

Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEARCA-2022-83, and should be submitted on or before January 17, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁵

Sherry R. Haywood,
Assistant Secretary.

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BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #17733; UTAH
Disaster Number UT-00094 Declaration of
Economic Injury]**

Administrative Declaration of an Economic Injury Disaster for the State of Utah

AGENCY: U.S. Small Business
Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of UTAH dated 12/20/2022.

Incident: Severe Storm and Flooding.
Incident Period: 08/19/2022 through
08/21/2022.

DATES: Issued on 12/20/2022.

*Economic Injury (EIDL) Loan
Application Deadline Date:* 09/20/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Grand.

Contiguous Counties:

Utah: Emery, San Juan, Uintah,
Wayne
Colorado: Garfield, Mesa, Montrose
The Interest Rates are:

	Percent
Businesses and Small Agricultural Cooperatives without Credit Available Elsewhere	3.040
Non-Profit Organizations without Credit Available Elsewhere	1.875

The number assigned to this disaster for economic injury is 177330.

The States which received an EIDL Declaration #17733 are Colorado, Utah.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2022-28089 Filed 12-23-22; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. EP 670 (Sub-No. 2)]

Notice of Rail Energy Transportation Advisory Committee Vacancies

AGENCY: Surface Transportation Board.

ACTION: Notice of vacancies on Federal advisory committee and solicitation of nominations.

SUMMARY: The Surface Transportation Board (Board) hereby gives notice of nine vacancies on its Rail Energy Transportation Advisory Committee (RETAC) for three representatives from coal producers; one representative from

electric utilities; one representative from biofuel feedstock growers or providers and biofuel refiners, processors, and distributors; one representative from private car owners, car lessors, or car manufacturers; two representatives from renewable energy sources; and one representative from a labor organization. The Board is soliciting nominations from the public for candidates to fill these vacancies.

DATES: Nominations for candidates for membership on RETAC are due January 26, 2023.

ADDRESSES: Nominations may be submitted either via the Board's e-filing format or in paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's website, at <http://www.stb.gov>. Any person submitting a filing in paper format should send the original and 10 copies to: Surface Transportation Board, Attn: Docket No. EP 670 (Sub-No. 2), 395 E Street SW, Washington, DC 20423-0001.

FOR FURTHER INFORMATION CONTACT: Kristen Nunnally at 202-245-0312.

[Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: The Board exercises broad authority over transportation by rail carriers, including rates and services (49 U.S.C. 10701-10747, 11101-11124), construction, acquisition, operation, and abandonment of railroad lines (49 U.S.C. 10901-10907), and consolidation, merger, or common control arrangements between railroads (49 U.S.C. 10902, 11323-11327).

The Board established RETAC in 2007 as a Federal advisory committee consisting of a balanced cross-section of energy and rail industry stakeholders to provide independent, candid policy advice to the Board and to foster open, effective communication among the affected interests on issues such as rail performance, capacity constraints, infrastructure planning and development, and effective coordination among suppliers, railroads, and users of energy resources. RETAC operates under the Federal Advisory Committee Act (5 U.S.C. app. 2, 1-16).

RETAC's membership is balanced and representative of interested and affected parties, consisting of not less than: five representatives from the Class I railroads; three representatives from Class II and III railroads; three representatives from coal producers; five representatives from electric utilities (including at least one rural

²⁵ 17 CFR 200.30-3(a)(12).

electric cooperative and one state- or municipally-owned utility); four representatives from biofuel feedstock growers or providers and biofuel refiners, processors, and distributors; two representatives from private car owners, car lessors, or car manufacturers; one representative from the petroleum shipping industry; two representatives from renewable energy sources; and one representative from a labor organization. The Committee may also include up to two at large members with relevant experience but not necessarily affiliated with one of the aforementioned industries or sectors.

Members are selected by the Chair of the Board with the concurrence of a majority of the Board. The Chair may invite representatives from the U.S. Departments of Agriculture, Energy, and Transportation and the Federal Energy Regulatory Commission to serve on RETAC in advisory capacities as *ex officio* (non-voting) members. The members of the Board serve as *ex officio* members of the Committee.

RETAC meets at least twice per year. Meetings are typically held at the Board's headquarters in Washington, DC, but may be held virtually or in other locations. Members of RETAC serve without compensation and without reimbursement of travel expenses. Further information about RETAC is available on the RETAC page of the Board's website at <http://www.stb.gov/stb/rail/retac.html>.

The Board is soliciting nominations from the public for candidates to fill nine vacancies: three representatives from coal producers; one representative from electric utilities; one representative from biofuel feedstock growers or providers and biofuel refiners, processors, and distributors; one representative from private car owners, car lessors, or car manufacturers; two representatives from renewable energy sources; and one representative from a labor organization. All the vacancies are for three-year terms ending September 30, 2026. According to revised guidance issued by the Office of Management and Budget, it is permissible for federally registered lobbyists to serve on advisory committees, such as RETAC, as long as they do so in a representative capacity, rather than an individual capacity. See *Revised Guidance on Appointment of Lobbyists to Fed. Advisory Comms., Bds., & Comm'ns*, 79 FR 47,482 (Aug. 13, 2014). Members of RETAC are appointed to serve in a representative capacity.

Nominations for candidates to fill the vacancies should be submitted in letter form and should include: (1) the name of the candidate; (2) the interest the

candidate will represent; (3) a summary of the candidate's experience and qualifications for the position; (4) a representation that the candidate is willing to serve as a member of RETAC; and, (5) a statement that the candidate agrees to serve in a representative capacity. Candidates may nominate themselves. The Chair is committed to having a committee reflecting diverse communities and viewpoints and strongly encourages the nomination of candidates from diverse backgrounds. Nominations for candidates for membership on RETAC should be filed with the Board by January 26, 2023. Please note that submissions will be posted on the Board's website under Docket No. EP 670 (Sub-No. 2).

Authority: 49 U.S.C. 1321; 49 U.S.C. 11101; 49 U.S.C. 11121.

Decided: December 20, 2022.

By the Board, Cynthia T. Brown, Acting Director, Office of Proceedings.

Stefan Rice,

Clearance Clerk.

[FR Doc. 2022-28109 Filed 12-23-22; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. EP 290 Sub-No. 5; 2023-1]

Quarterly Rail Cost Adjustment Factor; Decision

In *Railroad Cost Recovery Procedures*, 1 I.C.C.2d 207 (1984), the Interstate Commerce Commission (ICC) outlined the procedures for calculating the all-inclusive index of railroad input prices and the method for computing the rail cost adjustment factor (RCAF). Under the procedures, the Association of American Railroads (AAR) is required to calculate the index on a quarterly basis and submit it to the agency on the fifth day of the last month of each calendar quarter. In *Railroad Cost Recovery Procedures—Productivity Adjustment*, 5 I.C.C.2d 434 (1989), *aff'd sub nom. Edison Electric Institute v. ICC*, 969 F.2d 1221 (D.C. Cir. 1992), the ICC adopted procedures that require the adjustment of the quarterly index for a measure of productivity.

The provisions of 49 U.S.C. 10708 direct the Surface Transportation Board (Board) to continue to publish both an unadjusted RCAF and a productivity-adjusted RCAF. In *Productivity Adjustment—Implementation*, 1 S.T.B. 739 (1996), the Board decided to publish a second productivity-adjusted RCAF called the RCAF-5. Consequently, three indices are now filed with the Board: the RCAF (Unadjusted); the RCAF (Adjusted); and

the RCAF-5. The RCAF (Unadjusted) is an index reflecting cost changes experienced by the railroad industry, without reference to changes in rail productivity. The RCAF (Adjusted) is an index that reflects national average productivity changes as originally developed and applied by the ICC, the calculation of which is currently based on a five-year moving average. The RCAF-5 is an index that also reflects national average productivity changes; however, those productivity changes are calculated as if a five-year moving average had been applied consistently from the productivity adjustment's inception in 1989.

As required by statute, the denominator of the RCAF is to be rebased every five years. See 49 U.S.C. 10708(a). The Board has verified AAR's proposed rebasing calculations, and they comply with the statute. The rebasing calculations are shown in Table C of the Appendix.

The index of railroad input prices, RCAF (Unadjusted), RCAF (Adjusted), and RCAF-5 for the first quarter of 2023 are shown in Table A of the Appendix to this decision. Table B shows the third quarter 2022 index and the RCAF calculated on both an actual and a forecasted basis. The difference between the actual calculation and the forecasted calculation is the forecast error adjustment.

AAR's calculations have been examined by the Board's Office of Economics, and the Board finds that AAR has complied with agency procedures. The Board finds that the first quarter 2023 RCAF (Unadjusted) is 1.010, an increase of 1.0% from the fourth quarter 2022 RCAF (Unadjusted) of 1.000. The RCAF (Adjusted) is calculated, in part, using the RCAF (Unadjusted) and a five-year moving geometric average of productivity change for U.S. Class I railroads from 2016–2020, which is 1.025 (2.5% per year). The first quarter 2023 RCAF (Adjusted) is 0.408, an increase of 0.2% from the fourth quarter 2022 RCAF (Adjusted) of 0.407.¹

In accordance with *Productivity Adjustment—Implementation*, 1 S.T.B. at 748–49, the RCAF-5 for this quarter will use a productivity trend for the years 2016–2020, which is 1.025 (2.5% per year). The RCAF-5 for the first quarter of 2023 is 0.390, an increase of

¹ The first quarter 2023 RCAF Adjusted (0.408) is calculated by dividing the first quarter 2023 RCAF Unadjusted (1.010) by the first quarter productivity adjustment factor (PAF) of 2.4740. The first quarter 2023 PAF is calculated by multiplying the fourth quarter 2022 productivity adjustment of 2.4588 by the fourth root (1.0062) of the 2016–2020 annual average productivity growth rate of 2.5%.