACTION: Final rule; correction.

SUMMARY: The U.S. Small Business Administration (SBA or Agency) is correcting a final rule that appeared in the **Federal Register** on April 10, 2023. The document issued a final rule that amended various regulations governing SBA's 7(a) Loan Program and 504 Loan Program, including regulations on use of proceeds for partial changes of ownership, lending criteria, loan conditions, reconsiderations, and affiliation standards, to expand access to capital to small businesses and drive economic recovery.

DATES: Effective May 11, 2023.

FOR FURTHER INFORMATION CONTACT: Dianna Seaborn, Director, Office of Financial Assistance, Office of Capital Access, Small Business Administration, at (202) 205-3645 or Dianna.Seaborn@sba.gov. The phone number above may also be reached by individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal Communications Commission's TTY-Based Telecommunications Relay Service teletype service at 711.

SUPPLEMENTARY INFORMATION: In FR Doc. 2023-07173 appearing on page 21074 in the **Federal Register** on Monday, April 10, 2023, the following correction is made:

§ 120.193 [Corrected]

■ 1. On page 21085, in the right column, instruction 5 is corrected to read "5. Amend § 120.193 by revising the last sentence and by adding two sentences at the end of the section to read as follows:"

Dated: April 17, 2023.

Dianna Seaborn,

Director, Office of Financial Assistance.

[FR Doc. 2023-08396 Filed 4-20-23; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2022-1680; Airspace
Docket No. 22-ASO-30]

RIN 2120-AA66

Revocation of Class E Airspace; Liberty, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes Class E airspace extending upward from 700 feet above the surface for Causey Airport, Liberty, NC, as all instrument approaches to the airport have been canceled.

DATES: Effective 0901 UTC, August 10, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the NPRM, all comments received, this final rule, and all background material may be viewed online at www.regulations.gov using the FAA Docket number. Electronic retrieval helps and guidelines are available on the website. It is available 24 hours a day, 365 days a year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at www.federalregister.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/. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: John Fornio, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305-6364.

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. 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 removes airspace in Liberty, NC, as IFR operations no longer exist for Causey Airport.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA-2022-1680 in the **Federal Register** (88 FR 7654, February 6, 2023), to remove Class E airspace extending upward from 700 feet above the surface for Causey Airport, Liberty, NC, as all instrument approaches to the airport have been canceled.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are 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 designations listed in this document will subsequently be published in FAA Order JO 7400.11.

Incorporation by Reference

Class E airspace designations are published in Paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, incorporated by reference in 14 CFR 71.1 annually. This document amends the current version of that order, FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022. These updates will subsequently be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic routes, and reporting points.