

12106, 3 CFR, 1978 Comp., p. 263; Reorg. Plan No. 1 of 1978, 3 CFR, 1978 Comp., p. 321.

■ 2. Amend § 1614.108 by:

■ a. Adding a sentence at the end of paragraph (f); and

■ b. Revising the first sentence in paragraph (h).

The additions read as follows:

§ 1614.108 Investigation of complaints.

* * * * *

(f) * * * The notice that the complainant has the right to request a hearing and decision from an administrative judge shall inform the complainant that the hearing request may be filed using the EEOC Public Portal, available at <https://publicportal.eeoc.gov>.

* * * * *

(h) Where the complainant has received the notice required in paragraph (f) of this section or at any time after 180 days have elapsed from the filing of the complaint, the complainant may request a hearing by submitting a written request for a hearing directly to the EEOC office indicated in the agency's acknowledgment letter, or by filing a request for a hearing through the EEOC Public Portal.

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§ 1614.109 [Amended]

■ 3. In § 1614.109 amend paragraph (i) in the second sentence by removing the word “send” and adding in its place the word “transmit”.

■ 4. Amend § 1614.110 by adding paragraph (c) to read as follows:

§ 1614.110 Final action by agencies.

* * * * *

(c) When an agency takes final action by issuing a final order or decision that requires the agency to include a notice that the complainant has the right to file an appeal with the EEOC, the notice shall inform the complainant that the appeal may be filed using the EEOC Public Portal, available at <https://publicportal.eeoc.gov>.

■ 5. Amend § 1614.204 by adding sentences at the end paragraphs (j)(1) and (l)(3) to read as follows:

§ 1614.204 Class complaints.

* * * * *

(j)(1) * * * When an agency takes final action by issuing a final order or decision that requires the agency to include a notice that the class agent has the right to file an appeal with the EEOC, the notice shall inform the class agent that the appeal may be filed using

the EEOC Public Portal, available at <https://publicportal.eeoc.gov>.

* * * * *

(l)(3) * * * When an agency takes final action by issuing a final order or decision that requires the agency to include a notice that the class member has the right to file an appeal with the EEOC, the notice shall inform the class member that the appeal may be filed using the EEOC Public Portal, available at <https://publicportal.eeoc.gov>.

§ 1614.403 [Amended]

■ 6. Amend § 1614.403 paragraph (a) by adding the words “by email, or through FedSEP or the EEOC’s Public Portal, as applicable,” after the word “electronically”.

■ 7. Amend § 1614.405 by revising paragraph (a) to read as follows:

§ 1614.405 Decisions on appeals.

(a) The Office of Federal Operations, on behalf of the Commission, shall issue a written decision setting forth its reasons for the decision. The Commission shall dismiss appeals in accordance with §§ 1614.107, 1614.403(c) and 1614.409. The decision shall be based on the preponderance of the evidence. The decision on an appeal from an agency's final action shall be based on a de novo review, except that the review of the factual findings in a decision by an administrative judge issued pursuant to § 1614.109(i) shall be based on a substantial evidence standard of review. If the decision contains a finding of discrimination, appropriate remedy(ies) shall be included and, where appropriate, the entitlement to interest, attorney's fees or costs shall be indicated. The decision shall reflect the date of its issuance, inform the complainant of his or her civil action rights, and be transmitted to the complainant and the agency. For complainants who are not registered with the EEOC Public Portal, the decision will be transmitted by first class mail. For complainants who are registered with the Public Portal, the decision will be transmitted via the Portal provided the complainant affirmatively consents to receive the decision through the Portal. For registered complainants who do not provide affirmative consent, and for complainants who affirmatively consent but subsequently notify the Commission that they withdraw their consent, the decision will be transmitted by first class mail. The Commission will transmit the decision to the agency via FedSEP.

* * * * *

■ 8. Amend § 1614.604 by:

■ a. Redesignating paragraphs (c) and (d) as paragraphs (f) and (g).

■ b. Adding new paragraphs (c), (d), and (e).

The additions read as follows:

§ 1614.604 Filing and computation of time.

* * * * *

(c) A hearing request, appeal, brief, or other document filed by a complainant using the EEOC Public Portal, or filed by an agency using FedSEP, shall be deemed filed on the date the document is uploaded to the Public Portal or FedSEP. The timeliness of documents submitted through the Public Portal and FedSEP will be determined based on the time zone from which the document was submitted.

(d) An EEOC decision that is transmitted to a complainant through the Public Portal or by email shall be deemed to be received when the decision is accessed on the Portal or when received if transmitted via email, or within five days of when the decision is uploaded to the Portal or emailed, whichever occurs first.

(e) For the purposes of §§ 1614.108, 1614.109, 1614.204(i), and 1614.401 through 1614.405, the terms *accept*, *file*, *filed*, *filing*, *issue*, *issuance*, *issuing*, *notify*, *notified*, *receive*, *receipt*, *send*, *serve*, *served*, *service*, *submit*, *submission*, *submitted*, *transmit*, and *transmitted*, shall include digital transmissions made through FedSEP, the EEOC Public Portal, or by email.

Dated: August 17, 2023.

Charlotte A. Burrows,
Chair.

[FR Doc. 2023–18100 Filed 8–23–23; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Part 1206

[Docket No. ONRR–2011–0016; DS63644000
DRT000000.CH7000 223D1113RT]

RIN 1012–AA07

**Amendments to OMB Control Numbers
and Certain Forms; Correction**

AGENCY: Office of Natural Resources
Revenue (“ONRR”), Interior.

ACTION: Correcting amendment.

SUMMARY: On December 8, 2011, ONRR published a direct final rule that, among other things, corrected a thermal energy displaced equation without updating an image of the equation set forth in the regulations for illustration purposes. This document provides a replacement

thermal energy displaced equation image.

DATES: This rule is effective on August 24, 2023.

FOR FURTHER INFORMATION CONTACT: For questions concerning this direct final rulemaking, contact Luis Aguilar, Regulatory Specialist, by phone at (303) 231-3418, or by email at ONRR_RegulationsMailbox@onrr.gov.

SUPPLEMENTARY INFORMATION: ONRR published a direct final rule in the *Federal Register* on December 8, 2011 (76 FR 76612). ONRR amended the *thermal energy displaced* equation in § 1206.356(a)(2) from “0.113681” to “0.133681.” Section 1206.356(a)(2) contained an image of the equation for

illustration purposes. However, ONRR did not provide an updated equation image. This document provides the correct equation image.

List of Subjects in 30 CFR Part 1206

Coal, Continental shelf, Government contracts, Indian lands, Mineral royalties, Oil and gas exploration, Public lands—mineral resources, Reporting and recordkeeping requirements.

Accordingly, ONRR amends 30 CFR part 1206 by making the following correcting amendment.

$$\text{thermal energy displaced} = \frac{(h_{\text{in}} - h_{\text{out}}) \times \text{density} \times 0.133681 \times \text{volume}}{\text{efficiency factor}}$$

* * * * *

Howard Cantor,
Director, Office of Natural Resources
Revenue.

[FR Doc. 2023-18096 Filed 8-23-23; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-USCG-0689]

Safety Zones; Annual Events in the Captain of the Port Buffalo Zone

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone that encompasses certain navigable waters on Lake Erie, for the Head of the Cuyahoga, in Cleveland, Ohio. This action is necessary and intended for the safety of life and property on navigable waters during this event. During the enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo or a designated representative.

DATES: The regulation listed in 33 CFR 165.939, Table 165.939 (d)(3) will be enforced from 5 a.m. through 5 p.m. on September 16, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LT Jared

Stevens, Waterways Management Division, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216-937-0124, email D09-SMB-MSUCLEVELAND-WWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a Safety Zone; for the Annual Event in the Captain of the Port Buffalo Zone, listed in 33 CFR 165.939, Table 165.939(d)(3) for the Head of the Cuyahoga in Cleveland, Ohio. All U.S. waters of the Cuyahoga River, between a line drawn perpendicular to the river banks from position 41°29'55" N, 081°42'23" W (NAD 83) just past the Detroit-Superior Viaduct bridge at MM 1.42 of the Cuyahoga River south to a line drawn perpendicular to the river banks at position 41°28'32" N, 081°40'16" W (NAD 83) just south of the Interstate 490 bridge at MM 4.79 of the Cuyahoga River.

Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within the safety zone during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or a designated representative. Those seeking permission to enter the safety zone may request permission from the Captain of Port Buffalo via channel 16, VHF-FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or a designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal**

PART 1206—PRODUCT VALUATION

■ 1. The authority citation for part 1206 continues to read as follows:

Authority: 5 U.S.C. 301 *et seq.*, 25 U.S.C. 396, 396a *et seq.*, 398, 398a *et seq.*, 2101 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1001 *et seq.*, 1701 *et seq.*; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, and 1801 *et seq.*

■ 2. In § 1206.356, amend paragraph (a)(2) by revising the equation to read as follows:

§ 1206.356 How do I calculate royalty or fees due on geothermal resources I use for direct use purposes?

* * * * *

(a) * * *

(2) * * *

Register, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that the safety zone need not be enforced for the full duration stated in this notice, he may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: August 17, 2023.

M.I. Kuperman,
Captain, U.S. Coast Guard, Captain of the Port Buffalo.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R06-OAR-2022-0307; FRL-10892-02-R6]

Air Plan Approval; Texas; Updates to Public Notice and Procedural Rules and Removal of Obsolete Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving portions of three revisions to the Texas State Implementation Plan (SIP) submitted by the Texas Commission on Environmental Quality (TCEQ) on July 9, 2021, and January 21, 2022, that update the air permitting