

These measures constitute the Department's indicators of success for this program. Consequently, we advise an applicant for a grant under this program to give careful consideration to these measures in conceptualizing the approach and evaluation for its proposed project.

If funded, you will be required to collect and report data in your project's annual performance report (34 CFR 75.590).

## VII. Other Information

**Accessible Format:** On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

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**Michelle Asha Cooper,**

*Acting Assistant Secretary for the Office of Postsecondary Education.*

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## DEPARTMENT OF ENERGY

### Instructions for Requesting an Exception From the Secretary of Energy Under Presidential Proclamation Relating to the Regulation of the Anchorage and Movement of Russian-Affiliated Vessels to United States Ports

**AGENCY:** Office of Nuclear Energy, Department of Energy (DOE).

**ACTION:** Notice.

**SUMMARY:** Per Proclamation 10371, "Declaration of National Emergency and Invocation of Emergency Authority Relating to the Regulation of the Anchorage and Movement of Russian-Affiliated Vessels to United States Ports" ("the Proclamation"), DOE is providing instructions for requesting an exception from the Secretary of Energy to the prohibition set forth in the Proclamation.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Krohn, Office of Nuclear Energy, Department of Energy, Phone: (202) 586-7246, Email: [shipmentwaiver@nuclear.energy.gov](mailto:shipmentwaiver@nuclear.energy.gov).

**SUPPLEMENTARY INFORMATION:** The policies and actions of the Government of the Russian Federation to continue the premeditated, unjustified, unprovoked, and brutal war against Ukraine constitute a national emergency by reason of a disturbance or threatened disturbance of international relations of the United States. In order to address this national emergency and secure the observance of the rights and obligations of the United States, President Biden, by his authority under the Constitution and the laws of the United States of America, including the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and section 1 of title II of Public Law 65-24, ch. 30, June 15, 1917, as amended (Magnuson Act) (46 U.S.C. 70051), has authorized the Secretary of Homeland Security to make and issue such rules and regulations as appropriate to regulate the anchorage and movement of Russian-affiliated vessels, and delegated to the Secretary of Homeland Security the authority to approve such rules and regulations, as authorized by the Magnuson Act.

## Prohibition

Pursuant to the Proclamation, Russian-affiliated vessels are prohibited from entering into United States ports effective April 28, 2022, subject to two limited exceptions. One such exception (Sec. 2(a) of the Proclamation) applies to Russian-affiliated vessels used in the transport of source material, special nuclear material (SNM), and byproduct material for which, and for such time as, the Secretary of Energy, in consultation with the Secretaries of State and Commerce, determines that there is no viable source of supply available that would not require transport by Russian-affiliated vessels.

## Application for Secretarial Determination

This notice sets forth the instructions to request an exception pursuant to

Section 2(a) of the prohibition set forth in Section 1 of Proclamation 10371.

1. Applicants requesting a determination from the Secretary of Energy for a Section 2(a) exception to the Section 1 prohibition should submit their request to John Krohn, Office of Nuclear Energy, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, phone: 202-586-7246 email: [shipmentwaiver@nuclear.energy.gov](mailto:shipmentwaiver@nuclear.energy.gov). It is recommended that requests be submitted electronically via email.

2. The request should contain the following information:

Name, address, and contact information of Applicant.

a. Date of anticipated entry into a U.S. port.

b. Description of the source material, special nuclear material, or nuclear byproduct material, including name and contact information of end-user, end use of material, and location of end use if different from the Applicant.

c. Explanation of why there is no viable source of supply of such material(s), which is either available domestically or does not require transport on a Russian-affiliated vessel.

d. Impact if material(s) requested cannot enter the United States on a Russian-affiliated vessel.

e. Any other information that could assist the Secretary of Energy in making this determination.

3. Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked non-confidential with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

## Definitions

Pursuant to Section 3 of Proclamation 10371, the term "Russian-affiliated vessels" means:

(i) Vessels of Russian registry (*i.e.*, the vessel is Russian flagged);

(ii) Vessels that are Russian owned (*i.e.*, the legal title of ownership of the vessel that appears on the ship's registration documents is the Government of the Russian Federation or a Russian company, citizen, or permanent resident); or

(iii) Vessels that are Russian operated (*i.e.*, a Russian company, citizen, or

permanent resident is responsible for the commercial decisions concerning the employment of a ship and decides how and where that asset is employed).

The term “byproduct material” has the same meaning given to that term in section 11(e) of the Atomic Energy Act of 1954, as amended (AEA) (42 U.S.C. 2014(e)). The term “source material” has the same meaning given to that term in section 11(z) of the AEA (42 U.S.C. 2014(z)). The term “special nuclear material” has the same meaning given to that term in section 11(aa) of the AEA (42 U.S.C. 2014(aa)).

#### **Review Under the Paperwork Reduction Act**

The collection-of-information requirement for an Exception from the Secretary of Energy under the Proclamation is subject to review and approval by OMB under the Paperwork Reduction Act (“PRA”). This requirement has been approved by OMB under OMB control number 1910–5195. Public reporting burden for the certification is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number 1910–5195.

#### **Signing Authority**

This document of the Department of Energy was signed on April 27, 2022, by Andrew Griffith, Acting Assistant Secretary for Nuclear 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**.

Signed in Washington, DC, on April 28, 2022.

**Treena V. Garrett,**

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

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### **DEPARTMENT OF ENERGY**

#### **Federal Energy Regulatory Commission**

**[Project No. 487–134]**

#### **BIF III Holtwood LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Type of Application:* Non-Project Use of Project Lands and Waters.
- b. *Project No.:* 487–134.
- c. *Date Filed:* January 6, 2022.
- d. *Applicant:* BIF III Holtwood LLC.
- e. *Name of Project:* Wallenpaupack Hydroelectric Project.
- f. *Location:* The Wallenpaupack Hydroelectric Project is located in Pike and Wayne counties, Pennsylvania.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.
- h. *Applicant Contact:* Katie Lester, Brookfield Renewable (570) 226–1371.
- i. *FERC Contact:* Shana High at (202) 502–8674 or [shana.high@ferc.gov](mailto:shana.high@ferc.gov).
- j. *Deadline for filing motions to intervene and protests:* May 26, 2022.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission’s eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue,

Rockville, Maryland 20852. The first page of any filing should include docket number P–487–134. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission’s Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* BIF III Holtwood LLC is requesting Commission approval to permit Sunset Point Association to install a community dock that would accommodate 10 watercraft at community access area #3. Two existing mooring buoys each at community access areas #1 and #2 would remain and two existing mooring buoys at community access area #3 would be removed. As proposed, the three community access areas at Sunset Point Association would accommodate 14 watercraft.

l. *Locations of the Application:* This filing may be viewed on the Commission’s website at <http://www.ferc.gov> using the “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission’s mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received