

(i) A digital or analog logic semiconductor that is of the 28 nanometer generation or older (that is, has a gate length of 28 nanometers or more for a planar transistor);

(ii) A memory semiconductor with a half-pitch greater than 18 nanometers for Dynamic Random Access Memory (DRAM) or less than 128 layers for Not AND (NAND) Flash that does not utilize emerging memory technologies, such as transition metal oxides, phase-change memory, perovskites, ferromagnetics relevant to advanced memory fabrication; or

(iii) A semiconductor identified by the Secretary of Commerce in a public notice issued under 15 U.S.C. 4652(a)(6)(A)(ii).

(3) *Exception from the definition of legacy semiconductor.* Notwithstanding paragraph (c)(2) of this section, the following are not legacy semiconductors:

(i) Semiconductors critical to national security, as defined in 15 CFR 231.120; or

(ii) A semiconductor with a post-planar transistor architecture (such as fin-shaped field effect transistor (FinFET) or gate all around field-effect transistor); and

(iii) For the purposes of packaging facilities, semiconductors packaged utilizing three-dimensional (3D) integration.

(d) *Example.* The provisions of this section are illustrated by the following example.

(1) *Example: Applicable transaction credit claimed.* On October 15, 2024, X Corp., a C corporation that is a calendar-year taxpayer, placed in service Property A, qualified property with a basis of \$1 million. X Corp.'s qualified investment, as determined in § 1.46–3(c), for the taxable year is \$1 million. X Corp.'s advanced manufacturing investment credit for the taxable year is \$250,000 (\$1 million × 0.25) and, assume that X Corp.'s income tax liability is \$400,000. X Corp. does not determine any other credits in 2024. X claims an advanced manufacturing investment credit of \$250,000 for its 2024 taxable year. On January 15, 2026, X Corp. engages in an applicable transaction, as defined in section 50(a)(6)(D) and paragraph (b)(3) of this section and did not cease or abandon the transaction within 45 days of a determination and notice by the Commissioner. X Corp. has not determined or claimed any general business credits since its 2024 taxable year. The aggregate decrease in credits allowed under section 38 for all prior years resulting from reducing to zero any credit determined under section 46

that is attributable to the advanced manufacturing investment credit is \$250,000 (\$250,000 (credit allowed) – \$0 (credit that would have been allowed)). X Corp.'s tax under chapter 1 is increased by \$250,000 (1.0 × \$250,000). Pursuant to section 48D(c), for the 2026 taxable year, X Corp. is not an eligible taxpayer and is ineligible to claim or carryforward the advanced manufacturing investment credit.

(2) [Reserved]

(f) *Applicability date.* This section applies to property that is placed in service after December 31, 2022, and during a taxable year ending on or after [DATE OF PUBLICATION OF FINAL RULE].

**Douglas W. O'Donnell,**

*Deputy Commissioner for Services and Enforcement.*

[FR Doc. 2023–05871 Filed 3–21–23; 11:15 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### 29 CFR Part 2550

[Application No. D–12022]

Z–RIN 1210 ZA07

#### Reopening Comment Period for the Proposed Amendment to Prohibited Transaction Class Exemption 84–14 (the QPAM Exemption)

**AGENCY:** Employee Benefits Security Administration, U.S. Department of Labor.

**ACTION:** Notice of proposed amendment to class exemption; reopening of comment period.

**SUMMARY:** As discussed in the DATES section below, the Department of Labor's Employee Benefits Security Administration (EBSA) is announcing that it is reopening the comment period for the proposed amendment to prohibited transaction class exemption 84–14 (the QPAM Exemption).

**DATES:** The public comment period for the proposed amendment to the class exemption published on July 27, 2022, at 87 FR 45204, will reopen on the date of publication of this notice and close on April 6, 2023.

**ADDRESSES:** Please submit all written comments to the Office of Exemption Determinations through the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov) at Docket ID number: EBSA–2022–0008.

**FOR FURTHER INFORMATION CONTACT:** Erin Scott Hesse, Office of Exemption

Determinations, Employee Benefits Security Administration, U.S. Department of Labor. Telephone: (202) 693–8546 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The Department published a proposed amendment to prohibited transaction class exemption 84–14 (the Proposed QPAM Exemption Amendment) on July 27, 2022, with a 60-day comment period that was set to expire on September 26, 2022.<sup>1</sup> The Department received two letters requesting an extension of the comment period after the Department published the Proposed QPAM Exemption Amendment.<sup>2</sup> After carefully considering the extension request, the Department extended the initial comment period for an additional 15 days until October 11, 2022 in a **Federal Register** Notice published on September 9, 2022<sup>3</sup> and received 31 comment letters.

In that same **Federal Register** notice of September 9, 2022, the Department announced on its own motion that it would hold a virtual public hearing on November 17, 2022 (and if necessary, on November 18, 2022), to provide an opportunity for all interested parties to testify on material information and issues regarding the Proposed QPAM Amendment.<sup>4</sup> The Department received 13 requests to testify at the hearing. The notice also indicated the Department would: (1) reopen the public comment period from the hearing date until approximately 14 days after the Department publishes the hearing transcript on EBSA's website; and (2) publish a **Federal Register** notice announcing that it has posted the hearing transcript to EBSA's website and providing the date the reopened comment period closes.

The Department held the virtual public hearing on November 17, 2022 and reopened the comment period on the hearing date.<sup>5</sup> The reopened comment period in connection with the hearing closed on January 6, 2023, and the Department received 150 additional comments. The hearing transcript may be accessed here: <https://www.dol.gov/agencies/ebsa/laws-and-regulations/>

<sup>1</sup> 87 FR 45204.

<sup>2</sup> See Public Comment #1 from American Bankers Association et al. and Public Comment #2 from American Retirement Association. The extension requests can be accessed here: <https://www.dol.gov/sites/dolgov/files/EBSA/laws-and-regulations/rules-and-regulations/public-comments/1210-ZA07/>.

<sup>3</sup> 87 FR 54715.

<sup>4</sup> Id.

<sup>5</sup> The hearing did not continue on November 18, 2022, because the Department was able to schedule all witnesses that requested to testify on one day.

*rules-and-regulations/public-comments/1210-ZA07.*

The Department understands that at least one interested party may have additional information to provide the Department that was not submitted by the comment deadline of January 6, 2023. Therefore, the Department is reopening the comment period to provide an opportunity for all interested parties to submit additional information. The Department encourages interested parties to submit comments on the proposed amendment before the additional reopened comment period closes on April 6, 2023. All written comments should be identified by Z-RIN 1210 ZA07 and sent to the Office of Exemption Determinations through the Federal eRulemaking Portal: <https://www.regulations.gov> at Docket ID number: EBSA-2022-0008. Please follow the instructions for submitting comments.

All comments on the proposed amendment and requests to testify at the hearing are available to the public without charge online at <https://www.regulations.gov> at Docket ID number: EBSA-2022-0008 and <https://www.dol.gov/agencies/ebsa/laws-and-regulations/rules-and-regulations/public-comments/1210-ZA07>. They also are available for public inspection in EBSA's Public Disclosure Room, U.S. Department of Labor, Room N-1513, 200 Constitution Avenue NW, Washington, DC 20210.

Signed at Washington, DC, this 13th day of March, 2023.

**Lisa M. Gomez,**

*Assistant Secretary, Employee Benefits Security Administration, U.S. Department of Labor.*

[FR Doc. 2023-05522 Filed 3-22-23; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 100

[Docket Number USCG-2023-0168]

RIN 1625-AA08

### Special Local Regulation; Bush River and Otter Point Creek; Between Perryman, MD and Edgewood, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish a temporary special local regulation for certain waters of the Bush River and Otter Point Creek, in

Maryland. This action is necessary to provide for the safety of life on these navigable waters located at Edgewood, MD, during a high-speed power boat race on May 13, 2023 and May 14, 2023. This proposed rulemaking would prohibit persons and vessels (other than those already at berth at the time the regulation takes effect) from being in the regulated area unless authorized by the Captain of the Port, Sector Maryland-National Capital Region (COTP), or a designated representative. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before April 24, 2023.

**ADDRESSES:** You may submit comments identified by docket number USCG-2023-0168 using the Federal Decision Making Portal at <https://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email MST2 Courtney Perry, Sector Maryland-NCR, Waterways Management Division, U.S. Coast Guard: telephone 410-576-2596, email [MDNCRWaterways@uscg.mil](mailto:MDNCRWaterways@uscg.mil).

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Table of Abbreviations**

CFR Code of Federal Regulations  
COTP Captain of the Port  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

#### **II. Background, Purpose, and Legal Basis**

On November 11, 2022, the Kent Narrows Racing Association (KNRA) notified the Coast Guard that it will be conducting the Harford County Spring Nationals Inboard Hydroplane Race on May 13, 2023 and May 14, 2023 from 9 a.m. to 7 p.m. both days. The high-speed power boat racing event consists of approximately 60 participating racing boats—including composite and wood hull inboard hydroplanes—12 to 28 feet in length. The vessels will compete along a marked, approximately 1-mile long course located on the Bush River and Otter Point Creek, at Flying Point Park, between Perryman, MD and Edgewood, MD. Hazards from the power boat racing event include the risks of injury or death resulting from near or actual contact among participant vessels

and waterway users if normal vessel traffic were to interfere with the event. The COTP, (Commander of the Coast Guard Sector Maryland-National Capital Region) has determined that potential hazards associated with the power boat races would be a safety concern for anyone intending to participate in this event and for vessels that operate within the specified waters of the Bush River and Otter Point Creek.

The purpose of this rulemaking is to protect event participants, non-participants, and transiting vessels before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70041.

#### **III. Discussion of Proposed Rule**

The COTP is proposing to establish a special local regulations from 9 a.m. on May 13, 2023, through 7 p.m. on May 14, 2023. The regulations would be enforced from 9 a.m. to 7 p.m. on May 13, 2023 and from 9 a.m. to 7 p.m. on May 14, 2023. The regulated area would cover all navigable waters of the Bush River and Otter Point Creek, shoreline to shoreline, bounded to the north by a line drawn from the western shoreline of the Bush River at latitude 39°21'15" N, longitude 076°14'39" W and thence eastward to the eastern shoreline of the Bush River at latitude 39°27'03" N, longitude 076°13'57" W, and bounded to the south by the Amtrak Railroad Bridge, across the Bush River at mile 6.8, between Perryman, MD and Edgewood, MD. These boundaries are based on a detailed course map for the event which the Coast Guard received from the sponsor on March 7, 2023.

This proposed rule provides additional information about zones within the regulated area, their definitions, and the restrictions that would apply to mariners. These zones include "Race Area," "Buffer Zone," and "Spectator Area."

The proposed duration of the special local regulation and size of the regulated area are intended to ensure the safety of life on these navigable waters before, during, and after the high-speed power boat racing event, which is scheduled to take place from 10 a.m. to 6 p.m. on May 13, 2023, and from 10 a.m. to 6 p.m. on May 14, 2023. The COTP, and the Coast Guard Event Patrol Commander (or "Event PATCOM," a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been so designated by the COTP) would have authority to forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person