

emails, include “Advanced computing controls” or “Semiconductor manufacturing items control” as applicable in the subject line.

For questions on the Entity List revisions, contact: Chair, End-User Review Committee, Office of the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Email: ERC@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

Background

On October 13, 2022, the Bureau of Industry and Security (BIS) published the interim final rule *Implementation of Additional Export Controls: Certain Advanced Computing and Semiconductor Manufacturing Items; Supercomputer and Semiconductor End Use; Entity List Modifications* (87 FR 62186), hereinafter the October 7 advanced computing and semiconductor manufacturing equipment rule.

In the rule, BIS amended the Export Administration Regulations (EAR) to implement necessary controls on advanced computing integrated circuits (ICs), computer commodities that contain such ICs, and certain semiconductor manufacturing items. In addition, BIS expanded controls on transactions involving items for supercomputer and semiconductor manufacturing end uses. For example, the rule expanded the scope of foreign-produced items subject to license requirements for twenty-eight existing entities on the Entity List that are located in China. BIS also informed the public that specific activities of “U.S. persons” that “support” the “development” or “production” of certain ICs in the PRC require a license. Lastly, to minimize the short-term impact on the semiconductor supply chain from the rule, BIS established a Temporary General License to permit specific, limited manufacturing activities in China related to items destined for use outside China and identified a model certificate that may be used in compliance programs to assist, along with other measures, in conducting due diligence. The October 7 advanced computing and semiconductor manufacturing equipment rule also solicits public comments on the changes included in that rule.

Extension of Comment Period Deadline

The October 7 advanced computing and semiconductor manufacturing equipment rule included a comment

period deadline of December 12, 2022. The Department of Commerce has determined at this time that it is warranted to extend the comment period through January 31, 2023 to allow for commenters to have additional time to review the interim final rule and to benefit from the significant amount of public outreach that BIS is conducting on the rule in preparing their comments. This document specifies that comments may be submitted at any time but must be received by January 31, 2023, to be considered.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2022–26662 Filed 12–5–22; 4:15 pm]

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DEPARTMENT OF STATE

22 CFR Part 120

[Public Notice: 11929]

International Traffic in Arms Regulations (ITAR): Notification of Temporary Suspension of a Regulatory Provision Related to Certain Capacitors Described on the U.S. Munitions List

ACTION: Temporary suspension.

SUMMARY: The Department of State (the Department) is informing the public that on November 21, 2022, the Deputy Assistant Secretary of State for Defense Trade Controls temporarily suspended for a period of six (6) months the applicability of regulations for certain capacitors described in the U.S. Munitions List (USML) Category XI that have a voltage rating of one hundred twenty-five volts (125 V) or less.

DATES: This temporary suspension went into effect on November 21, 2022 and will expire on May 22, 2023 or when terminated by the Department, whichever occurs first.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Weil, Office of Defense Trade Controls Policy, Department of State, telephone (202) 571–7051; email DDTCPublicComments@state.gov ATTN: Temporary Suspension Related to Certain Capacitors

SUPPLEMENTARY INFORMATION: On July 1, 2014, the Department published a final rule revising Category XI of the USML (79 FR 37536). That final rule added USML Category XI(c)(5) to describe high-energy storage capacitors with a repetition rate of 6 discharges or more per minute and full energy life greater than or equal to 10,000 discharges, at

greater than 0.2 Amps per Joule peak current, that have any of the following:

- Volumetric energy density greater than or equal to 1.5 J/cc or
- Mass energy density greater than or equal to 1.3 kJ/kg.

The Department, in consultation with the Departments of Defense and Commerce, and other U.S. Government agencies, assessed in the rulemaking that the discharge rate and energy life criteria were sufficient to differentiate those capacitors warranting ITAR control from those that were in normal commercial use at the time of the rulemaking.

It has come to the Department’s attention that certain low-voltage capacitors with foreign availability that are described in USML Category XI(c)(5) are now extensively integrated into commercial applications, such as Wi-Fi routers and civil aviation aircraft transponders. Pursuant to ITAR § 120.11(c), defense articles described on the USML are controlled and remain subject to the ITAR following integration into any item not described on the USML, unless specifically provided otherwise. Thus, a license or other approval is required prior to any export, reexport, retransfer, or temporary import of an item containing such capacitors.

Section 126.2 of the ITAR provides that the Deputy Assistant Secretary for Defense Trade Controls may order the temporary suspension or modification of any or all provisions of the ITAR when in the interest of the security and foreign policy of the United States.

The Department assessed that it is in the security and foreign policy interests of the United States to facilitate commercial uses of certain capacitors when integrated into any item not described on the USML (for example, certain items used in energy exploration or in commercial aircraft used for global travel and commerce). Accordingly, on November 21, 2022, pursuant to ITAR § 126.2, and the Department’s administration of the Arms Export Control Act (AECA) as a foreign affairs function as stated in ITAR § 120.20, the Deputy Assistant Secretary of State for Defense Trade Controls ordered the temporary suspension of ITAR § 120.11(c) with respect to capacitors described in USML Category XI(c)(5) that have a voltage rating of one hundred twenty-five volts (125 V) or less and have been integrated into, and included as an integral part of, an item not described on the USML. Such articles are licensed by the Department of Commerce when integrated into, and included as an integral part of, items subject to the EAR. This temporary

suspension of ITAR § 120.11(c), as described above, is valid for a period of six months until May 21, 2023, or when terminated by notice, whichever occurs first.

Capacitors described in USML Category XI(c)(5) remain subject to the controls of the ITAR in all other circumstances, including as stand-alone articles. The export, reexport, retransfer, or temporary import of technical data and defense services directly related to all defense articles described in USML Category XI(c)(5) remain subject to the ITAR.

Any violation of the ITAR, including any violation of the terms and conditions of any export license issued by the Department of State prior to the temporary suspension announced herein, remains a violation of the AECA. The public is reminded that the Department of State strongly encourages industry to disclose, pursuant to ITAR § 127.12, unauthorized exports, reexports, retransfers, or temporary imports of defense articles, including the subject capacitors, that occurred prior to the temporary suspension announced herein.

Authority: 22 CFR 126.2; 22 U.S.C. 2778.

Michael F. Miller,

Deputy Assistant Secretary, Defense Trade Controls, Department of State.

[FR Doc. 2022-26134 Filed 12-6-22; 8:45 am]

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PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans by substituting a new table for determining expected retirement ages for participants in pension plans undergoing distress or involuntary termination with valuation dates falling in 2023. This table is needed to compute the value of early retirement benefits and, thus, the total value of benefits under a plan.

DATES: This rule is effective January 1, 2023.

FOR FURTHER INFORMATION CONTACT: Hilary Duke (*duke.hilary@pbgc.gov*), Assistant General Counsel for

Regulatory Affairs, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024-2101, 202-229-3839. If you are deaf or hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation (PBGC) administers the pension plan termination insurance program under title IV of the Employee Retirement Income Security Act of 1974 (ERISA). PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) sets forth (in subpart B) the methods for valuing plan benefits of terminating single-employer plans covered under title IV. Guaranteed benefits and benefit liabilities under a plan that is undergoing a distress termination must be valued in accordance with subpart B of part 4044. In addition, when PBGC terminates an underfunded plan involuntarily pursuant to ERISA section 4042(a), it uses the subpart B valuation rules to determine the amount of the plan's underfunding.

Under § 4044.51(b) of the asset allocation regulation, early retirement benefits are valued based on the annuity starting date, if a retirement date has been selected, or the expected retirement age, if the annuity starting date is not known on the valuation date. Sections 4044.55 through 4044.57 set forth rules for determining the expected retirement ages for plan participants entitled to early retirement benefits. Appendix D of part 4044 contains tables to be used in determining the expected early retirement ages.

Table I in appendix D (Selection of Retirement Rate Category) is used to determine whether a participant has a low, medium, or high probability of retiring early. The determination is based on the year a participant would reach "unreduced retirement age" (*i.e.*, the earlier of the normal retirement age or the age at which an unreduced benefit is first payable) and the participant's monthly benefit at the unreduced retirement age. The table applies only to plans with valuation dates in the current year and is updated annually by PBGC to reflect changes in the cost of living, etc.

Tables II-A, II-B, and II-C (Expected Retirement Ages for Individuals in the Low, Medium, and High Categories respectively) are used to determine the expected retirement age after the probability of early retirement has been determined using Table I. These tables establish, by probability category, the

expected retirement age based on both the earliest age a participant could retire under the plan and the unreduced retirement age. This expected retirement age is used to compute the value of the early retirement benefit and, thus, the total value of benefits under the plan.

This document amends appendix D to replace Table I-22 with Table I-23 to provide an updated correlation, appropriate for calendar year 2023, between the amount of a participant's benefit and the probability that the participant will elect early retirement. Table I-23 will be used to value benefits in plans with valuation dates during calendar year 2023.

PBGC has determined that notice of, and public comment on, this rule are impracticable, unnecessary, and contrary to the public interest. PBGC's update of appendix D for calendar year 2023 is routine. If a plan has a valuation date in 2023, the plan administrator needs the updated table being promulgated in this rule to value benefits. Accordingly, PBGC finds that the public interest is best served by issuing this table expeditiously, without an opportunity for notice and comment, and that good cause exists for making the table set forth in this amendment effective less than 30 days after publication to allow the use of the proper table to estimate the value of plan benefits for plans with valuation dates in early 2023.

PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this regulation, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

List of Subjects in 29 CFR Part 4044

Employee benefit plans, Pension insurance.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 2. Appendix D to part 4044 is amended by removing Table I-22 and adding in its place Table I-23 to read as follows: