

Dated: June 1, 2023.

**Mason C. Clutter,**

Chief Privacy Officer, Department of  
Homeland Security.

[FR Doc. 2023-12305 Filed 6-8-23; 8:45 am]

BILLING CODE 9110-9L-P

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Immigration and Customs Enforcement

[OMB Control Number 1653-0021]

#### Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for a Stay of Deportation or Removal

**AGENCY:** U.S. Immigration and Customs  
Enforcement, Department of Homeland  
Security.

**ACTION:** 60-Day notice.

**SUMMARY:** In accordance with the  
Paperwork Reduction Act (PRA) of  
1995, the Department of Homeland  
Security (DHS), U.S. Immigration and  
Customs Enforcement (ICE) will submit  
the following Information Collection  
Request (ICR) to the Office of  
Management and Budget (OMB) for  
review and clearance.

**DATES:** Comments are encouraged and  
will be accepted until August 8, 2023.

**ADDRESSES:** All submissions received  
must include the OMB Control Number  
1653-0021 in the body of the  
correspondence, the agency name and  
Docket ID ICEB-2008-0006. All  
comments received will be posted  
without change to [http://  
www.regulations.gov](http://www.regulations.gov), including any  
personal information provided. Submit  
comments via the Federal eRulemaking  
Portal website at [http://  
www.regulations.gov](http://www.regulations.gov) under e-Docket ID  
number ICEB-2008-0006.

**FOR FURTHER INFORMATION CONTACT:** If  
you have questions related to this  
revision, please contact: James Laforge,  
ERO Domestic Operations Unit, (973)  
392-8026, [james.a.laforge@ice.dhs.gov](mailto:james.a.laforge@ice.dhs.gov).

(This is not a toll-free number.

Comments are not accepted via  
telephone message).

#### SUPPLEMENTARY INFORMATION:

##### Comment

Written comments and suggestions  
from the public and affected agencies  
concerning the proposed collection of  
information should address one or more  
of the following four points:

(1) Evaluate whether the proposed  
collection of information is necessary

for the proper performance of the  
functions of the agency, including  
whether the information will have  
practical utility;

(2) Evaluate the accuracy of the  
agency's estimate of the burden of the  
proposed collection of information,  
including the validity of the  
methodology and assumptions used;

(3) Enhance the quality, utility, and  
clarity of the information to be  
collected; and

(4) Minimize the burden of the  
collection of information on those who  
are to respond, including through the  
use of appropriate automated,  
electronic, mechanical, or other  
technological collection techniques or  
other forms of information technology,  
*e.g.*, permitting electronic submission of  
responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:*  
Extension, without change, of a  
currently approved collection.

(2) *Title of the Form/Collection:*  
Application for a Stay of Deportation or  
Removal.

(3) *Agency form number, if any, and  
the applicable component of the  
Department of Homeland Security  
sponsoring the collection:* I-246; U.S.  
Immigration and Customs Enforcement.

(4) *Affected public who will be asked  
or required to respond, as well as a brief  
abstract:* Primary: individual or  
households; business or other for-profit.  
The information collected on the I-246  
is necessary for ICE to make a  
determination that the eligibility  
requirements for a request for a stay of  
deportation or removal are met by the  
applicant.

(5) *An estimate of the total number of  
respondents and the amount of time  
estimated for an average respondent to  
respond:* 3,664 responses at 30 minutes  
(.50 hours) per response.

(6) *An estimate of the total public  
burden (in hours) associated with the  
collection:* The total estimated annual  
hour burden is 1,832 hours.

Dated: June 6, 2023.

**Scott Elmore,**

PRA Clearance Officer, U.S. Immigrations  
and Customs Enforcement, Department of  
Homeland Security.

[FR Doc. 2023-12349 Filed 6-8-23; 8:45 am]

BILLING CODE 9111-28-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7070-N-29]

### 30-Day Notice of Proposed Information Collection: Operating Fund Energy Incentives: Energy Performance Contracting Program, Rate Reduction Incentive, OMB Control Number 2577- New

**AGENCY:** Office of Policy Development  
and Research, Chief Data Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from  
the Office of Management and Budget  
(OMB) for the information collection  
described below. In accordance with  
comments paperwork Reduction Act,  
HUD is requesting comment from all  
interested parties on the proposed  
collection of information. The purpose  
of this notice is to allow for an  
additional 30 days of public comment.

**DATES:** *Comments Due Date:* July 10,  
2023.

**ADDRESSES:** Interested persons are  
invited to submit comments regarding  
this proposal. 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](http://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. Interested persons are  
also invited to submit comments  
regarding this proposal by name and/or  
OMB Control Number and can be sent  
to: Colette Pollard, Reports Management  
Officer, REE, Department of Housing  
and Urban Development, 451 7th Street  
SW, Room 8210, Washington, DC  
20410-5000 or email at  
[PaperworkReductionActOffice@  
hud.gov](mailto:PaperworkReductionActOffice@hud.gov).

#### FOR FURTHER INFORMATION CONTACT:

Colette Pollard, Reports Management  
Officer, REE, Department of Housing  
and Urban Development, 7th Street SW,  
Room 8210, Washington, DC 20410;  
email Colette Pollard at  
[PaperworkReductionActOffice@hud.gov](mailto:PaperworkReductionActOffice@hud.gov)  
or telephone 202-402-3400. 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 or 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](https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs).  
Copies of available documents

submitted to OMB may be obtained from Ms. Pollard.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on July 12, 2022 at 87 FR 41344.

### A. Overview of Information Collection

*Title of Information Collection:* Operating Fund Energy Incentives: Energy Performance Contracting Program, Rate Reduction Incentive.

*OMB Approval Number:* Pending.

*Type of Request:* New Collection.

*Form Number:* HUD-52722, HUD-52723, EPC Savings Calculator, Resident Paid Utility Worksheet.

*Description of the need for the information and proposed use:* Section 9(e)(2)(C) of the United States Housing Act of 1937 (1937 Act) authorizes Public Housing Agencies (PHAs) to “receive the full financial benefit from any reduction in the cost of utilities or waste management resulting from any contract with a third party to undertake energy conservation improvements in one or more of its public housing projects.” Energy Conservation Improvements or often referred to as Energy Conservation Measures (ECMs) include improvements to other utilities such as water and gas. Under 24 CFR 990.185, PHAs may qualify for conservation incentives when undertaking ECMs that are financed by an entity other than HUD.

This third-party financing of energy consumption measures is termed an Energy Performance Contract (EPC). A PHA uses a loan from a third-party to finance initial improvements in PHA infrastructure that will reduce a PHA’s energy and/or water consumption through implementation of ECMs and/or renewable energy. HUD will continue to provide the PHA operating subsidy based on a PHA’s energy consumption before the improvements were made. The PHA will then use the energy savings to pay for the debt service on the loan.

There are three energy consumption incentives that are available to a PHA:

1. The Frozen Rolling Base (24 CFR 990.185(a)(1))—where HUD freezes the PHA’s pre-EPC Rolling Base Consumption Level (RBCL) following the installation of ECMs so that the PHA can retain the savings from the decreased energy and/or water consumption for the term of the contract.

2. The Add-on Subsidy—an Additional Operating Subsidy (or “add-on”) is an increase in total operating subsidy eligibility provided by HUD as a conservation incentive, as described in 24 CFR 990.185(a)(3). The additional subsidy is for amortization of the loan of the EPC and other direct costs related to the conservation project during the term of the contract.

3. The Resident-Paid Utility incentive (24 CFR 990.185(a)(2)). PHAs undertaking energy and/or water conservation measures that are financed by an entity other than HUD may include resident-paid utilities under the consumption reduction incentive. This incentive provides for PHAs to review and update all utility allowances to ascertain that residents are receiving the proper allowances before energy savings measures are begun; the PHA makes future calculations of rental income for purposes of the calculation of operating subsidy eligibility based on these baseline allowances. In effect, HUD will freeze the baseline allowances for the duration of the contract. This approach allows a PHA to exclude from its Operating Fund rental income calculations any rents received that are a result of decreased utility allowances resulting from decreased consumption.

In addition to consumption incentives, PHAs are also eligible for a Rate Reduction Incentive. 24 CFR 990.185(b) also allows PHAs to retain 50% of any savings attributable to taking specific actions to reduce the cost of their energy consumption, such as well-head purchase of natural gas, administrative appeals, or contract negotiation with a utility company. RRI executed at the same time as an EPC are eligible to retain up to 100 percent of the savings (rather than 50 percent of the savings with the RRI alone) during the EPC repayment period when the EPC and RRI impact the same AMP and utility.

The lower rate cannot be a result of factors that do not require the PHA to take an action and/or are beyond a PHA’s control including, but not limited to, market changes, legislative changes, rate changes for all customers, or consuming energy at a different time of day. Applicants for an EPC program submit the following documents at the time of submission:

- A letter applying for an EPC incentive, identifying the project location, any PHA units that would fall under the EPC contract, the type of incentive that a PHA is applying for and whether the project will be managed by the PHA, or using an Energy Services Company (ESCO) to manage the EPC on their behalf;

- Completed Investment Grade Energy Audit to the ASHRAE (American Society of Heating, Refrigerating and Air-Conditioning Engineers) standard that supports the proposal;

- The Request for Proposals (RFP) used to solicit proposals from third-party lenders or ESCOs;

- A Cost Summary Sheet showing ECMs by project, funding type and Measurement and Verification (M&V) type;

- Detailed Utility Baseline Data summary sheet showing the RBCL and any adjustments to the data;

- Copies of the HUD 52722 and 52723 forms<sup>1</sup> by Asset Management Project (AMP) for each year of the required rolling base years;

- Copy of the most recent HUD 52722 and 52723 forms by AMP; and

- A detailed Cash Flow Summary, showing:

- That the energy savings are sufficient to cover the project costs including replacement costs;
- That 75% of the annual energy savings are utilized for payment of the debt for the contract; and
- Any Bureau of Labor and Statistics historical documentation supporting any utility rate escalations.

Applicants for Resident Paid Utility Allowances submit the following:

- Copies of existing utility allowances with supportive documentation;
- Copies of the Pre-EPC utility allowances with supportive documentation;

- Copies of projected post-EPC utility allowances will be with supportive documentation;

- A copy of the Energy Services Agreement contract between the PHA and their third-party lender/ESCO Energy Services Agreement (ESA);

- A certification that the PHA has performed a cost analysis per 2 CFR part 200, and that the costs associated with the EPC are reasonable;

- A repayment certification that the PHA will pay for any debt using cost savings from implementing ECMs; and

- A letter from the PHA’s legal counsel that states that the ESA complies with State and Local laws and that the legal interests of the Authority are fairly represented in the ESA.

Applications for the Rate Reduction Incentive (RRI) must include the following information:

- PHA Name and PHA code;
- Asset Management Project (AMP) number for each AMP included in the proposed RRI;

<sup>1</sup> The burden for these forms has been approved under OMB Control No. 2577-0029. As a result, the burden from these forms is not included in the current collection.

- A brief description of the action the PHA undertook to reduce the utility rate and supporting documentation;
- An explanation of how the PHA will calculate savings and anticipated savings; and
- Identification of the incentive the PHA will claim, whether it is 50 percent or 100 percent of the actual savings.

HUD uses collected information to determine whether applications meet eligibility requirements and application submission requirements. Applicants provide information about the proposed contract to enable HUD to evaluate the applicant's response to the criteria for rating the application and approving or disapproving the contract.

Annual EPC Measurement and Verification and savings calculation information collected allows HUD to audit program performance accurately. The quality of reported data is critical for ensuring an accurate distribution of the Operating Fund subsidy appropriation. The information collected will allow HUD to accurately audit the program. For the EPC program, Measurement and Verification data will be submitted by the PHA annually in a format of their choice. The report must contain the actual usage amount of each utility under the EPC, the actual unit of measure, the consumption savings, and the cost savings. The PHAs will also be required to submit their consumption data using a standardized Excel

Spreadsheet through the Operating Fund Web Portal, the Energy Savings Calculator. This Calculator is used to ensure the accuracy of the EPC incentives being claimed by the PHA in their annual Operating Subsidy submission.

For the RRI program, PHAs must annually submit documentation on energy cost savings attributed to the reduction in the rate. This data is submitted on an Asset Management Project (AMP basis). For the RRI program, PHAs will submit their data via email using the format of their choice.

*Respondents:* Public Housing Agencies (PHAs).

Type of submission/information collection	Number of respondents	Frequency of submissions	Total responses	Estimate average time (hours)	Estimate annual burden (hours)	Hourly cost	Total annual cost
EPC Application and supporting documentation .....	10	1	10	560	5,600	\$125	\$700,000
EPC Measurement and Verification Report and Energy Savings Calculator .....	200	1	200	20	4,000	125	500,000
RRI Application and supporting documentation .....	30	1	30	2	60	125	7,500
RRI savings calculation .....	60	1	60	10	600	125	75,000
Totals .....	300	.....	300	.....	10,260	.....	1,282,500

**B. Solicitation of Public Comment**

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A regarding the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

(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.

HUD encourages interested parties to submit comment in response to these questions.

**C. Authority**

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

**Colette Pollard,**

*Department Record Management Officer, Officer of Policy Development and Research, Chief Data Officer.*

[FR Doc. 2023-12341 Filed 6-8-23; 8:45 am]

**BILLING CODE 4210-67-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS-R8-ES-2023-0075; FXES1114080000-234-FF08EVEN00]**

**Receipt of Incidental Take Permit Application for Participation in the General Conservation Plan for Oil and Gas Activities; Draft Categorical Exclusion for the Conoco Philips Soil Remediation Project; Santa Barbara County, CA**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce receipt of an application from Conoco Philips for an incidental take permit (ITP), pursuant to the Endangered Species Act, under the approved

General Conservation Plan for Oil and Gas Activities (GCP). If granted, the ITP would authorize take of the California red-legged frog (*Rana draytonii*) and the Santa Barbara County distinct population segment (DPS) of the California tiger salamander (*Ambystoma californiense*), incidental to excavation and remediation of soils contaminated with hydrocarbons at the historical Cox 3-32 oil well sump and oilfield lease access road. The Service prepared a draft screening form in accordance with the National Environmental Policy Act to evaluate the potential effects of the specific project to the natural and human environment resulting from issuing an ITP to the applicant. We invite the public and local, State, Tribal, and Federal agencies to comment on the draft screening form and the Service's preliminary determination that the proposed permitting action may be eligible for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations, the Department of the Interior's (DOI) NEPA regulations, and the DOI Departmental Manual.

**DATES:** We must receive your written comments on or before July 10, 2023.

**ADDRESSES:** *Obtaining Documents:* The document this notice announces (draft screening form), as well as any comments and other materials that we