

## Instructions for Participating in the Meetings

**Registration:** Members of the public may attend in-person to all open sessions of the Governing Board's March 2–3, 2023, meetings. A link to register for virtual attendance for the open sessions and instructions for how to register will be posted on the Governing Board's website at [www.nagb.gov](http://www.nagb.gov) no later than 5 business days prior to the meeting. Registration is required to join the meeting virtually.

**Public Comment:** Written comments related to the work of the Governing Board and its committees may be submitted electronically or in hard copy to the attention of the Executive Officer/ Designated Federal Official (DFO) via email at [Munira.Mwalimu@ed.gov](mailto:Munira.Mwalimu@ed.gov) no later than 10 business days prior to the meeting. Written comments should be directed to the DFO as they relate to committee and Board meeting work and should reference the relevant agenda item.

**Access to Records of the Meeting:** Pursuant to 5 U.S.C. 1009(b), the public may inspect the meeting materials at [www.nagb.gov](http://www.nagb.gov), which will be made available no later than five business days prior to each meeting. The public may also inspect the meeting materials and other Governing Board records at 800 North Capitol Street NW, Suite 825, Washington, DC 20002, by emailing [Munira.Mwalimu@ed.gov](mailto:Munira.Mwalimu@ed.gov) to schedule an appointment. The official verbatim transcripts of the open meeting sessions will be available for public inspection no later than 30 calendar days following each meeting and will be posted on the Governing Board's website. Requests for the verbatim transcripts may be made via email to the DFO noted above.

**Reasonable Accommodations:** The meeting location is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the DFO listed in this notice no later than ten working days prior to each meeting date.

**Electronic Access to this Document:** The official version of this document is the document published in the **Federal Register**. Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must

have Adobe Acrobat Reader, which is available free at the Adobe website. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Authority:** Pub. L. 107–279, Title III, section 301—National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621).

**Lesley Muldoon,**

*Executive Director, National Assessment Governing Board (NAGB), U.S. Department of Education.*

[FR Doc. 2023–02838 Filed 2–15–23; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

[Docket No.: ED–2023–SCC–0027]

### Agency Information Collection Activities; Comment Request; Grant Application Form for Project Objectives and Performance Measures Information; Correction

**AGENCY:** Office of Finance and Operation (OFO), Department of Education (ED).

**ACTION:** Correction notice.

**SUMMARY:** On February 13, 2023, the U.S. Department of Education published a 60-day comment period notice in the **Federal Register** with FR DOC# 2023–02979 (Page 9268, Column 1, Page 9269, Column 1, Column 2) seeking public comment for an information collection entitled, “Grant Application Form for Project Objectives and Performance Measures”. The docket number is incorrect. The correct docket number is ED–2023–SCC–0027.

The PRA Coordinator, Strategic Collections and Clearance, Office of the Chief Data Officer, Office of Planning, Evaluation and Policy Development, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

Dated: February 13, 2023.

**Stephanie Valentine,**

*PRA Coordinator, Strategic Collections and Clearance, Office of the Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2023–03284 Filed 2–15–23; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

[Docket ID ED–2023–OPE–0030]

### Announcement of Listening Sessions

**AGENCY:** Office of Postsecondary Education, U.S. Department of Education.

**ACTION:** Announcement of listening sessions.

**SUMMARY:** The U.S. Department of Education's (Department's) Office of Postsecondary Education (OPE) announces virtual listening sessions to receive public comments, recommendations, and suggestions to improve guidance on the incentive compensation prohibition under title IV of the Higher Education Act of 1965, as amended (HEA), particularly with respect to bundled services. This notice sets forth the dates and times, agenda, and instructions for attending and providing live comments at the virtual listening sessions, as well as instructions for submitting written comments.

**DATES:** The virtual listening sessions will be held on:

March 8, 2023, from 1 p.m. to 4 p.m., Eastern time

March 9, 2023, from 1 p.m. to 4 p.m., Eastern time

The Department will accept written comments via the Federal eRulemaking portal until March 16, 2023. See the **ADDRESSES** section of this document for submission information.

**ADDRESSES:** The listening sessions will be held virtually. See the **SUPPLEMENTARY INFORMATION** section for information on how to register to attend or to provide live comments during a session. Written comments must be submitted via the Federal eRulemaking Portal at [regulations.gov](http://regulations.gov). If you require an accommodation or cannot otherwise submit your comments via [regulations.gov](http://regulations.gov), however, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**. The Department will not accept comments submitted by fax or by email or comments submitted after the comment period closes. To ensure that the Department does not receive duplicate copies, please submit your comments only once. Additionally, please include the Docket ID at the top of your comments.

**Federal eRulemaking Portal:** Please go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using [regulations.gov](http://regulations.gov), including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under “FAQ.”

*Privacy Note:* The Department's policy is to make all comments received from members of the public available for public viewing on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:**

Ashley Clark, U.S. Department of Education. Telephone: (202) 453-7977. Email: [ashley.clark@ed.gov](mailto:ashley.clark@ed.gov).

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

**SUPPLEMENTARY INFORMATION:**

*Background:* Since 1992, section 487(a)(20) of the HEA has prohibited institutions of higher education (institutions) from providing any commission, bonus, or other incentive payment to individuals or entities based, directly or indirectly, on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, subject to certain exceptions. In 2011, the Department issued DCL GEN-11-05 to provide guidance on the Department's interpretation of newly issued regulations (75 FR 66831) relating to the prohibition on incentive compensation and other title IV program integrity issues in § 668.14(b).

As noted in that guidance, the prohibition on incentive compensation applies to both individuals and entities. The Department's guidance also sets forth examples of activities that the Department believes would violate the prohibition and examples of allowed activities. Under that guidance, direct payments to recruiters based on tuition generation are considered prohibited incentive compensation. However, in the case of a third-party entity that is not affiliated with the institution it serves and is not affiliated with any other institution that provides educational services, the guidance specifies that providing a set of services that includes recruitment (known as bundled services) does not violate the prohibition on incentive compensation as long as the entity does not make prohibited compensation payments to its employees, and the institution does not pay the entity separately for student recruitment services.

Since issuing that guidance, the number of students who were recruited to institutions by entities operating under this bundled services exception

has increased significantly, particularly through online programs operated by third-party entities, including Online Program Managers (OPMs). These online programs are not subject to the same enrollment constraints, such as physical classroom space or the amount of potential students in the surrounding area, as in-person programs. As a result, the Department is seeking to better understand the impact of the bundled services exception in the context of growing online enrollment and associated Federal student loan debt.

The Department is currently reviewing the incentive compensation guidance to determine what, if any, changes to the incentive compensation guidance might be appropriate, particularly regarding the exception for bundled services. To assist in that effort and ensure the Department is hearing from a wide range of stakeholders, we are convening virtual listening sessions and accepting written public comment on this topic. Specifically, the Department invites comment from institutions, faculty, OPMs and other third-party contractors, scholars, advocates, and students on the following specific questions:

1. What are the benefits and disadvantages of the current incentive compensation exception for bundled services for institutions and students?

2. How can the Department better identify, define, and address the activities that may raise concerns under the current incentive compensation guidance?

3. How much of an institution's spending on a bundle of services provided by a third-party entity is typically allocated to recruitment and related expenses? This will help the Department understand the proportion of the spending in the bundle that goes to recruitment versus a range of services.

4. How has contracting with a third-party providing services under the bundled services exception impacted enrollment, tuition and fees, the types of programs offered, the modality through which programs are provided, student outcomes, revenues, and expenditures at institutions? How do these results compare to programs not supported by an OPM or students attending in-person at a program that is also supported by an OPM?

5. How would changing third-party servicer contracts from a revenue-sharing model to a fee-for-service model impact the services, such as recruitment, currently provided to an institution under the bundled services exception?

6. How do tuition and fees of programs supported by third-party services differ when provided under a revenue-sharing model as compared to a fee-for-service model?

7. To what extent does the bundled services exception impact institutions' ability to create or expand online education offerings? To what extent would fee-for-service models impact institutions' ability to create or expand online education offerings?

8. How might the Department more clearly define what it means to be an unaffiliated third-party for purposes of the incentive compensation guidance to ensure there is no affiliation between the institution and the entity providing services?

9. What steps can the Department take to better ensure compliance with the prohibition on incentive compensation?

*Registration:* Individuals who would like to present comments at the virtual listening sessions must register by sending an email message to [margo.schroeder@ed.gov](mailto:margo.schroeder@ed.gov) no later than 12:00 p.m., Eastern time, on the business day prior to the listening session at which they want to speak. The message should include the name of the speaker, the email address of the speaker, and one or more dates and times during which the individual would be available to speak. We will attempt to accommodate each speaker's preference for date and time; however, if we are unable to do so, we will make the determination on a first-come, first-served basis, based on the time and date we received the message. We will limit each participant's comments to 3 minutes.

The Department will notify speakers of their reserved time slot and provide information on how to log in to the session as a speaker. An individual may make only one presentation at the listening sessions. If we receive more registrations than we can accommodate, the Department reserves the right to reject the registration of an entity or individual affiliated with an entity already scheduled to present comments, to ensure that a broad range of entities and individuals are able to present. Speakers will access the meetings through a link separate from those who wish to listen to the sessions.

Individuals who want to observe the listening sessions, but who do not want to present comments, also are required to register. We will post registration links for attendees who wish to observe on our website at: [www2.ed.gov/about/offices/list/ope/policy.html](http://www2.ed.gov/about/offices/list/ope/policy.html). There will be a unique link each day for attendees who wish to observe. Non-speaking

attendees will be muted for the duration of each listening session.

**Reasonable Accommodations:** The sessions will be accessible to individuals with disabilities. If you will need an auxiliary aid or service to attend or to provide a live comment, please notify the person listed under **FOR FURTHER INFORMATION CONTACT** at least 1 week before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it. Further information about requesting auxiliary aids and services will be available during the session registration process. To provide written comments, see the **ADDRESSES** section above.

**Accessible Format:** On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document 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.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You also may access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Nasser Paydar,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 2023-03261 Filed 2-15-23; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

[DOE Docket No. 2022-22-4]

### Emergency Order Issued to PJM Interconnection, L.L.C. To Operate Power Generating Facilities Under Limited Circumstances in the PJM Region as a Result of Extreme Weather

**AGENCY:** Office of Cybersecurity, Energy Security, and Emergency Response, Department of Energy.

**ACTION:** Notice of emergency action.

**SUMMARY:** The U.S. Department of Energy (DOE or the Department) is issuing this Notice to document emergency actions that it has taken pursuant to the Federal Power Act. DOE issued an emergency order to PJM Interconnection, L.L.C. (PJM) to operate certain power generating facilities under limited circumstances as described further below. PJM is the regional transmission operator for 65 million people in thirteen states and the District of Columbia (PJM Region). The PJM Region experienced a significant drop in temperatures and high winds due to a severe winter weather system. As a consequence of the impact of wind and decreasing temperatures, the demand for electricity in the PJM Region rose to an unusually high peak load. While the vast majority of generating units in the PJM Region continued to function adequately under these stressed conditions, some units experienced operating difficulties due to cold weather or fuel limitations, primarily gas. Because the additional generation required to serve the PJM Region was anticipated to result in a conflict with environmental standards and requirements, DOE authorized only the necessary additional generation for PJM to sufficiently supply the amount of energy needed to prevent electrical disruption.

**ADDRESSES:** Requests for more information should be addressed by electronic mail to [AskCR@hq.doe.gov](mailto:AskCR@hq.doe.gov).

**FOR FURTHER INFORMATION CONTACT:** For further information on this Notice, or for information on the emergency activities described herein, contact Kenneth Buell, (202) 586-3362, [Kenneth.Buell@hq.doe.gov](mailto:Kenneth.Buell@hq.doe.gov), or by mail to the attention of Kenneth Buell, CR-30, 1000 Independence Ave. SW, Washington, DC 20585.

The Order and all related information are available here: <https://www.energy.gov/ceser/federal-power-act-section-202c-pjm-december-2022>.

**SUPPLEMENTARY INFORMATION:**

## Background

### Section 202(c) of the Federal Power Act

The Department is issuing this Notice pursuant to 10 CFR 1021.343(a) to document emergency actions taken in accordance with section 202(c) of the Federal Power Act (FPA) (16 U.S.C. 824a(c)). FPA section 202(c) provides that “[d]uring the continuance of any war in which the United States is engaged, or whenever the [Secretary of Energy] determines that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy, or of fuel or water for generating facilities, or other causes, the [Secretary of Energy] shall have authority, either upon [her] own motion or upon complaint, with or without notice, hearing or report, to require by order such temporary connections of facilities and generation, delivery, interchange, or transmission of electric energy as in [her] judgment will best meet the emergency and serve the public interest.

#### 1. Request for Emergency Order From PJM

On December 24, 2022, PJM submitted to the Department a Request for Emergency Order Under section 202(c) of the Federal Power Act (Application) to maintain the security and reliability of the PJM system. In its Application, PJM cited a severe winter weather system and forecasted a supply deficiency to meet firm load on December 24, December 25, and December 26, 2022. PJM requested the authority to direct the operation of electric generating units identified in Exhibit A of its Application, as well as any other generating units subject to emissions or other permit limitations in the PJM Region set forth in the Order (“Specified Resources”), to operate up to their maximum generation output levels under the limited circumstances described in the Order. PJM stated that the emergency order it was requesting could result in exceedances of National Ambient Air Quality Standards under the Clean Air Act and other permit limitations. Given the permit limits of the Specified Resources, PJM anticipated that the additional capacity may not be made available absent an order under FPA section 202(c).

#### 2. PJM Order

On December 24, 2022, the Under Secretary of Energy for Infrastructure, acting pursuant to delegated authority, issued Order No. 2022-22-4 (the Order). As set forth in the Order, the Under