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Proclamation 10710 of March 11, 2024

The President

National Equal Pay Day, 2024

By the President of the United States of America

A Proclamation

On National Equal Pay Day, we highlight the injustice of gender wage gaps by marking how far into this year women have to work, on average, to earn what men made last year. Over a lifetime, these inequities can amount to millions of dollars lost for women who do not receive the wages they deserve. Equal pay is about far more than a paycheck. It is about living up to the fundamental values that define who we are as a Nation—equality, dignity, and fairness. Today and every day, we continue working toward the promise of equal pay, recognizing that when women thrive, we all thrive.

Women’s labor force participation is the highest it has been in decades, and the gender pay gap is the narrowest it has ever been on record. Yet, despite this progress, the fight for equal pay continues. Women working full-time and year-round are paid an average of 84 cents for every dollar paid to men. In more than 90 percent of occupations, women earn less than men—and these disparities are even greater for women of color and women with disabilities. The pay gap is a product of the systemic barriers that women have long faced when it comes to accessing good-paying jobs and opportunities. Further, caregiving responsibilities for children, loved ones with disabilities, and aging family members disproportionately fall on women, which can mean missing work, cutting hours, and leaving jobs.

America cannot have the strongest economy in the world while leaving women—half our workforce—behind. When I came into office, women’s labor participation rate had fallen to its lowest level in more than three decades, in part because the COVID–19 pandemic had forced women out of the workforce to juggle caregiving responsibilities. In response, my Administration’s American Rescue Plan invested billions of dollars to support working families, powering the strongest job creation in history. The law also helped keep the doors open to 220,000 child care centers, 90 percent of which were owned and staffed by women.

Since I took office, nearly 15 million jobs have been created, and we are working relentlessly to ensure these jobs are accessible to women. Across the major laws I have signed—such as the Bipartisan Infrastructure Law, which is rebuilding our Nation; the CHIPS and Science Act, which is restoring our technological edge; and the Inflation Reduction Act, which is paving the way for a clean energy future—we are making sure women have a fair shot at securing the good-paying jobs being created. For the first time, firms receiving significant Federal dollars will be required to ensure they have high-quality child care available to their workers. I have signed a sweeping Executive Order that includes more than 50 directives to expand access to affordable, high-quality care and provide support for care workers and family caregivers. Additionally, I signed legislation that provides new protections for pregnant and nursing workers. This past year, the Small Business Administration delivered \$5.1 billion in loans to women-owned businesses.

To advance pay equity, my Administration has committed to leading by example and making the Federal Government a model employer. That is

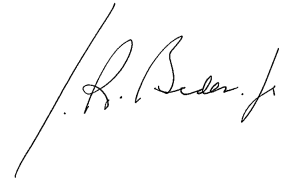
why we have taken action to close persistent wage gaps. We finalized a rule ensuring that Federal agencies no longer consider an applicant's current or past pay when determining their future salaries—eliminating pay inequities that can otherwise follow workers from job to job. My Administration has proposed regulations to advance pay equity and pay transparency for workers on Federal contracts.

We are making tremendous progress, but there is still much more we must do. My Administration continues to call on the Congress to pass the Paycheck Fairness Act—commonsense legislation that would increase pay transparency and give workers more tools to fight sex-based pay discrimination.

On National Equal Pay Day, let us redouble our efforts to ensure that women get the pay they have earned and deserve. Let us recommit to giving our daughters the same opportunities as our sons. Let us remember our responsibility to live up to our Nation's fundamental values of equality, dignity, and fairness for all Americans.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 12, 2024, as National Equal Pay Day. I call upon all Americans to recognize the full value of women's skills and their significant contributions to the labor force, acknowledge the injustice of wage inequality, and join efforts to achieve equal pay.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of March, in the year of our Lord two thousand twenty-four, and of the Independence of the United States of America the two hundred and forty-eighth.

A handwritten signature in black ink, appearing to read "Joe Biden", with a long, sweeping horizontal line extending to the left.

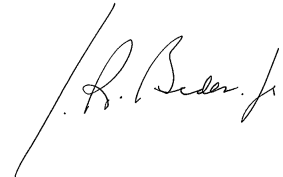
Presidential Documents

Order of March 11, 2024

Sequestration Order for Fiscal Year 2025 Pursuant to Section 251A of the Balanced Budget and Emergency Deficit Control Act, as Amended

By the authority vested in me as President by the laws of the United States of America, and in accordance with section 251A of the Balanced Budget and Emergency Deficit Control Act (the “Act”), as amended, 2 U.S.C. 901a, I hereby order that, on October 1, 2024, direct spending budgetary resources for fiscal year 2025 in each non-exempt budget account be reduced by the amount calculated by the Office of Management and Budget in its report to the Congress of March 11, 2024.

All sequestrations shall be made in strict accordance with the requirements of section 251A of the Act and the specifications of the Office of Management and Budget’s report of March 11, 2024, prepared pursuant to section 251A(9) of the Act.



THE WHITE HOUSE,
March 11, 2024.

Rules and Regulations

Federal Register

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Thursday, March 14, 2024

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1650

Removal of 30-Calendar-Day Waiting Period Between Withdrawals

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Direct final rule.

SUMMARY: This direct final rule removes the Thrift Savings Plan (TSP)'s restriction on a participant's ability to request more than one withdrawal within a thirty-calendar-day period.

DATES: The effective date of this final rule is May 15, 2024 unless significant adverse comment is received by April 15, 2024.

ADDRESSES: You may submit comments using one of the following methods:

- *Federal Rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Office of General Counsel, Attn: Dharmesh Vashee, Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002.

The most helpful comments explain the reason for any recommended change and include data, information, and the authority that supports the recommended change.

FOR FURTHER INFORMATION CONTACT: *For press inquiries:* contact Kim Weaver at (202) 942-1641. *For information about commenting on this rule:* contact Elizabeth Harris at (202) 913-5300.

SUPPLEMENTARY INFORMATION: The Federal Retirement Thrift Investment Board (FRTIB) administers the TSP, which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99-335, 100 Stat. 514. The TSP is a tax-deferred retirement savings plan for Federal civilian employees and members of the uniformed services. The TSP is similar to cash or deferred arrangements established for private-sector employees

under section 401(k) of the Internal Revenue Code (26 U.S.C. 401(k)).

Background

On November 17, 2017, the President signed the TSP Modernization Act of 2017 (the "Act"), Public Law 115-84 (131 Stat. 1272), which permitted the TSP to offer participants the ability to take withdrawals more frequently than they could under prior law. Accordingly, the FRTIB amended 5 CFR 1650 to allow participants to take up to four age-based withdrawals per calendar year and as many partial post-separation withdrawals as they desire—subject only to a 30-calendar-day waiting period between withdrawals. The waiting period was a practical necessity to avoid inadvertently processing duplicate withdrawal requests. Duplicate processing sometimes occurred, for example, when a participant faxed a withdrawal request form to the TSP and then immediately mailed the same withdrawal request form to the TSP. Our prior recordkeeping system was designed to reject withdrawal request forms that were received within 30 days of the date on which another withdrawal request form was processed. The 30-calendar-day waiting period ensured that, when multiple copies of a single withdrawal request form were received by the TSP recordkeeper, the withdrawal was only processed once.

The TSP transitioned to a new recordkeeping system in June of 2022. In conjunction with the transition, the TSP moved to electronic processing of withdrawal requests and no longer relies primarily on paper-based processes. The 30-calendar-day waiting period is an obsolete requirement implemented to facilitate a primarily paper-based process no longer in use by the Thrift Savings Plan (TSP). Today, participants can complete most withdrawal requests entirely online instead of using paper forms. Accordingly, this direct final rule will remove the 30-calendar-day waiting period.

Direct Final Rulemaking

A direct final rule is a final rule that does not go through proposed rulemaking first. We use direct final rulemaking when we expect that the rule will generate no significant adverse comments. We are issuing a direct final rule because we expect this regulatory change to be entirely non-controversial.

However, to be certain that we are correct, we set the comment period to end before the effective date. If we receive a significant adverse comment, we will withdraw the direct final rule before it becomes effective.

For purposes of this rulemaking, a significant adverse comment is one that explains (1) why the rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the rule will be ineffective or unacceptable without a change. In determining whether a significant adverse comment necessitates withdrawal of this direct final rule, the FRTIB will consider whether the comment raises an issue serious enough to warrant a substantive response had it been submitted in a standard notice-and-comment process. A comment recommending an addition to the rule will not be considered significant and adverse unless the comment explains how this direct final rule would be ineffective or unacceptable without the addition.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation will affect Federal employees and members of the uniformed services who participate in the Thrift Savings Plan, which is a Federal defined contribution retirement savings plan created under the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99-335, 100 Stat. 514, and which is administered by the FRTIB.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act.

Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, 1501-1571, the effects of this regulation on state, local, and tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of \$100 million or more by state, local, and tribal governments, in the aggregate, or by the private sector. Therefore, a statement under section 1532 is not required.

Submission to Congress and the General Accounting Office

Pursuant to 5 U.S.C. 810(a)(1)(A), the FRTIB submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States before publication of this rule in the **Federal Register**. This rule is not a major rule as defined at 5 U.S.C. 804(2).

List of Subjects in 5 CFR Part 1650

Alimony, Claims, Government employees, Pensions, Retirement.

Ravindra Deo,

Executive Director, Federal Retirement Thrift Investment Board.

For the reasons stated in the preamble, the FRTIB amends 5 CFR part 1650 as follows:

PART 1650—METHODS OF WITHDRAWING FUNDS FROM THE THRIFT SAVINGS PLAN

- 1. The authority citation for Part 1650 continues to read as follows:

Authority: 5 U.S.C. 8351, 8432d, 8433, 8434, 8435, 8474(b)(5) and 8474(c)(1).

§ 1650.11 [Amended]

- 2. Amend § 1650.11 by removing paragraph (d).
 ■ 3. Amend § 1650.31 by revising paragraph (c) to read as follows:

§ 1650.31 Age-based withdrawals.

* * * * *

(c) A participant is permitted four age-based withdrawals per calendar year for an account.

[FR Doc. 2024–05346 Filed 3–13–24; 8:45 am]

BILLING CODE 6760–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–0458; Project Identifier MCAI–2024–00117–T; Amendment 39–22696; AD 2024–05–05]

RIN 2120–AA64

Airworthiness Directives; ATR–GIE Avions de Transport Régional Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all

ATR–GIE Avions de Transport Régional Model ATR42 and ATR72 airplanes. This AD was prompted by a report of incorrect marking and assembly of the two-way valves for the left- and right-hand engine fire extinguishing systems. This AD requires accomplishing a functional check of an affected part; replacing an affected part if necessary; reporting the functional check results; and prohibiting the installation of affected parts; as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 29, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 29, 2024.

The FAA must receive comments on this AD by April 29, 2024.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- **Federal eRulemaking Portal:** Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.
- **Fax:** 202–493–2251.
- **Mail:** U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- **Hand Delivery:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–0458; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For material incorporated by reference in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu.
- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA,

call 206–231–3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–0458.

FOR FURTHER INFORMATION CONTACT:

Shahram Daneshmandi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206–231–3220; email: Shahram.Daneshmandi@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2024–0458; Project Identifier MCAI–2024–00117–T” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to [regulations.gov](https://www.regulations.gov), including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Shahram Daneshmandi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206–231–3220; email: Shahram.Daneshmandi@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD 2024-0044-E, dated February 15, 2024 (EASA Emergency AD 2024-0044-E) (also referred to as the MCAI), to correct an unsafe condition for all Model ATR42-200, -300, -320, -400, and -500 airplanes; and Model ATR72-101, -102, 201, -202, -211, -212, and -212A airplanes. Model ATR72-400 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability. The MCAI states that, during scheduled maintenance, an operator identified an issue on the left- and right-hand engine fire extinguishing systems. Further investigation revealed incorrect marking and assembly of the two-way valves, which caused the fire extinguishing system to not operate as intended. This condition, if not detected and corrected, could lead to reduced performance of the engine fire extinguishing system, which could result in loss of control of the airplane.

The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-0458.

Related Service Information Under 1 CFR Part 51

EASA Emergency AD 2024-0044-E specifies the following procedures:

- Accomplishing a functional check of an affected part.
- Replacing an affected part with a serviceable part, if any discrepancy is detected during the functional check. (A discrepancy is any amount of air that flows through either connector of the right engine extinguishing system when compressed air is passed through either connector of the left engine extinguishing system, and vice versa).
- Reporting inspection (*i.e.*, functional check) results to the airplane manufacturer.
- Prohibiting the installation of affected parts.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

FAA's Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this AD after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA Emergency AD 2024-0044-E described previously, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA Emergency AD 2024-0044-E is incorporated by reference in this AD. This AD requires compliance with EASA AD 2024-0044-E in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA Emergency AD 2024-0044-E does not mean that operators need comply only with that section. For example, where the AD requirement refers to "all required actions and compliance times," compliance with this AD requirement is not limited to the section titled "Required Action(s) and Compliance Time(s)" in EASA Emergency AD 2024-0044-E. Service information required by EASA Emergency AD 2024-0044-E for compliance will be available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-0458 after this AD is published.

Interim Action

The FAA considers this AD an interim action. If final action is later

identified, the FAA might consider further rulemaking then.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for "good cause," finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because inoperative two-way valves in the engine fire extinguishing system could lead to reduced performance of the system, which in combination with an engine fire, could result in an uncontrolled engine fire and subsequent loss of control of the airplane. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act (RFA)

The requirements of the RFA do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 80 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
5 work-hours × \$85 per hour = \$425	\$0	\$425	\$34,000

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on

the results of any required actions. The FAA has no way of determining the

number of aircraft that might need this on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
8 work-hours × \$85 per hour = \$680	\$0	\$680

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour 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. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency’s authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing

regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2024–05–05 ATR–GIE Avions de Transport Régional: Amendment 39–22696; Docket No. FAA–2024–0458; Project Identifier MCAI–2024–00117–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 29, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all ATR–GIE Avions de Transport Régional airplanes specified in paragraphs (c)(1) and (2) of this AD, certificated in any category.

- (1) Model ATR42–200, –300, –320, and –500 airplanes.
- (2) Model ATR72–101, –102, –201, –202, –211, –212, and –212A airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire Protection.

(e) Unsafe Condition

This AD was prompted by a report of incorrect marking and assembly of the two-way valves for the left- and right-hand engine fire extinguishing systems. The FAA is issuing this AD to address inoperative two-way valves in both engine fire extinguishing systems. This condition, if not addressed, could lead to reduced performance of the engine fire extinguishing system, which could result in loss of control of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) Emergency AD 2024–0044–E, dated February 15, 2024 (EASA AD 2024–0044–E).

(h) Exceptions to EASA AD 2024–0044–E

- (1) Where EASA AD 2024–0044–E refers to its effective date, this AD requires using the effective date of this AD.
- (2) Paragraph (4) of EASA AD 2024–0044–E specifies to report inspection results to ATR–GIE Avions de Transport Régional within a certain compliance time. For this AD, report inspection (*i.e.*, functional check) results at the applicable time specified in paragraph (h)(2)(i) or (ii) of this AD.
 - (i) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.
 - (ii) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.
- (3) This AD does not adopt the “Remarks” section of EASA AD 2024–0044–E.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (j) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or EASA; or ATR-GIE Avions de Transport Régional's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Additional Information

For more information about this AD, contact Shahram Daneshmandi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206-231-3220; email: Shahram.Daneshmandi@faa.gov.

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) Emergency AD 2024-0044-E, dated February 15, 2024.

(ii) [Reserved]

(3) For EASA AD 2024-0044-E, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this EASA ADs on the EASA website at ad.easa.europa.eu.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Issued on March 6, 2024.

Victor Wicklund,

Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2024-05499 Filed 3-12-24; 11:15 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 415, 417, 431, 435****Policy on Requiring Disclosure of Payload Contents**

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notification of policy.

SUMMARY: The FAA announces a clarification of the FAA's Office of Commercial Space Transportation (AST) policy regarding the review of payloads to be launched or reentered under an FAA license. Given the increasing complexity of payloads on the growing volume of FAA-licensed launches or reentries, the FAA is updating its payload review policy to require applicants for a payload review to disclose the contents and composition of all payloads, including those of all hosted payloads.

DATES: Effective March 14, 2024.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Murray, (202) 267-9237.

SUPPLEMENTARY INFORMATION:**I. Background**

The Commercial Space Launch Act of 1984, as codified and amended at 51 U.S.C.—Commercial Space Transportation, ch. 509, Commercial Space Launch Activities, 51 U.S.C. 50901–50923 (the Act), authorizes the DOT and the FAA, through delegations, to oversee, license, and regulate commercial launch and reentry activities, and the operation of launch and reentry sites as carried out by United States (U.S.) citizens or within the U.S. Consistent with the authority conferred under 51 U.S.C. Chapter 509, the FAA reviews all payloads to be launched or reentered under an FAA license to determine the effect of the payload's launch or reentry on public health and safety, safety of property, U.S. national security or foreign policy interests, or international obligations of the U.S. Applicants seeking a vehicle operator license under 14 CFR part 450 must receive a favorable payload determination under § 450.43 if they propose to carry a payload on their vehicle. Operators seeking to launch or

reenter a payload under a legacy license¹ (14 CFR parts 415, 417, 431, or 435) must receive a favorable payload determination under subpart D of part 415 or 431.

Consistent with the authority conferred under 51 U.S.C. Chapter 509 to the DOT and to the FAA by delegation, the FAA reviews all payloads to be launched or reentered under an FAA license to ensure that the launch or reentry of the proposed payload will not jeopardize public health and safety, safety of property, U.S. national security or foreign policy interests, or international obligations of the United States.

In this context, hosted payloads are space-bound items included on a launch vehicle, reentry vehicle, or payload that use available power, mass, or space of the primary payload or launch/reentry vehicle, and that may be owned by a party other than the primary payload owner or launch/reentry vehicle operator.

Subpart D of parts 415 and 431 detail the information that an applicant must provide to enable the FAA to render a payload determination in accordance with §§ 415.59 and 431.57, respectively. These information requirements include details such as the payload's physical dimensions and weight, ownership or operation, orbital parameters, intended operations, and the identification and quantification of any hazardous or radioactive materials. Each of these requirements helps the FAA, and its Federal partners who review the payload during interagency consultation, to assess the effect of launching or reentering the proposed payload in accordance with § 50904(c).

Inherent to this assessment is a complete understanding of what exactly the applicant intends to launch or reenter. Given the growing cadence of FAA-licensed launches and reentries carrying a growing volume of increasingly complex payloads, the FAA is clarifying its payload review policy to ensure the completeness of its assessment under § 50904(c).

II. The Policy

The FAA is updating its payload review policy to clarify that applicants for a payload determination must disclose the contents and composition of all payloads. Specifically, the FAA will require that applicants for a payload determination under parts 415, 431, 435, or 450 provide a complete

¹ The FAA refers to licenses issued under these parts as "legacy licenses," as they will be removed from the CFR on March 10, 2026. After that time, all operators must demonstrate compliance with part 450. See 85 FR 79566.

manifest of all payload contents and compositions, including those of all hosted payloads.

James A. Hatt,

Space Policy Division Manager, Office of Commercial Space Transportation.

[FR Doc. 2024-05384 Filed 3-13-24; 8:45 am]

BILLING CODE P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1211

[Docket No. CPSC-2015-0025]

Safety Standard for Automatic Residential Garage Door Operators

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Direct final rule.

SUMMARY: In June 2023, the Consumer Product Safety Commission (Commission or CPSC) under the Consumer Product Safety Improvement Act of 1990 (Improvement Act) approved changes to the entrapment protection provisions in UL standard UL 325 for inclusion in the Commission's safety regulation for automatic residential garage door operators. This direct final rule is amending the Commission's automatic residential garage door operators regulation to reflect these changes.

DATES: The rule is effective on May 13, 2024, unless we receive significant adverse comments by April 15, 2024. If we receive timely significant adverse comments, we will publish a notification in the **Federal Register** withdrawing this direct final rule before its effective date.

ADDRESSES: You can submit comments, identified by Docket No. CPSC-2015-0025, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: www.regulations.gov. Follow the instructions for submitting comments. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. CPSC typically does not accept comments submitted by email, except as described below.

Mail/Hand Delivery/Courier/Confidential Written Submissions: CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal. You may, however, submit comments by mail, hand delivery, or courier to: Office of the

Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504-7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want available to the public, you may submit such comments by mail, hand delivery, courier, or you may email them to: cpsc-os@cpsc.gov.

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: www.regulations.gov. Do not submit to this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

Docket: For access to the docket to read background documents or comments received, go to: www.regulations.gov, and insert the docket number, CPSC-2015-0025, into the "Search" box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Will Cusey, Small Business Ombudsman, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7945 or (888) 531-9070; email: sbo@cpsc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 203(a) and (b) of the Improvement Act, Public Law 101-608, states that the entrapment protection requirements of UL 325, "Standard for Safety for Door, Drapery, Gate, Louver, and Window Operators and Systems", are considered a consumer product safety rule under the Consumer Product Safety Act (CPSA). 15 U.S.C. 2056 Note. On June 19, 1991, as mandated by the Improvement Act, the Commission issued a final rule codifying the provisions of the entrapment protection requirements of UL 325 at 16 CFR part 1211. 56 FR 28050. On December 21, 1992, as directed in section 203(b) of the Improvement Act, the Commission published a final rule to include the additional entrapment protection provisions adopted by UL in UL 325 in the CPSC mandatory standard for automatic residential garage door operators. 57 FR 60449.

Section 203(c) of the Improvement Act requires UL to notify CPSC of any revisions to UL 325, which is the basis for the Commission's garage door operator (GDO) regulation. When UL notifies the Commission of a revision, that revision "shall be incorporated in the consumer product safety rule . . . unless, within 30 days of such notice, the Commission notifies [UL] that the Commission has determined that such revision does not carry out the purposes of subsection (b)" of section 203 of the Improvement Act, which initially mandated the UL 325 entrapment protection requirements." As provided in the Improvement Act, the Commission has revised the GDO standard several times in the past after UL notified the Commission of changes to the entrapment protection requirements of UL 325. The Commission last updated the GDO rule in 2018, to reflect changes made to the entrapment protection provisions of UL 325 up to that time. 83 FR 32566. (July 13, 2018).

On May 19, 2023, UL notified the Commission of revisions to UL 325 regarding the entrapment protection provisions related to residential garage door operators. On June 13, 2023, the Commission voted to approve the relevant revisions to UL 325 regarding the entrapment protection requirements for automatic residential GDOs for inclusion in the Commission's mandatory regulation, in accordance with the procedure in the Improvement Act.¹ In order to implement the Commission's June 2023 vote to include the accepted revisions to UL 325 for residential GDOs in the Commission mandatory standard, this direct final rule revises the provisions of the GDO rule at 16 CFR part 1211 to reflect the Commission's earlier acceptance of the revisions for the entrapment protection requirements for automatic residential GDOs in UL 325, Seventh Edition.²

II. Changes to UL 325

Since the last update of the mandatory GDO regulation in 2018, there have been three published revisions to UL 325: UL 325 revision, Seventh Edition, published July 19, 2019; UL 325 revision, Seventh Edition, published February 28, 2020; and UL 325 revision, Seventh Edition,

¹ The Record of Commission Action is available here: www.cpsc.gov/s3fs-public/RCA-Residential-Garage-Door-Operators-Revision-of-UL-Standards-and-Engagement-Standard-for-Safety-for-Door-Drapery-Gate-Louver-and-Window-Operators-and-Systems-ANSI-CAN-UL-325-2023.pdf?VersionId=fy5Uemm.sZS9q4NWx1Rf_zixO3jOLAdh.

² The Commission voted 4-0 to publish this notification.

published February 21, 2023. The revisions in the last three updates to UL 325 to the entrapment protection requirements for automatic residential GDOs are all aggregated in the most current published revision of February 21, 2023. The revisions to UL 325 regarding the entrapment protection requirements for automatic residential GDOs include two revisions adding requirements to existing testing requirements, along with a few clarifying changes to the existing language of the standard. For a more detailed discussion and assessment of the revisions to UL 325 see CPSC's June 2023 staff briefing package.³

On May 19, 2023, UL notified the Commission that it had revised the entrapment protection requirements of UL 325, Seventh Edition. Staff sent a briefing package to the Commission providing its assessment and recommendations regarding the revisions to the entrapment protection requirements for automatic residential GDOs reflected in the 2019, 2020, and 2023 revisions to UL 325, Seventh Edition. UL did not notify the Commission regarding the 2019 and 2020 revisions to UL 325. On June 13, 2023, the Commission accepted the proposed revisions to UL 325 for inclusion in 16 CFR part 1211, the mandatory standard for residential GDOs.

III. Description of the Direct Final Rule

The direct final rule amends 16 CFR part 1211 to include the revisions regarding the entrapment protection requirements for automatic residential GDOs in UL 325, Seventh Edition. All of the revisions in the direct final rule concerning the GDO regulation are in subpart A of part 1211. The direct final rule does not change any of the certification (subpart B), recordkeeping (subpart C), or incorporation by reference (subpart D) provisions of the GDO regulation.

The revisions to 16 CFR part 1211 are described below and explained in more detail in the June 2023 Staff Briefing Package.

- *Changes to § 1211.11.* Section 1211.11(b) removes an erroneous reference to a “gate opening” because gates are not within the scope of the rule. Section 1211.11(d)(2) changes the reference location for measuring the vertical location of the axis point from

“above the floor” to “above the level surface below the door” and removes the sentence that states, “The photoelectric sensor is to be mounted at the highest position as recommended by the manufacturer.”

- *Changes to § 1211.12.* Section 1211.12(a)(4)(i) clarifies the requirements for the normal operation tests for edge sensors by changing “with gate operators” to “when exposed to outdoor temperature” for edge sensors intended to be exposed to outside temperatures. In § 1211.12(a)(4)(i)(B) an erroneous reference to “swinging gate” is being deleted because swinging gates are not within the scope of the rule. Section 1211.12(b) is revised as follows: (1) by changing the phrase, “but at room temperature only” to “except with a 15lbf (66.7 N) or greater, and at room temperature only”; (2) adding a new sentence after the third existing sentence “All intended uses are to be tested”; and (3) adding a new sentence at the end of the paragraph, “After the 30,000 cycle test the normal operation test shall be repeated.”

In accordance with the Commission's previous June 2023 vote, this direct final rule amends the mandatory GDO rule at 16 CFR part 1211 to include the revisions to the entrapment protection requirements for automatic residential GDOs in UL 325, Seventh Edition.

IV. Direct Final Rule Process

The Commission is issuing this rule as a direct final rule. Although the Administrative Procedure Act (APA; 5 U.S.C. 551–559) generally requires agencies to provide notice of a rule and an opportunity for interested parties to comment on it, section 553 of the APA provides an exception when the agency “for good cause finds” that notice and comment are “impracticable, unnecessary, or contrary to the public interest.” *Id.* 553(b)(B).

The Commission concludes that notice and comment are not necessary in the case of this direct final rule because the Commission is taking the limited action of amending the GDO rule to conform the regulation to the relevant changes made to UL 325 that were previously accepted by the Commission in June 2023 under the Improvement Act. Because this document merely updates the GDO rule to reflect the Commission-approved changes, the Commission considers this rulemaking to be a non-controversial matter that is not likely to generate comments. Public comment will not impact the Commission's acceptance of the substantive changes to UL 325 under the Improvement Act that has previously occurred. Additionally,

public comments would not alter substantive changes to the standard or the effect of the revised standard as a consumer product safety standard under section 203(a) of the Improvement Act. Under these circumstances, notice and comment are unnecessary. Therefore, the Commission concludes that the direct final rule process is appropriate.

In Recommendation 95–4, the Administrative Conference of the United States (ACUS) endorses direct final rulemaking as an appropriate procedure to expedite rules that are noncontroversial and not expected to generate significant adverse comments. *See* 60 FR 43108 (Aug. 18, 1995). ACUS recommends that agencies use the direct final rule process when they act under the “unnecessary” prong of the good cause exemption in 5 U.S.C. 553(b)(B). Consistent with the ACUS recommendation, the Commission is publishing this rule as a direct final rule, because CPSC does not expect any significant adverse comments.

Unless CPSC receives a significant adverse comment within 30 days of this notification, the rule will become effective on May 13, 2024. In accordance with ACUS's recommendation, the Commission considers a significant adverse comment to be “one where the commenter explains why the rule would be inappropriate,” including an assertion challenging “the rule's underlying premise or approach,” or a claim that the rule “would be ineffective or unacceptable without a change.” 60 FR 43108, 43111 (Aug. 18, 1995). As noted, this rule merely updates the existing provisions of the CFR to reflect changes that occur by statute, and public comments should address this specific action. If the Commission receives a significant adverse comment, the Commission will withdraw this direct final rule. Depending on the comment and other circumstances, the Commission may then incorporate the adverse comment into a subsequent direct final rule or publish a notice of proposed rulemaking, providing an opportunity for public comment.

V. Effective Date

Because the changes to the entrapment protection requirements of the UL 325 standard are not substantial and the industry has had more than a year since publication of the UL 325 voluntary standard to come into compliance with its entrapment protection revisions, 60 days is sufficient for the effective date. Therefore, the effective date of the direct final rule is May 13, 2024.

³ June 2023 Staff Briefing Package available at https://www.cpsc.gov/s3fs-public/Residential-Garage-Door-Operators-Revision-of-UL-Standards-Engagement-Standard-for-Safety-for-Door-Drapery-Gate-Louver-and-Window-Operators-and-Systems-ANSI-CAN-UL-325-2023.pdf?VersionId=tHa02NizECC_RpGwvgNblyYwugAhc1S7.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA; 5 U.S.C. 601–612) generally requires agencies to review proposed and final rules for their potential economic impact on small entities, including small businesses, and prepare regulatory flexibility analyses. 5 U.S.C. 603, 604. The RFA applies to any rule that is subject to notice and comment procedures under section 553 of the APA. *Id.* As discussed in section IV. of this preamble, the Commission has determined that notice and the opportunity to comment are unnecessary for this rule. Therefore, the RFA does not apply. CPSC also notes the limited nature of this document, which merely updates the GDO rule to conform the regulation to the applicable changes made to UL 325 that were previously accepted by the Commission in June 2023 under the Improvement Act.

VII. Preemption

Section 203(f) of the Improvement Act contains a preemption provision providing that those provisions of laws of States or political subdivisions which relate to the labeling of automatic residential garage door openers and those provisions which do not provide at least the equivalent degree of protection from the risk of injury associated with automatic residential garage door openers as the consumer product safety rule are subject to preemption under 15 U.S.C. 2075. 15 U.S.C. 2056 Note.

VIII. Environmental Considerations

Commission rules are categorically excluded from any requirement to prepare an environmental assessment or an environmental impact statement where they “have little or no potential for affecting the human environment.” 16 CFR 1021.5(c). This rule falls within the categorical exclusion, so no environmental assessment or environmental impact statement is required.

IX. Congressional Review Act

The Congressional Review Act (CRA; 5 U.S.C. 801–808) states that before a rule may take effect, the agency issuing the rule must submit the rule, and certain related information, to each House of Congress and the Comptroller General. 5 U.S.C. 801(a)(1). The CRA submission must indicate whether the rule is a “major rule.” The CRA states that the Office of Information and Regulatory Affairs determines whether a rule qualifies as a “major rule.” 5 U.S.C. 804(2). Pursuant to the CRA, OMB’s Office of Information and Regulatory

Affairs has determined that this rule does not qualify as a “major rule,” as defined in 5 U.S.C. 804(2). To comply with the CRA, CPSC will submit the required information to each House of Congress and the Comptroller General.

List of Subjects in 16 CFR Part 1211

Consumer protection, Imports, Labeling, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Commission amends 16 CFR part 1211 as follows:

PART 1211—SAFETY STANDARDS FOR AUTOMATIC RESIDENTIAL GARAGE DOOR OPERATORS

- 1. The authority citation for part 1211 is revised to read as follows:

Authority: 15 U.S.C. 2056 Note; 15 U.S.C. 2063 and 2065.

Subpart A—[Amended]

- 2. Amend § 1211.11 by revising paragraphs (b) and (d)(2) to read as follows:

§ 1211.11 Requirements for photoelectric sensors.

* * * * *

(b) *Normal operation test—Horizontally moving door.* When installed as described in § 1211.10(a)(1) through (4), a photoelectric sensor of a horizontally moving door shall be tested per paragraph (c) of this section that is to be placed on a level surface within the path of the moving door. The sensor is to be tested with the obstruction at a total of five different locations over the height of the door. The locations shall include distances 1 in (25.4 mm) from each end, 1 ft (305 mm) from each end, and the midpoint.

* * * * *

(d) * * *

(2) The moving object is to consist of a 1⁷/₈ inch (47.6 mm) diameter cylindrical rod, 34¹/₂ inches (876 mm) long, with the axis point being 34 inches (864 mm) from the end. The axis point is to be fixed at a point centered directly above the beam of the photoelectric sensor 36 inches (914 mm) above the level surface below the door. The rod is to be swung as a pendulum through the photoelectric sensor’s beam from a position 45 degrees from the plane of the door when in the closed position. See figure 4 to this subpart.

* * * * *

- 3. Amend § 1211.12 by revising paragraphs (a)(4)(i) introductory text, (a)(4)(i)(B), and (b) to read as follows:

§ 1211.12 Requirements for edge sensors.

(a) * * *

(4)(i) An edge sensor, when installed on a representative door, shall actuate upon the application of a 15 lbf (66.7 N) or less force in the direction of the application when tested at room temperature 25 °C ± 2 °C (77 °F ± 3.6 °F) and, additionally, when intended for use exposed to outdoor temperature, shall actuate at 40 lbf (177.9 N) or less force when tested at –35 °C ± 2 °C (–31 °F ± 3.6 °F).

* * * * *

(B) For an edge sensor intended to be used on a one-piece door, or swinging door, the force is to be applied so that the axis is at an angle 30 degrees from the direction perpendicular to the plane of the door. See figures 6C and 6D to this subpart.

* * * * *

(b) *Endurance test.* An edge sensor system and associated components shall withstand 30,000 cycles of mechanical operation without failure. For this test, the edge sensor is to be cycled by the repetitive application of the force as described in paragraph (a)(4)(i) of this section except with a 15lbf (66.7 N) or greater, and at room temperature only. The force is to be applied to the same location for the entire test. All intended uses are to be tested. For an edge sensor system employing integral electric contact strips, this test shall be conducted with the contacts connected to a load no less severe than it controls in the operator. For the last 50 cycles of operation, the sensor shall function as intended when connected to an operator. After the 30,000 cycle test the normal operation test shall be repeated.

* * * * *

Alberta E. Mills,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2024–05281 Filed 3–13–24; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

30 CFR Part 250

[Docket ID: BSEE–2024–0001; EEEE500000 245E1700D2 ET1SF0000.EAQ000]

RIN 1014–AA61

Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Civil Penalty Inflation Adjustment

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Final rule.

SUMMARY: This final rule adjusts the level of the maximum daily civil monetary penalty contained in the Bureau of Safety and Environmental Enforcement (BSEE) regulations for violations of the Outer Continental Shelf Lands Act (OCSLA), in accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and Office of Management and Budget (OMB) guidance. The civil penalty inflation adjustment, using a 1.03241 multiplier, accounts for one year of inflation based on the Consumer Price Index spanning from October 2022 to October 2023.

DATES: This rule is effective on March 14, 2024.

FOR FURTHER INFORMATION CONTACT: Janine Marie Tobias, Safety and Enforcement Division, Bureau of Safety and Environmental Enforcement, (202) 208-4657 or by email: regs@bsee.gov.

SUPPLEMENTARY INFORMATION:**I. Background and Legal Authority**

The OCSLA, at 43 U.S.C. 1350(b)(1), directs the Secretary of the Interior (Secretary) to adjust the OCSLA maximum daily civil penalty amount at least once every three years to reflect any increase in the Consumer Price Index to account for inflation. On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (sec. 701 of Pub. L. 114-74) (FCPIA). The FCPIA required Federal agencies to adjust the level of civil monetary penalties found in their regulations with an initial “catch-up” adjustment through rulemaking, if warranted, and then to make subsequent annual adjustments for inflation. The purpose of these adjustments is to maintain the deterrent effect of civil penalties and to further the policy goals of the underlying statutes. Agencies were required to publish the first annual inflation adjustments in the **Federal Register** by no later than January 15, 2017, and must publish recurring annual inflation adjustments by no later than January 15 of each subsequent year.

BSEE last updated the maximum daily civil penalty amounts in BSEE’s regulations for OCSLA violations by a final rule published and effective on March 24, 2023 (*See* 88 FR 17725). Consistent with OMB guidance, BSEE’s final rule implemented the inflation adjustments required by the FCPIA through October 2022.

The OMB Memorandum M-24-07 (*Implementation of Penalty Inflation Adjustments for 2024, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015*; available at <https://www.whitehouse.gov/wp-content/uploads/2023/12/M-24-07-Implementation-of-Penalty-Inflation-Adjustments-for-2024.pdf>) explains agency responsibilities for: identifying applicable penalties and performing the annual adjustment; publishing revisions to regulations to implement the adjustment in the **Federal Register**; applying adjusted penalty levels; and performing agency oversight of inflation adjustments.

BSEE is promulgating this 2024 inflation adjustment for the OCSLA maximum daily civil penalties as a final rule pursuant to the provisions of the FCPIA and OMB’s guidance. A proposed rule is not required because the FCPIA expressly exempted the annual inflation adjustments implemented pursuant to the FCPIA from the pre-promulgation notice and comment requirements of the Administrative Procedure Act (APA), 5 U.S.C. 553, allowing those adjustments to be published directly as final rules. Specifically, the FCPIA states that agencies shall adjust civil monetary penalties “notwithstanding section 553 of the Administrative Procedure Act.” (FCPIA of 2015 at sec. 4(b)(2)). This interpretation of the FCPIA is confirmed by OMB Memorandum M-24-07 at 3-4 (“This means that the public procedure the APA generally requires—notice, an opportunity for comment, and a delay in effective date—is not required for agencies to issue regulations implementing the annual adjustment.”).

II. Calculation of Adjustments

In accordance with the FCPIA and the guidance provided in OMB

Memorandum M-24-07, BSEE has calculated the necessary inflation adjustment for the maximum daily civil monetary penalty amount in 30 CFR 250.1403 for violations of OCSLA. The previous OCSLA civil penalty inflation adjustment accounted for inflation through October 2022. The required annual civil penalty inflation adjustment promulgated through this rule accounts for inflation through October 2023.

Annual inflation adjustments are based on the percent change between the Consumer Price Index for all Urban Consumers (CPI-U) for the October preceding the date of the adjustment, and the prior year’s October CPI-U. Consistent with the guidance in OMB Memorandum M-24-07, BSEE divided the October 2023 CPI-U by the October 2022 CPI-U to calculate the multiplying factor. In this case, the October 2023 CPI-U (307.671) divided by the October 2022 CPI-U (298.012) is 1.03241. OMB Memorandum M-24-07 confirms that this is the proper multiplier (OMB Memorandum M-24-07 at 1 n.4).

The FCPIA requires that BSEE adjust the OCSLA maximum daily civil penalty amount for inflation using the applicable 2024 multiplier (1.03241). Accordingly, BSEE multiplied the existing OCSLA maximum daily civil penalty amount (\$52,646) by 1.03241 to arrive at the new maximum daily civil penalty amount (\$54,352.26). The FCPIA requires that the resulting amount be rounded to the nearest \$1.00 at the end of the calculation process. Accordingly, the adjusted OCSLA maximum daily civil penalty for 2024 is \$54,352.

The adjusted penalty levels take effect immediately upon publication of this rule. Pursuant to the FCPIA, the increase in the OCSLA maximum daily civil penalty amount applies to civil penalties assessed after the date the increase takes effect, even when the associated violation(s) predates such increase. Consistent with the provisions of OCSLA and the FCPIA, this rule adjusts the following maximum civil monetary penalty per day per violation as follows:

CFR citation	Description of the penalty	Current maximum penalty	Multiplier	Adjusted maximum penalty
30 CFR 250.1403	Failure to comply per-day, per-violation	\$52,646	1.03241	\$54,352

This rulemaking does not address any updates to the civil penalties related to Federal Oil and Gas Royalty

Management Act (FOGRMA) violations. Per 86 FR 34132, BSEE regulations at 30 CFR part 250, subpart N, addressing

maximum FOGRMA civil penalties (30 CFR 250.1453) cross-reference regulations of the Office of Natural

Resources Revenue (ONRR) at 30 CFR 1251.52 that set maximum daily civil penalty amounts for FOGRMA violations that are not timely corrected. Please refer to the cross-referenced ONRR regulations for the most up to date FOGRMA civil penalty amounts.

III. Procedural Requirements

A. Regulatory Planning and Review (E.O. 12866, 14094 and 13563)

Executive Order (E.O.) 12866, as amended by E.O. 14094, provides that the OMB Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is not significant. (See OMB Memorandum M–24–07 at 3)

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 further emphasizes that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements, to the extent permitted by statute.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. (See 5 U.S.C. 603(a) and 604(a)) The FCPIA expressly exempts these annual inflation adjustments from the requirement to publish a proposed rule for notice and comment. (See FCPIA of 2015 at § 4(b)(2); OMB Memorandum M–24–07 at 4). Thus, the RFA does not apply to this rulemaking.

C. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(1) Does not have an annual effect on the economy of \$100 million or more;

(2) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and

(3) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

D. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

E. Takings (E.O. 12630)

This rule does not affect a taking of private property or otherwise have takings implications under E.O. 12630. Therefore, a takings implication assessment is not required.

F. Federalism (E.O. 13132)

Under the criteria in section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. To the extent that State and local governments have a role in Outer Continental Shelf activities, this rule will not affect that role. Therefore, a federalism summary impact statement is not required.

G. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

- (1) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (2) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

H. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this rule under the Department of the Interior's consultation policy, under Departmental

Manual Part 512 Chapters 4 and 5, and under the criteria in E.O. 13175. We have determined that it has no substantial direct effects on Federally-recognized Indian Tribes or Alaska Native Claims Settlement Act (ANCSA) Corporations, and that consultation under the Department of the Interior's Tribal and ANCSA consultation policies is not required.

I. Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to the OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required.

J. National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act (NEPA) is not required because, as a regulation of an administrative nature, this rule is covered by a categorical exclusion (see 43 CFR 46.210(i)). BSEE also determined that the rule does not implicate any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA. Therefore, a detailed statement under NEPA is not required.

K. Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in E.O. 13211. Therefore, a Statement of Energy Effects is not required.

List of Subjects in 30 CFR Part 250

Administrative practice and procedure, Continental Shelf—mineral resources, Continental Shelf—rights-of-way, Environmental impact statements, Environmental protection, Government contracts, Investigations, Oil and gas exploration, Penalties, Pipelines, Reporting and recordkeeping requirements, Sulfur.

This action by the Deputy Assistant Secretary is taken herein pursuant to an existing delegation of authority.

Steven H. Feldgus,

Principal Deputy Assistant Secretary, Land and Minerals Management.

For the reasons given in the preamble, the BSEE amends title 30, chapter II, subchapter B, part 250 of the Code of Federal Regulations as follows.

PART 250—OIL AND GAS AND SULFUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

■ 1. The authority citation for 30 CFR part 250 continues to read as follows:

Authority: 30 U.S.C. 1751, 31 U.S.C. 9701, 33 U.S.C. 1321(j)(1)(C), 43 U.S.C. 1334.

■ 2. Revise § 250.1403 to read as follows:

§ 250.1403 What is the maximum civil penalty?

The maximum civil penalty is \$54,352 per day per violation.

[FR Doc. 2024-05451 Filed 3-13-24; 8:45 am]

BILLING CODE 4310-VH-P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 208

[Docket No. Fiscal-2022-0003]

RIN 1530-AA27

Management of Federal Agency Disbursements; Correction

AGENCY: Bureau of the Fiscal Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: The Department of the Treasury (“Treasury”), Bureau of the Fiscal Service (“Fiscal Service”) is correcting a final rule that was published in the **Federal Register** on February 21, 2024, to amend Fiscal Service’s Management of Federal Agency Disbursements regulation. The regulation implements a statutory mandate requiring the Federal Government to deliver non-tax payments by electronic funds transfer (EFT) unless Treasury determines that a waiver of the requirement is appropriate. The final rule strengthens the EFT requirement by narrowing the scope of existing waivers from the EFT mandate or requiring agencies to obtain Fiscal Service’s approval to invoke certain existing waivers.

DATES: The final rule is effective March 22, 2024.

FOR FURTHER INFORMATION CONTACT: Matthew Helfrich, Management and Program Analyst, Bureau of the Fiscal Service at (215) 806-9616.

SUPPLEMENTARY INFORMATION: In 89 FR 12955 (FR Doc 2024-03204), appearing on page 12955 of the **Federal Register** published February 21, 2024, the following correction is made:

§ 208.4 [Corrected]

■ 1. On page 12960, in the second column, in part 208, instruction 2d is corrected to read: “Amend § 208.4 by: Revising newly redesignated paragraphs (a)(4) and (a)(7), and adding a sentence at the end of newly redesignated paragraph (a)(8).”

Dated: March 8, 2024.

Lela Anderson,

Attorney-Advisor, FR Liaison.

[FR Doc. 2024-05385 Filed 3-13-24; 8:45 am]

BILLING CODE 4810-AS-P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 161

[Docket ID: DOD-2015-OS-0069]

RIN 0790-AJ37

Identification (ID) Cards for Members of the Uniformed Services, Their Dependents, and Other Eligible Individuals; Correction

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: Final rule; correction.

SUMMARY: The DoD is correcting a final rule that published in the **Federal Register** on February 14, 2024. The rule finalized eligibility requirements for ID cards issued to uniformed service members, their dependents, and other DoD individuals. These cards are used for proof of identity, DoD affiliation, and to facilitate accessing DoD benefits.

DATES: This final rule correction is effective March 15, 2024.

FOR FURTHER INFORMATION CONTACT: Robert Eves at 571-372-1956; email: robert.c.eves.civ@mail.mil.

SUPPLEMENTARY INFORMATION: Subsequent to the publication of the final rule on February 14, 2024 (89 FR 11172-11198), it was discovered that a few of the amendatory instructions included mistakes requiring correction. This document corrects those amendatory instructions.

In FR Doc. 2024-02621, appearing at 89 FR 11172-11198 in the **Federal Register** of Wednesday, February 14, 2024, the following corrections are made:

■ 1. On page 11179, in the first column, correction amendatory instruction 4 to read as follows:

§ 161.5 [Amended]

■ 4. Amend § 161.5 in paragraphs (a)(7) and (h)(8) by removing the words “FIPS Publication 201-2” and adding in their place the words “FIPS Publication 201-3”.

§ 161.23 [Corrected]

■ 2. On page 11196, in the first column, correct amendatory instructions 21.a. and b. for § 161.23 to read as follows:

■ 21. * * *

■ a. Revising tables 11, 17, 22, 23, 25, 33, 36, and 37 to subpart D of part 161;

■ b. In paragraph (g)(4), removing the words “USO area executives, center directors, and assistant directors” and adding in their place the words “Full-time paid personnel of the USO”; and

* * * * *

Dated: March 11, 2024.

Patricia L. Toppings,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 2024-05459 Filed 3-13-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG-2024-0206]

RIN 1625-AA08

Special Local Regulation; Mission Bay, San Diego, CA

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation for San Diego Crew Classic that will be held in Mission Bay, San Diego, CA. This action is necessary to provide for the safety of life on these navigable waters during the event. This rule would prohibit spectators from anchoring, blocking, loitering, or transiting through the event area unless authorized by the Captain of the Port San Diego or a designated representative.

DATES: This rule is effective from 2:30 p.m. to 5 p.m. on Friday, April 5, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2024-0202 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Lieutenant Shelly Turner, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278-7261, email MarineEventsSD@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations

DHS Department of Homeland Security
 FR Federal Register
 NPRM Notice of proposed rulemaking
 § Section
 U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because we must establish this special local regulation by April 5, 2024. The Coast Guard did not receive final details regarding the event until March 5, 2024. As such, it is impracticable to publish an NPRM because we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule. This regulation is necessary to ensure the safety of life on the navigable waters of Mission Bay during the marine event.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to public interest because immediate action is needed to ensure the safety of life on the navigable waters of Mission Bay, CA during the marine event on April 5, 2024.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041. The Captain of the Port Sector San Diego (COTP) has determined that the large presence of vessels in Mission Bay associated with the San Diego Crew Classic poses a potential safety concern. This rule is needed to protect persons, vessels, and the marine environment in the navigable waters within San Diego while the event is occurring.

IV. Discussion of the Rule

This rule establishes a special local regulation from 2:30 p.m. to 5 p.m. on Friday, April 5, 2024. The special local regulation will cover all navigable waters encompassing the race route on a pre-determined course through Mission Bay, San Diego, CA. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable

waters while the race is occurring. No vessel or person will be permitted to enter the special local regulation without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, duration, and time of day of the regulated area. This safety zone will last less than 3 hours only in Mission Bay, and vessels can either transit around or seek COTP permission on how to safely transit the regulated area.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the special local regulation may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental

jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure,

we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation lasting from 2:30 p.m. to 5 p.m. on Friday, April 5, 2024.

It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

List of Subjects in 33 CFR Part 100

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T11–0202 read as follows:

§ 100.T11–0202 San Diego Crew Classic, Mission Bay, San Diego, California.

(a) *Regulated area.* The waters of Mission Bay to include South Pacific Passage, Fiesta Bay, and the waters around Vacation Isle.

(b) *Definitions.* As used in this section—

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting

the Captain of the Port Sector San Diego (COTP) in the enforcement of the regulations in this section.

Participant means all persons and vessels registered with the event sponsor as participants in the parade.

(c) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the Captain of the Port Sector San Diego or their designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by calling (619) 278–7000. Those in the regulated area must comply with all lawful orders or directions given to them by the COTP or the designated representative.

(3) The COTP will provide notice of the regulated area through advanced notice via local notice to mariners.

(d) *Enforcement period.* This section will be enforced from 2:30 p.m. to 5 p.m. on Friday, April 5, 2024.

James. W. Spittler,

Captain, U.S. Coast Guard, Captain of the Port Sector San Diego.

[FR Doc. 2024–05397 Filed 3–13–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2024–0206]

Special Local Regulation; Marine Events Within the Eleventh Coast Guard District—San Diego Crew Classic

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the special local regulation on the waters of Mission Bay, San Diego, California during the San Diego Crew Classic. This special local regulation will be enforced from 7 a.m. to 5 p.m. on Saturday, April 6, 2024, and from 7 a.m. to 4 p.m. on Sunday, April 7, 2024. This special local regulation is necessary to provide for the safety of the participants, crew, sponsor vessels of the rowing event, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from entering, transiting through, or anchoring within this

regulated area unless authorized by the Captain of the Port, or his designated representative.

DATES: The regulations in 33 CFR 100.1101 for the location described in Table 1 to § 100.1101, Item No. 3, will be enforced from 7 a.m. to 5 p.m. on Saturday, April 6, 2024, and from 7 a.m. to 4 p.m. on Sunday, April 7, 2024.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Lieutenant Shelley Turner, Waterways Management, U.S. Coast Guard Sector San Diego; telephone (619) 278–7261, email MarineEventsSD@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations in 33 CFR 100.1101 for the location identified in Table 1 to § 100.1101, Item No. 3, from 7 a.m. to 5 p.m. on Saturday, April 6, 2024, and from 7 a.m. to 4 p.m. on Sunday, April 7, 2024, for the San Diego Crew Classic in Mission Bay, San Diego, CA. This action is being taken to provide for the safety of life on navigable waterways during the event. Our regulation for recurring marine events in the San Diego Captain of the Port Zone, § 100.1101, Table 1 to § 100.1101, Item No. 3, specifies the location of the regulated area for the San Diego Crew Classic, which encompasses portions of Mission Bay. Under the provisions of § 100.1101, persons and vessels are prohibited from entering, transiting through, or anchoring within this regulated area unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts.

James W. Spittler,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2024–05398 Filed 3–13–24; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52****[EPA–R09–OAR–2023–0590; FRL–11615–02–R9]****Air Plan Revisions; California; Yolo-Solano Air Quality Management District****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve state implementation plan (SIP) revisions to the Yolo-Solano Air Quality Management District (YSAQMD) portion of the California SIP. These revisions concern emissions of oxides of nitrogen (NO_x) from biomass boilers, and address reasonably available control technology (RACT) requirements for major sources of NO_x in the portion of the Sacramento Metro, CA, nonattainment area that is subject to YSAQMD jurisdiction.

DATES: This rule is effective April 15, 2024.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2023–0590. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly

available, *e.g.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT:

Eugene Chen, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947–4304 or by email at chen.eugene@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us,” and “our” refer to the EPA.

Table of Contents

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Proposed Action

On December 27, 2023, the EPA proposed to approve, through parallel

processing, the California Air Resources Board’s (CARB) submittal of a public draft version of the YSAQMD’s amendments to Rule 2.43, “Biomass Boilers.”¹ As discussed in our proposed action, the YSAQMD relies upon Rule 2.43 to implement RACT for major sources of NO_x, and we proposed to determine that Rule 2.43, as amended, would comply with the EPA’s Startup, Shutdown, and Malfunction (SSM) policy and other applicable Clean Air Act (CAA or “Act”) requirements. Based on our review, we proposed to determine that the rule would implement RACT for biomass boilers, and therefore also proposed to approve the major source NO_x RACT element of the 2017 RACT SIP.²

Consistent with the EPA’s procedures for parallel processing set out at section 2.3 of Appendix V to 40 CFR part 51, our December 27, 2023 proposed approval relied upon our evaluation of the public draft version of the Rule 2.43 amendments that were adopted by the YSAQMD on December 13, 2023, but which were not yet formally submitted by CARB to the EPA at the time of our proposed action. The Rule 2.43 amendments were submitted by CARB to the EPA on February 14, 2024.³ We have reviewed this submittal, and have determined that it does not differ from the public draft version of Rule 2.43 (submitted November 27, 2023) that we evaluated for our proposed approval.

TABLE 1—SUBMITTED DOCUMENTS

Local agency	Document/ rule No.	Document title	Revised	Submitted
YSAQMD		Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Analysis for the 2008 Federal Ozone Standard (“2017 RACT SIP”).	09/13/2017	11/13/2017
YSAQMD	2.43	Biomass Boilers	12/13/2023	02/14/2024

II. Public Comments and EPA Responses

The EPA’s proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted on the proposed action, and there is no change to our assessment of the rule as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is approving this rule into the California SIP. In addition, we are approving the

major source NO_x element of YSAQMD’s 2017 RACT SIP submittal for the 2008 ozone NAAQS.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of YSAQMD Rule 2.43, “Biomass Boilers,” revised on December 13, 2023, which regulates NO_x emissions from biomass-fired boilers. The EPA has made, and will continue to make, these documents

available through www.regulations.gov and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to approve state choices, provided that

¹ 88 FR 89351.² We have previously taken final action to approve all other elements of the District’s 2017

RACT SIP on April 6, 2018 (83 FR 14754) and June 30, 2023 (88 FR 42252).

³ Submitted electronically as an attachment to a letter dated February 9, 2024.

they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 14094 (88 FR 21879, April 11, 2023);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color,

national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

The District did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goals of Executive Order 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

This action is subject to the Congressional Review Act (CRA), and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 13, 2024. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 6, 2024.

Martha Guzman Aceves,
Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52, chapter I, title 40 of the Code of Federal Regulations as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

- 2. Section 52.220 is amended by adding paragraphs (c)(388)(i)(H)(2), (c)(505)(ii)(A)(3), and (c)(612) to read as follows:

§ 52.220 Identification of plan-in part.

* * * * *

(c) * * *

(388) * * *

(i) * * *

(H) * * *

(2) Previously approved on July 2, 2012, in paragraph (c)(388)(i)(H)(1) of this section and now deleted with replacement in (c)(612)(i)(A)(1) of this section: Rule 2.43, “Biomass Boilers,” adopted on November 10, 2010.

* * * * *

(505) * * *

(ii) * * *

(A) * * *

(3) The RACT determination for non-CTG major sources of NO_x as contained in the Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) for the 2008 8-Hour Ozone National Ambient Air Quality Standards (NAAQS) (“Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Analysis”), as adopted on September 13, 2017.

* * * * *

(612) The following regulations were submitted electronically on February 14, 2024, by the Governor’s designee as an attachment to a letter dated February 9, 2024.

(i) *Incorporation by reference*

(A) Yolo-Solano Air Quality Management District.

(1) Rule 2.43, “Biomass Boilers,” amended on December 13, 2023.

(2) [Reserved]

(B) [Reserved]

(ii) [Reserved]

* * * * *

§ 52.237 [Amended]

- 3. Section 52.237 is amended by removing and reserving paragraph (b)(6)(ii).

[FR Doc. 2024–05259 Filed 3–13–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2023-0267; FRL-10958-02-R9]

Second 10-Year Maintenance Plan for the 24-Hour PM₁₀ Standards; Sacramento County Planning Area, California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action under the Clean Air Act (CAA or “Act”) to approve the “Second 10-Year PM₁₀ Maintenance Plan for Sacramento County” (“Second 10-Year Maintenance Plan” or “Plan”) as a revision to the state implementation plan (SIP) for the State of California (“State”). The Second 10-Year Maintenance Plan includes, among other elements, a base year emissions inventory, a maintenance demonstration, contingency provisions, and motor vehicle emissions budgets (“budgets”) for use in transportation conformity determinations, to ensure the continued maintenance of the national ambient air quality standards (NAAQS) for particulate matter of 10 microns or less (PM₁₀). As part of this rulemaking, the EPA is finalizing its finding that the 2024, 2027, and 2033 motor vehicle emission budgets are adequate for use in transportation conformity.

DATES: This action will be effective on April 15, 2024.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2023-0267. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Michael Dorantes, Geographic Strategies and Modeling Section (AIR-2-2), EPA Region IX, (415) 972-3934, dorantes.michael@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us,” and “our” refer to the EPA.

Table of Contents

- I. Summary of Proposed Action
- II. Public Comments and EPA Responses
- III. Final Action
- IV. Statutory and Executive Order Reviews

I. Summary of Proposed Action

On September 22, 2023, the EPA proposed to approve the Second 10-Year Maintenance Plan prepared by the Sacramento Metropolitan Air Quality Management District (SMAQMD or “District”), and submitted by the California Air Resources Board (CARB) on October 21, 2021, as a revision to the California SIP.¹ In doing so, we proposed to find that the Second 10-Year Maintenance Plan adequately demonstrates that the Sacramento County planning area will maintain the 1987 annual NAAQS for PM₁₀ through the year 2033 (*i.e.*, for more than 10 years beyond the first 10-year maintenance period).² We also proposed to find the motor vehicle emissions budgets in the Plan for direct PM₁₀ and NO_x for the years 2024, 2027, and 2033 adequate and to approve the budgets for use in transportation conformity determinations as they meet all applicable criteria for such budgets including the adequacy criteria under 40 CFR 93.118. The EPA announced the availability of the Plan and related motor vehicle emissions budgets as part of proposed rulemaking.

II. Public Comments and EPA Responses

The EPA’s notice of proposed rulemaking provided a 30-day public comment period that ended on October 23, 2023. We received no comments.

III. Final Action

For the reasons discussed in our proposed action and herein, the EPA is taking final action to approve the Second 10-Year Maintenance Plan for Sacramento County, submitted by CARB on October 21, 2021, as a revision to the

¹ 88 FR 65336 (September 22, 2023).

² In our proposed action, the EPA committed to examine any quality-assured and certified PM₁₀ monitoring data that would be newly available between proposed and final action to ensure that Sacramento County continues to maintain the PM₁₀ NAAQS. Our proposed action examined monitoring data through 2022, and since that time, there have been no additional quality-assured and certified PM₁₀ data available from Sacramento County.

California SIP. We are approving the maintenance demonstration and contingency provisions as meeting all of the applicable requirements for maintenance plans and related contingency provisions in CAA section 175A. We are also finding the motor vehicle emissions budgets for 2024, 2027, and 2033 adequate and approving the budgets for transportation conformity purposes because they meet all applicable criteria for such budgets including the adequacy criteria under 40 CFR 93.118(e).³

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 14094 (88 FR 21879, April 11, 2023);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National

³ Pursuant to 40 CFR 93.118(f)(2)(iii), the EPA’s adequacy determination is effective upon publication of this final rule in the **Federal Register**.

Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, this rulemaking does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

The State did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. If finalized, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of

this action must be filed in the United States Court of Appeals for the appropriate circuit by May 13, 2024. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 6, 2024.

Martha Guzman Aceves,
Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52, chapter I, title 40 of the Code of Federal Regulations as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

- 2. Section 52.220 is amended by adding paragraph (c)(603)(ii)(B) and reserved paragraph (c)(603)(ii)(C) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(603) * * *

(ii) * * *

(B) Sacramento Metropolitan Air Quality Management District.

(1) “Second 10-Year PM₁₀ Maintenance Plan for Sacramento County,” adopted on September 23, 2021.

(2) [Reserved]

(C) [Reserved]

* * * * *

[FR Doc. 2024–05260 Filed 3–13–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2022–0850; FRL–11811–01–OCSPP]

Cloquintocet-mexyl in Pesticide Formulations; Tolerances for Residues

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends the tolerance expression for residues of the safener cloquintocet-mexyl (acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester) (CAS Reg. No. 99607–70–2) and its acid metabolite (5-chloro-8-quinolinyloxyacetic acid) by removing the active ingredients listed in the tolerance expression so that the safener can be used in any herbicide formulation applied to the listed commodities. Corteva Agriscience submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting the revision to the tolerance expression for residues of the safener cloquintocet-mexyl. There is no change to the numerical tolerances or the listed commodities.

DATES: This regulation is effective March 14, 2024. Objections and requests for hearings must be received on or before May 13, 2024 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2022–0850, is available at <https://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OPP docket is (202) 566–1744. Please review the visitor instructions and additional information about the docket available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Charles Smith, Director, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1030; email address: RDfRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:**I. General Information***A. Does this action apply to me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Federal Register Office's e-CFR site at <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-180?toc=1>.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2022-0850 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 13, 2024. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2022-0850, by one of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the

online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <https://www.epa.gov/dockets/where-send-comments-epa-dockets>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

II. Summary of Petitioned for Tolerance

In the **Federal Register** of December 19, 2023 (88 FR 87733, FRL-10579-11-OSCPP), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN-11655) by Corteva Agriscience, 9330 Zionsville Road, Indianapolis, IN 46268. The petition requested that the tolerance expression under 40 CFR 180.560 for the safener cloquintocet-mexyl (acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester) (CAS Reg. No. 99607-70-2) and its acid metabolite (5-chloro-8-quinolinoxyacetic acid), be amended to remove the active ingredients listed. There was no proposed change to the numerical tolerances or the listed commodities. This change would permit the use of the safener, cloquintocet-mexyl, in any herbicide formulation applied to the listed commodities in accordance with the established numerical tolerances. That document referenced a summary of the petition prepared by Corteva Agriscience, which is available in the docket at <https://www.regulations.gov>. There were no comments received in response to the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in

residential settings but does not include occupational exposure. When making a safety determination for a tolerance, section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ." Section 408(b)(2)(D) lists other factors for EPA's consideration in making safety determinations, including, for example, the validity, completeness, and reliability of available data, nature of toxic effects, available information concerning the cumulative effects of the pesticide chemical and other substances with a common mechanism of toxicity, and available information concerning aggregate exposure levels to the pesticide chemical and other related substances.

EPA establishes tolerances only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no harm to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(A), and the factors specified in FFDCA section 408(b)(2)(C) and (D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for cloquintocet-mexyl, including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with cloquintocet-mexyl follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemakings for the same chemical. Where scientific information concerning a particular

chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings, and EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published tolerance rulemakings for cloquintocet-mexyl in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to cloquintocet-mexyl and established tolerances for residues of that chemical. EPA is incorporating previously published sections from these rulemakings as described further in this rulemaking, as they remain unchanged.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. For a discussion of the toxicological profile of cloquintocet-mexyl, please see Unit III.A. of the final rule published in the **Federal Register** of December 16, 2005 (70 FR 74679) (FRL-7753-4), in which the Agency presented the available toxicity data for cloquintocet-mexyl. There have been no changes to that toxicity data, and a summary is presented below.

The toxicity database is sufficient for cloquintocet-mexyl. Cloquintocet-mexyl exhibits low levels of acute toxicity via the oral, dermal, and inhalation routes of exposure. It is not a skin irritant but is a skin sensitizer. It is slightly irritating to the eyes.

Although fetal effects were seen in a reproductive and developmental study, they were seen at maternally toxic doses; therefore, there is no concern for offspring susceptibility. Available studies show no evidence of neurotoxicity. Cloquintocet-mexyl is not genotoxic and is classified as “not likely to be a human carcinogen.”

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation

of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/overview-risk-assessment-pesticide-program>.

The hazard profile of cloquintocet-mexyl is adequately defined. An acute reference dose (RfD) was selected for the subpopulation of females 13–50 years old of 1 mg/kg/day (NOAEL of 100 mg/kg/day) from a developmental toxicity in rats (MRID 44387429) where an increased incidence of skeletal variants and decreased fetal body weight was observed in the presence of maternal toxicity at 400 mg/kg/day. An acute RfD for the general population was not identified.

The Agency selected a chronic RfD of 0.04 mg/kg/day based on a two-year combined chronic/oncogenicity study in rats (MRID 44387431). In this study, the NOAEL of 4.3 mg/kg/day was based on increased incidence of thyroid follicular epithelial hyperplasia in females at 41.2 mg/kg/day (LOAEL).

C. Exposure Assessment

To determine if removal of the active ingredients from the tolerance expression would affect residue levels of cloquintocet-mexyl, EPA relied on various residue trials on wheat and barley conducted with 5 different herbicides. EPA found, based on consistent results from these studies, that regardless of the chemical or class of chemistry, the residue profile does not change for cloquintocet-mexyl. These residues consistently remained below the currently established tolerances for those commodities.

Based on a review of the data, there is no expected increase in residue levels associated with removing the active ingredients from the tolerance expression. Since no change is being

made to the numerical tolerances or the listed commodities, there is no expected change in dietary exposure.

1. *Dietary exposure from food and feed uses.* Dietary exposure has already been assessed based on the conservative assumption that all three commodities for which there are currently established tolerances (*i.e.*, wheat, barley, and teff) are treated with cloquintocet-mexyl at tolerance-level residues. These residue levels have been found by the Agency to be safe. For a discussion of the dietary exposure to cloquintocet-mexyl, please see Unit III.C. of the final rule published in the **Federal Register** of August 2, 2016 (81 FR 50630) (FRL-9947-78), Unit III. of the final rule published in the **Federal Register** of March 22, 2017 (82 FR 14620) (FRL-9959-11), and Unit III. of the final rule published in the **Federal Register** of September 11, 2018 (83 FR 45841) (FRL-9980-90).

2. *From non-dietary exposure.* The term “residential exposure” is used in this document to refer to non-occupational, non-dietary exposure (*e.g.*, textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables). There are currently no registered uses for products containing cloquintocet-mexyl that would result in residential exposures.

3. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider “available information” concerning the cumulative effects of a particular pesticide's residues and “other substances that have a common mechanism of toxicity.”

EPA has not found cloquintocet-mexyl to share a common mechanism of toxicity with any other substances, and cloquintocet-mexyl does not appear to produce a toxic metabolite produced by other substances. For the purposes of this final rule, therefore, EPA has assumed that cloquintocet-mexyl does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides>.

D. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an

additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act (FQPA) safety factor. In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

EPA has concluded that the FQPA safety factor can be removed for cloquintocet-mexyl for the following reasons. The toxicology database is complete for cloquintocet-mexyl. There is no indication of quantitative or qualitative increased susceptibility of rats or rabbits to in utero and/or postnatal exposure to cloquintocet-mexyl in the available toxicity data, and EPA has determined that a developmental neurotoxicity study is not required for cloquintocet-mexyl. The dietary (food and drinking water) exposure assessments will not underestimate the potential exposures for infants and children from the use of cloquintocet-mexyl. Currently there are no proposed residential uses, and therefore non-occupational exposure is not expected.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to cloquintocet-mexyl will occupy less than one percent (<1%) of the aPAD for females aged 13–49, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to cloquintocet-mexyl from food and water will utilize <1% of the cPAD for all subpopulations.

There are no residential uses for cloquintocet-mexyl.

3. *Short- and intermediate-term risk.* Because cloquintocet-mexyl is not registered for use in pesticide formulations that will result in residential exposure, EPA concludes that cloquintocet-mexyl will not pose a short-term or intermediate-term risk.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity, cloquintocet-mexyl is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to cloquintocet-mexyl residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology, chromatography with ultraviolet detection (HPLC–UV) for cloquintocet-mexyl and its acid metabolite, is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: residuemethods@epa.gov.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). Codex is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for cloquintocet-mexyl (acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester) or its acid metabolite.

V. Conclusion

Therefore, EPA is removing the active ingredients: clodinafop-propargyl

(wheat only), dicamba (wheat only), flucarbazone-sodium (wheat only), halauxifen-methyl (wheat or barley), pinoxaden (wheat or barley), pyroxsulam (wheat or teff), florasulam (teff), or fluroxypyr 1-methylheptyl ester (teff) listed in the tolerance expression for cloquintocet-mexyl.

VI. Statutory and Executive Order Reviews

This action amends a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled “Regulatory Planning and Review” (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled

“Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 11, 2024.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, the EPA amends 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.560:

- a. Revise paragraph (a) introductory text; and
- b. Add the table heading “Table 1 to Paragraph (a)”.

The revision and addition reads as follows:

§ 180.560 Cloquintocet-mexyl; tolerances for residues.

(a) *General.* Tolerances are established for residues of the inert ingredient cloquintocet-mexyl, including its metabolites and degradates, in or on the commodities in

the following table when used as a safener in herbicide formulations. Compliance with the tolerance levels specified is to be determined by measuring the combined residues of cloquintocet-mexyl, (acetic acid [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester; CAS Reg. No. 99607-70-2) and its acid metabolite (5-chloro-8-quinolinoxyacetic acid), expressed as cloquintocet-mexyl, in or on the following commodities:

Table 1 to Paragraph (a)

* * * * *

[FR Doc. 2024-05434 Filed 3-13-24; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 24-4; RM-11974; DA 24-212; FR ID 207908]

Television Broadcasting Services Waynesboro, Virginia

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On January 11, 2024, the Video Division, Media Bureau (Bureau) issued a Notice of Proposed Rulemaking (NPRM) in response to a petition for rulemaking VPM Media Corporation (Petitioner), requesting the allotment of reserved noncommercial educational (NCE) television channel * 12 to Waynesboro, Virginia (Waynesboro), in the Table of TV Allotments as the community’s first local television service and its first NCE television service. For the reasons set forth in the Report and Order referenced below, the Bureau amends FCC regulations by allotting channel * 12 at Waynesboro.

DATES: Effective April 15, 2024.

FOR FURTHER INFORMATION CONTACT: Emily Harrison, Media Bureau, at (202) 418-1665 or Emily.Harrison@fcc.gov.

SUPPLEMENTARY INFORMATION: The proposed rule was published at 89 FR 3624 on January 19, 2024. The Petitioner filed comments in support of the petition reaffirming its commitment to apply for channel * 12. No other comments were filed.

The Bureau believes the public interest would be served by allotting channel * 12 at Waynesboro, which, as of the 2020 Census, has a population of 22,196 and clearly qualifies for community of license status for

allotment purposes. Waynesboro has its own ZIP Code, two post offices, city council, public school system, police department, and library. The proposal would also result in a first local service to Waynesboro under the Commission’s second allotment priority. The Petitioner demonstrates, and a staff engineering analysis confirms, that channel * 12 can be allotted to Waynesboro consistent with the minimum geographic spacing requirements for new DTV allotments in section 73.622(k) of the rules, at 37°38’24” N and 78°27’11” W (allotment point). In addition, the allotment point complies with section 73.618 of the rules as the entire community of Waynesboro is encompassed by the 43 dBμ contour.

This is a synopsis of the Commission’s *Report and Order*, MB Docket No. 24-4; RM-11974; DA 24-212, adopted March 7, 2024, and released March 7, 2024. The full text of this document is available for download at <https://www.fcc.gov/edocs>. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICE

- 1. The authority citation for part 73 continues to read as follows:
- Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.
- 2. In § 73.622, in paragraph (j), amend the Table of TV Allotments, under Virginia, by adding an entry for Waynesboro to read as follows:

§ 73.622 Digital television table of allotments.					
*	*	*	*	*	
(j) * * *					
Community			Channel No.		
*	*	*	*	*	*
Virginia					

Community			Channel No.		
* * *			* * *		
Waynesboro			* 12		
* * *			* * *		

[FR Doc. 2024-05369 Filed 3-13-24; 8:45 am]

BILLING CODE 6712-01-P

Proposed Rules

Federal Register

Vol. 89, No. 51

Thursday, March 14, 2024

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE-2017-BT-STD-0009]

RIN 1904-AD79

Energy Conservation Program: Energy Conservation Standards for Walk-In Coolers and Freezers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notification of data availability and request for comment.

SUMMARY: On September 5, 2023, the U.S. Department of Energy (“DOE”) published a notice of proposed rulemaking (“NOPR”), in which DOE proposed amended energy conservation standards for walk-in coolers and walk-in freezers (“September 2023 NOPR”). In this notification of data availability (“NODA”), DOE is updating portions of its analysis for walk-in coolers and walk-in freezers based on information DOE received in response to DOE’s September 2023 NOPR. DOE requests comments, data, and information regarding the updated analysis.

DATES: DOE will accept comments, data, and information regarding this NODA no later than April 15, 2024.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at www.regulations.gov under docket number EERE-2017-BT-STD-0009. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE-2017-BT-STD-0009, by any of the following methods:

(1) *Email:* WICF2017STD0009@ee.doe.gov. Include the docket number EERE-2017-BT-STD-0009 in the subject line of the message.

(2) *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE-5B, 1000 Independence Avenue SW,

Washington, DC 20585-0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

No telefacsimiles (“faxes”) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at www.regulations.gov. All documents in the docket are listed in the www.regulations.gov index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The docket web page can be found at www.regulations.gov/docket/EERE-2017-BT-STD-0009. The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III of this document for information on how to submit comments through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Mr. Troy Watson, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Email: ApplianceStandardsQuestions@ee.doe.gov.

Mr. Matthew Schneider, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (240) 597-6265. Email: matthew.schneider@hq.doe.gov.

For further information on how to submit a comment, review other public comments and the docket, or participate in the public meeting, contact the Appliance and Equipment Standards Program staff at (202) 287-1445 or by email: ApplianceStandardsQuestions@ee.doe.gov.

SUPPLEMENTARY INFORMATION:

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I. Background

The Energy Policy and Conservation Act, Public Law 94-163, as amended (“EPCA”),¹ authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part C of EPCA,² established the Energy Conservation Program for Certain Industrial Equipment. (42 U.S.C. 6311–6317) Such equipment includes walk-in coolers and walk-in freezers³ (hereafter referred to

¹ All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116-260 (Dec. 27, 2020), which reflect the last statutory amendments that impact Parts A and A-1 of EPCA.

² For editorial reasons, upon codification in the U.S. Code, Part C was re-designated Part A-1.

³ Walk-in coolers and walk-in freezers are defined as an enclosed storage space, including but not limited to panels, doors, and refrigeration systems, refrigerated to temperatures, respectively, above, and at or below 32 degrees Fahrenheit that can be

Continued

as “walk-ins” or “WICFs”), the subject of this rulemaking.

DOE defines “walk-ins” as an enclosed storage space, including but not limited to panels, doors, and refrigeration systems, refrigerated to temperatures, respectively, above, and at or below 32 degrees Fahrenheit that can be walked into, and has a total chilled storage area of less than 3,000 square feet; however, the terms do not include products designed and marketed exclusively for medical, scientific, or research purposes. 10 CFR 431.302. Rather than establishing standards for complete walk-in systems, DOE has established standards for the principal components that make up a walk-in (*i.e.*, doors, panels, and refrigeration systems).

On September 5, 2023, DOE published a notice of proposed rulemaking (“NOPR”) in the **Federal Register** regarding energy conservation standards for walk-in coolers and freezers (“September 2023 NOPR”). 88 FR 60746. Specifically, DOE proposed amended standards for walk-in non-display doors and walk-in refrigeration systems. DOE did not propose to amend the standard for walk-in panels or display doors. For walk-in refrigeration systems, DOE proposed amended standards in terms of the newly adopted annual walk-in energy factor 2 (“AWEF2”) metric.⁴ The technical support document (“TSD”) that presented the methodology and results of the September 2023 NOPR analysis (“September 2023 NOPR TSD”) is available at www.regulations.gov/document/EERE-2017-BT-STD-0009-0046. Additionally, on September 28, 2023, DOE published a notification of data availability (“September 2023 NODA”) summarizing additional comments received on the June 2022 Preliminary Analysis (87 FR 39008) that were considered but not discussed in the September 2023 NOPR. 88 FR 66710.

On September 27, 2023, DOE held a public webinar (“September 2023 Public Webinar”) in which it presented an overview of the topics addressed in the September 2023 NOPR, allowed time for prepared general statements by participants, and encouraged all interested parties to share their views on issues affecting this rulemaking.

walked into, and has a total chilled storage area of less than 3,000 square feet; however, the terms do not include products designed and marketed exclusively for medical, scientific, or research purposes. 10 CFR 431.302.

⁴ DOE adopted the AWEF2 metric in a test procedure final rule published on May 4, 2023. 88 FR 28780.

In response to the September 2023 NOPR, DOE received additional data and information regarding walk-in non-display doors and refrigeration systems, which is summarized in sections II.A and II.D.2 of this document.

Upon consideration of the views shared in the September 2023 Public Webinar and public comments DOE received in response to the September 2023 NOPR, this NODA presents updated analysis for walk-in non-display doors and refrigeration systems. DOE is requesting comments, data, and information regarding the updated analysis.

DOE notes that it is continuing to consider all of the stakeholder comments received in response to the September 2023 NOPR and September 2023 Public Webinar in further development of the rulemaking. As discussed in the September 2023 NOPR, based on consideration of all of the public comments received, DOE may adopt energy efficiency levels that are either higher or lower than the proposed standards, or some combination of level(s) that incorporate the proposed standards in part.

II. Discussion

In the following sections, DOE details its updated analysis for walk-in non-display doors and refrigeration systems.

A. Engineering Analysis

1. Non-Display Doors

a. Maximum Daily Energy Consumption Allowances for Non-Display Doors With Certain Electrical Components

In the September 2023 NOPR, DOE assumed for its analysis that baseline non-display doors had 3.5-inch-thick insulation for coolers and 4-inch-thick insulation for freezers, wood framing materials, a viewing window, and anti-sweat heat around the perimeter of the door leaf without controls. 88 FR 60746, 60769. DOE did not consider lighting or other electrical components in its baseline representative units for non-display doors. *Id.* As such, DOE only considered design options relevant to the design of the baseline representative units, including: anti-sweat controls, reduced anti-sweat heat, improvements to the framing systems to make the frame more thermally insulative, and increased insulation thickness. *Id.* at 88 FR 60770.

Kolpak commented that while it agrees with providing limits on door components, it disagrees with the overall formulas representing the proposed energy conservation standards for manual non-display doors. (Kolpak,

No. 66, Attachment 1 at pp. 1, 3)⁵ Kolpak stated that its basic models are fully compliant with DOE’s current regulations, but that it believes the new proposed maximum daily energy consumption (“MDEC”) formulas are impossibly stringent. (Kolpak, No. 66, Attachment 1 at p. 1) Kolpak stated that when considering all electricity-consuming devices that are installed on its doors, including the anti-sweat heater wire, door light, heated ventilator, heated viewing window, and thermometer/temperature alarms, the proposed standards would not be able to be met. (*Id.*) Kolpak provided calculations of the daily energy consumption of six different doors for both cooler and freezer applications to support their comment. (Kolpak, No. 66, Attachment 2)

The test procedure for non-display doors requires the direct and indirect electrical energy consumption of electrical components be calculated and included in the determination of daily energy consumption (“DEC”) using rated power of electrical components sited on the door and an assumed percent time off (“PTO”) value. As previously mentioned, in the September 2023 NOPR, DOE only considered one electrical component (*i.e.*, the anti-sweat heat around the perimeter of the door leaf) in its representative units of manual non-display doors for the engineering analysis. DOE also considered motors in its representative units of motorized non-display doors. However, DOE understands that other electricity-consuming devices could be installed on a non-display door, which are included in the calculation of DEC per the test procedure. As indicated by Kolpak in its comment, the current MDEC standards allow for additional electrical components such as heated vents, heated viewing windows, lights, and thermometer/temperature alarms to be included and considered in the DEC calculation. However, the basis of the proposed energy conservation standards only accounts for the energy consumption from anti-sweat heat around the perimeter of the door (and motors for doors classified as motorized non-display doors). As a result, DOE understands that the proposed standards as outlined in the September 2023 NOPR may be difficult to meet for basic models of doors that have

⁵ The parenthetical reference provides a reference for information located in the relevant docket for this rulemaking, which is maintained at www.regulations.gov. The references are arranged as follows: (commenter name, comment docket ID number, attachment number (if there are multiple attachments in a single comment submission), page of that document).

additional electrical components beyond what DOE considered in its representative units.

Also in response to the September 2023 NOPR, Senneca and Frank Door commented that DOE's method for complying with the new standards presume that all doors have certain features (*e.g.*, lights) that can be adjusted to consume less energy, but that many doors do not have these features; thus, Senneca and Frank Door commented that DOE cannot conclude that new standards are technologically feasible by pointing to methods for compliance with the standards that are not available for all classes, types, and sizes of doors. (Senneca and Frank Door, No. 78 at p. 3) DOE notes that for the September 2023 NOPR analysis, DOE did not consider lighting in its baseline representative units, and therefore did not consider any design options for reducing lighting energy consumption in the analysis. However, as indicated by Senneca and Frank Door, DOE recognizes that it cannot include all other possible electrical components in its baseline representative units and cannot analyze reduced energy consumption for other electrical components because not all doors contain these components.

In light of these comments, DOE is considering equipment classes with maximum daily energy consumption allowances for non-display doors if manufacturers offer basic models with certain electricity-consuming devices as discussed in the following sections. This is similar to the approach used for the energy conservation standards for consumer refrigerators, refrigerator-freezers, and freezers. In a direct final rule relating to energy conservation standards for refrigerators, refrigerator-freezers, and freezers published on January 17, 2024, DOE established separate standards and separate product classes for products with multiple doors or specialty doors. The standards for those product classes (*i.e.*, any product classes that implement special and multi-door designs) include energy allowances (*i.e.*, specific increases in maximum allowable energy use) corresponding to the specific performance-related features (*i.e.*, door-in-door designs, transparent doors, and multi-door designs). 89 FR 3026, 3028–3029.

To develop the maximum daily energy consumption allowances specific for walk-in non-display doors with certain electrical components, DOE reviewed the data and calculations submitted by Kolpak, as well as product literature from hardware and instrument manufacturers. In its comment, Kolpak

provided information regarding the following components that are included on its basic models of non-display doors: anti-sweat heat on viewing windows; lighting and mechanisms to turn the lighting on or off (*e.g.*, manual toggle switches, door open timers, occupancy sensors); heated ventilators (also called heated pressure relief vents); and temperature alarms. (Kolpak, No. 66, Attachment 1 at pp. 1–2) Kolpak provided information on model numbers of electrical components, rated wattage of those components, number of electrical components on its doors, and the calculation of the direct and indirect electrical energy consumption for all electrical components. (Kolpak, No. 66, Attachment 2) Using the detail provided by Kolpak, DOE also looked into the hardware and instrument manufacturers product offerings for electrical components to better understand the range of potential options for these additional electrical components. Based on this, DOE grouped the electrical components into four categories: lighting, anti-sweat heat for viewing windows, digital temperature displays/alarms, and heated pressure relief vents. The underlying assumptions for each category of electrical components are described in the paragraphs that follow.

Lighting

For the lighting category, DOE considered lighting, a night light, and a pilot light located on a switch to develop an appropriate DEC allowance for doors that have lighting. Lighting features provide valuable utility to consumers, namely visibility within the walk-in, particularly near the entrance and exit of the walk-in and is commonly controlled by a switch. Switches used for turning the lights on and off often have a pilot light so that the switch can be located in the dark. Additionally, as included in Kolpak's comment and calculations, a night light could also be attached to the walk-in door. Based on Kolpak's provided data and a review of product literature, DOE assumed lighting would have rated power of 13 W, a switch with a pilot light would have a rated power of 0.3 W, and a night light would have a rated power of 1 W. DOE also assumed that these components would not be controlled by some demand-based controls, and therefore used the PTO values specified for lighting and other electricity-consuming devices without controls, timers, or auto-shut-off systems per table A.2 of appendix A along with the rated power to determine the direct electrical energy consumption. DOE assumed based on a review of product literature and doors it has tested that the

light and night light would be located on the interior of the walk-in, and the switch may be located either interior or exterior to the walk-in. Therefore, all of the three components associated with lighting were conservatively assumed to be sited on the internal face of the door for the purposes of determining the indirect electrical energy consumption. See 10 CFR part 431, subpart R, appendix A, sections 6.3.2.2 and 6.3.3. Based on these assumptions, DOE calculated the MDEC allowances (*i.e.*, the sum of the direct and indirect electrical energy consumption) for doors with lighting components which can be found in Table II.1. DOE notes that the lighting MDEC allowance would apply to doors with a light that may also have a night light and/or switch. Therefore, a door does not need to be equipped with all three components to use the allowance (*i.e.*, a door with a light and a switch but no nightlight could use the allowance specified in Table II.1).

Anti-Sweat Heater for Viewing Window

As previously mentioned, DOE included windows in its representative units of non-display doors. However, DOE did not consider additional anti-sweat heat specific to the window. Anti-sweat heaters are a performance-related feature used on viewing windows to prevent (1) condensation from collecting on the glass and (2) fogging of the glass. Kolpak commented that it is standard for medium-temperature non-display doors with viewing windows to have an anti-sweat heater wire around the frame of the window and for low-temperature non-display doors with viewing windows to have an anti-sweat heater wire and heated glass coating on the outer pane of glass. Kolpak commented that the widely used supplier used to provide a 10 W/ft anti-sweat heater wire without controls. Kolpak stated that it uses a 5 W/ft heater wire with controls in the frame of the viewport window. Kolpak stated that it cannot find additional means to reduce the energy consumption of the anti-sweat heater wire in the viewing window frame further. (Kolpak, No. 66 at p. 1) Based on Kolpak's provided data and a review of product literature, DOE assumed that if anti-sweat heat is included around and/or on viewing windows, that anti-sweat heat would have rated power of 34 W for medium-temperature (*i.e.*, cooler) applications and 84 W for low-temperature (*i.e.*, freezer) applications. DOE also assumed that these components would be controlled by some demand-based controls based on the information provided by Kolpak, and therefore DOE used the PTO values specified for anti-sweat heat with

controls, timers, or auto-shut-off systems per table A.2 of appendix A along with the rated power to determine the direct electrical energy consumption. DOE assumed that for the purposes of determining the indirect electrical energy consumption of the anti-sweat heater, 75-percent of the total power is attributed to the interior and 25-percent of the total power is attributed to the exterior of the walk-in, consistent with the assumptions outlined in the DOE test procedure. See 10 CFR part 431, subpart R, appendix A, sections 6.3.2.2 and 6.3.3. Based on these assumptions, DOE calculated the MDEC allowance (*i.e.*, the sum of the direct and indirect electrical energy consumption) for doors with anti-sweat heat on their viewing windows, which can be found in Table II.1.

Digital Temperature Displays With or Without Alarms

A digital temperature display provides utility in that it allows for users to easily monitor the temperature of the walk-in. The digital temperature display is connected to a thermocouple that measures the temperature of the walk-in and the interface on the exterior of the walk-in displays the temperature within the walk-in compartment. Based on review of product literature and Kolpak's data, DOE has determined that a digital temperature display could be paired with alarms or be standalone (*i.e.*, without alarms). The alarms alert kitchen staff or others if the refrigerated goods within the walk-in compartment are in conditions that are too warm or too cold, which may spoil or ruin these goods. Additionally, alarms can sound if the walk-in door is left open for too long. Kolpak commented that walk-ins with multiple compartments that have only one exterior door but have doors on interior partitions that separate the compartments often have two temperature alarms on the exterior door so that the alarms can be heard by those outside of the walk-in. (Kolpak, No. 6, Attachment 1 at p. 2) Kolpak stated that the temperature alarm is typically rated at 4 W and Kolpak is unable to source a temperature alarm that has a lower rated power. (*Id.*) Additionally, through its review of hardware and instrument manufacturers product offerings, DOE identified that a panic or entrapment alarm could be installed for use in the event that a user is unable to exit the walk-in. Based on Kolpak's provided data and a review of hardware manufacturer product literature, DOE assumed a digital temperature display

without alarms would have a rated power of 2.4 W and a digital temperature display with alarms would have rated power of 4 W. In consideration of Kolpak's comment that a walk-in comprised of two compartments may require two temperature displays with alarms to be located on the exterior non-display door, DOE assumed that a digital temperature display with alarm(s) would have a total rated power of 8 W *i.e.*, to reflect two digital temperature displays with alarms at 4 W each; an alternative approach could account for the power multiplied by the number of temperature displays with alarms present in the walk-in). DOE assumed based on a review of Kolpak's data and product literature that the digital temperature display with or without alarms would always be on, and as such used the PTO specified for other electricity-consuming devices without controls, timers, or auto-shut-off systems per table A.2 of appendix A along with the rated power to determine the direct electrical energy consumption. The temperature display and alarms would likely be sited on the exterior of the walk-in door to be seen and heard, however, components of the display would be located interior to the walk-in, such as the thermocouple. Therefore, DOE conservatively assumed these components would be sited on both the internal and external face of the door for the purposes of determining the indirect electrical energy consumption. See 10 CFR part 431, subpart R, appendix A, sections 6.3.2.2 and 6.3.3. Based on these assumptions, DOE calculated the MDEC allowances (*i.e.*, the sum of the direct and indirect electrical energy consumption) for doors with a (1) digital temperature display without an alarm or (2) digital temperature display with alarms. These calculated MDEC allowances can be found in Table II.1. DOE assumed that a door would either have one or the other, but would not have both (1) a digital temperature display without an alarm or (2) digital temperature display with alarms. As such, only one of these MDEC allowances would apply based on whether there is or is not an alarm connected to the digital temperature display.

Heated Pressure Relief Vent

Heated ventilators, or heated pressure relief vents, are performance-related features that allow doors to open more easily when there is a pressure differential between the interior and the

exterior of the walk-in. Kolpak commented that heated ventilators were not considered in DOE's analysis of non-display doors. Kolpak stated that some manufacturers put heated ventilators on a non-door panel so that they are not considered in the energy consumption calculation of a door, however, Kolpak places these devices on the door, where its energy consumption is captured in the daily energy consumption calculation. Kolpak commented that it uses the lowest wattage heated ventilator available. (Kolpak, No. 66 at p. 2) Kolpak's data indicates that a 4 W heated ventilator is used on doors for both medium-temperature and low-temperature installations. DOE has tentatively determined, however, that while medium-temperature applications may require a pressure relief vent, it may not be necessary for the pressure relief vent to be heated. Therefore, DOE did not develop a MDEC allowance for medium-temperature non-display doors. Additionally, based on review of hardware manufacturer product literature and the recommendations for pressure relief vents based on the size of a walk-in, DOE has tentatively determined that a heated pressure relief vent for a freezer could require up to 23 W of heat to prevent freezing and therefore provide sufficient airflow between the walk-in compartment and the exterior. DOE assumed based on a review of Kolpak's data and product literature that the heater component of the pressure relief vent would always be on, and as such used the PTO specified for other electricity-consuming devices without controls, timers, or auto-shut-off systems per table A.2 of appendix A along with the rated power to determine the direct electrical energy consumption. Because the heated vent is located between both the exterior and interior of the walk-in, it is considered to be located interior to the walk-in for the purposes of determining the indirect electrical energy consumption. See 10 CFR part 431, subpart R, appendix A, sections 6.3.2.2 and 6.3.3. The MDEC allowance for low-temperature doors with heated pressure relief vents can be found in Table II.1.

Components Summary

Table II.1 presents the MDEC allowances for lighting, anti-sweat heat for viewing windows, digital temperature displays/alarms, and heated pressure relief vents, as described in the previous sections.

TABLE II.1—MAXIMUM DAILY ENERGY CONSUMPTION ALLOWANCES AND ASSUMPTIONS FOR EACH COMPONENT

Device	Wattage of component(s) (W)	Controls (Y/N)	Location	MDEC allowance—medium-temperature (kWh/day)	MDEC allowance—low-temperature (kWh/day)
Door light, night light, and/or switch	14.3	No	Interior	0.33	0.40
Heated viewing window: Cooler Freezer	34	Yes	Interior	0.25	.....
Heated viewing window—freezer	84	Yes	Interior ....	.....	1.42
Digital temperature without alarm	2.4	No	Interior	0.07	0.09
Digital temperature display with alarm	8	No	Interior	0.24	0.30
Heated vent—freezer only	23	No	Interior ....	.....	0.85

As discussed in the preceding paragraphs, each of these electrical components provide some consumer utility when installed on a non-display door. Additionally, having these electrical components installed on the door limits the number of electrical connections that need to be wired when installing a walk-in. Pursuant to EPCA, DOE may establish separate standards for a group of covered equipment (*i.e.*, establish a separate equipment class) if DOE determines that separate standards are justified based on the type of energy used or if DOE determines that the equipment's capacity or other

performance-related feature justifies a different standard. (42 U.S.C. 6316(a); 42 U.S.C. 6295(q)(1)(B)) DOE has tentatively determined that that the devices it has listed previously constitute a performance-related feature that justify a higher standard. DOE notes that the information described previously and in Table II.1 was used to develop the MDEC allowances for basic models of non-display doors that have any number of these components. However, DOE notes that for the purposes of determining DEC in accordance with the Federal test procedure at appendix A, manufacturers

must follow the instructions for calculating both direct and indirect electrical energy consumption of components as described in appendix A.

DOE reviewed non-public manufacturer data submitted to DOE's Compliance Certification Management System Database ("CCD") to estimate the percentage of the market that includes these other electricity consuming devices on non-display doors. DOE's estimates of shipments containing electricity consuming devices are shown in Table II.2.

TABLE II.2—PERCENTAGE OF NON-DISPLAY DOOR SHIPMENTS CONTAINING EACH ELECTRICITY CONSUMING DEVICE

Component	Percent of shipments with component			
	Medium-temperature, manual (%)	Low-temperature, manual (%)	Medium-temperature, motorized (%)	Low-temperature, motorized (%)
Lighting	10	6	22	33
Viewing Window ASH	4	1	4	3
All Other Electrical Components	8	8	28	73

DOE requests comment on the MDEC allowances for the specified electricity consuming devices. Additionally, DOE requests comment on the assumed wattages, presence or absence of controls, and location that were considered in the calculation of MDEC allowances for the specified electricity consuming devices.

The analytical results (*i.e.*, LCC, PBP, and NIA) presented in section II.C of this document account for the updates discussed in this section.

b. Adjustment of U-Factors and Resulting Thermal Load

The DOE test procedure requires that the total non-display door energy is calculated by summing (1) the total daily energy consumption due to thermal conduction load through the door (*i.e.*, the additional refrigeration energy consumption to overcome conduction through the door), (2) total

daily direct electrical energy consumption (*i.e.*, the energy consumed by electrical components sited on the door), and (3) the total daily indirect electrical energy consumption (*i.e.*, the additional refrigeration energy consumption due to thermal output into the walk-in from electrical components contained on the inside face of the door). See 10 CFR part 431, subpart R, appendix A, section 6.3.4. The energy consumption due to thermal conduction load is based on an assumed temperature difference between the interior and exterior of the walk-in, an assumed refrigeration system energy efficiency ratio ("EER"), and the U-factor and size of the door. Improvements to the design and/or materials of the door and its frame could result in a decreased thermal load.

At the proposed standard level in the September 2023 NOPR, DOE assumed that all manual-opening non-display

doors would need to implement anti-sweat heater controls, improved framing systems, and reduced anti-sweat heat. 88 FR 60746, 60845. As discussed in the September 2023 NOPR TSD, DOE determined U-factors for each representative door size by scaling the U-factors determined from tested non-display doors based on theoretical U-factors. DOE also assumed each non-display door had a window sized at 2 ft². Wood frames are the least efficient framing material currently found on the market and were selected as the baseline framing material. High-density polyurethane door frames are more thermally insulative and were selected as the improved framing material. See section 5.7.1.3 of the September NOPR TSD. In response to the September 2023 NOPR, Kolpak commented that it uses low-density, high-insulation foam core material in its frame, which has better insulation than wood or high-density

foam. (Kolpak, No. 66 at p. 2) Therefore, DOE would expect that the thermal load at the proposed level to be consistent with or greater than the thermal load in the Kolpak data.

In the data provided by Kolpak there are U-factor test results for both medium-temperature and low-temperature non-display doors of various sizes with and without a window. (Kolpak, No. 66 Attachment 2) For medium-temperature doors, DOE found that the thermal conduction load at the proposed energy conservation standard level from the September 2023 NOPR is consistent with the thermal conduction load calculated from the data provided by Kolpak data. For low-temperature doors, DOE found that the thermal conduction load at the proposed energy conservation standard level from the September 2023 NOPR was lower than the thermal conduction load calculated from the data provided by Kolpak data. To further evaluate thermal conduction load for both medium-temperature and low-temperature non-display doors, DOE further reviewed additional non-public manufacturer data submitted to DOE's Compliance Certification Management System Database ("CCD").

Manufacturers are not currently required to certify the U-factor or thermal conduction load to the CCD; however, they are required to certify the rated power of each light, heater wire, and/or other electricity consuming device associated with each basic model and whether such device(s) has a timer, control system, or other demand-based control reducing the device's power consumption. See 10 CFR 429.53(b)(4)(i). Using the certified data, DOE back-calculated the thermal load and ultimately U-factor for multiple basic models of medium-temperature and low-temperature non-display doors. DOE verified these back-calculated U-factors with its own test data. DOE compared the thermal conduction load by non-display door area (A_{ND}) of (1) Kolpak's data, (2) any back-calculated data from the CCD that has been verified with test data, (3) data received during confidential manufacturer interviews, and (4) test data, with the thermal load by non-display door area for each representative unit and efficiency level with a different door construction design (and thus different thermal conduction load) from the September 2023 NOPR. DOE is posting a supplementary file that contains supplementary information to support the analysis provided in this NODA (referred to as the "NODA support

document").⁶ The updated thermal conduction load for low-temperature non-display doors is shown in Figure 4.1 of the NODA support document that has been posted to the docket. Additionally, the updated energy consumption values for low-temperature non-display doors that reflect the U-factor and resulting thermal load update can be found in section 2 of the NODA support document. Note that these energy consumption values do not account for any of the MDEC allowances.

For low-temperature applications, DOE has tentatively determined that the thermal conduction load by area for low-temperature applications in the proposed standard level from the September 2023 NOPR is lower than that calculated using the data DOE evaluated for this NODA. Therefore, DOE increased the U-factors for each representative unit of low-temperature non-display doors by 9-percent for this NODA. DOE has tentatively determined that this increase in U-factor would be more representative of the low-temperature non-display doors currently on the market.

DOE requests comment on representativeness of the adjustments made to the U-factors for the low-temperature non-display doors.

The analytical results (*i.e.*, LCC, PBP, and NIA) presented in section II.C of this document account for the updates discussed in this section.

2. Dedicated Condensing Units and Single-Packaged Dedicated Systems

a. More Efficient Single Speed Compressors

In the September 2023 NOPR, DOE analyzed higher-efficiency compressors for dedicated condensing units and single-packaged dedicated systems. The higher-efficiency compressor design options included both higher-efficiency single-speed compressors and variable-speed compressors. For single-packaged dedicated systems, DOE considered both higher-efficiency single-speed compressors and variable-speed compressors in the September 2023 NOPR. However, DOE did not consider higher-efficiency single-speed compressors for dedicated condensing units in the September 2023 NOPR. See section 5.7.2.1 of the September 2023 NOPR TSD for further discussion.

In response to the September 2023 NOPR, the Efficiency Advocates recommended that DOE analyze improved single-speed compressor

efficiency as a design option. (Efficiency Advocates, No. 77 at p. 2) The Efficiency Advocates stated that there is a range of single-speed compressor efficiencies available even when selecting for a given compressor type, capacity, input voltage, power supply, and refrigerant. (*Id.* at p. 2)

The CA IOUs recommended that DOE consider two single-speed compressor efficiencies (*i.e.*, CMP1 and CMP2) as design options for dedicated condensing units. (CA IOUs, No. 76 at pp. 8–9) The CA IOUs stated that the compressor manufacturers Copeland and Bitzer offer two or three more compressor options with different efficiencies at each size and temperature application and that therefore CMP1 and CMP2 are justified as design options. (*Id.* at pp. 8–9)

In response to the comments received, DOE reviewed publicly available compressor performance data for both medium-temperature and low-temperature walk-in applications. DOE specifically collected data for compressors applicable to the range of representative capacities analyzed for dedicated condensing units in the September 2023 NOPR.⁷ For this NODA analysis, DOE only considered single-speed compressors compatible with R-448A that are rated at the DOE walk-in test conditions and available for the North American walk-in market.⁸ DOE excluded from consideration any compressors that may negatively impact consumer utility—*e.g.*, DOE did not consider three-phase compressors when there were options for both single- and three-phase compressors at a given capacity, as some buildings where walk-ins are installed may not have the necessary three-phase power. Additionally, as discussed in section 5.7.2.1 of the September 2023 NOPR TSD, during interviews manufacturers highlighted utility concerns related to customer preference for specific compressor types (*e.g.*, scroll, semi-hermetic, etc.). Therefore, when evaluating higher-efficiency single-speed compressors for this NODA, DOE selected the highest compressor efficiency that would still allow for consumer choice between scroll and semi-hermetic compressors if both compressor types were available at the given representative capacity. DOE notes that it cannot verify that the

⁷ These capacities are as follows: 9 kBtu/h, 25 kBtu/h, 54 kBtu/h, 75 kBtu/h, and 124 kBtu/h for medium-temperature dedicated condensing units; 3 kBtu/h, 9 kBtu/h, 54 kBtu/h, 75 kBtu/h for low-temperature dedicated condensing units.

⁸ For a discussion of DOE's tentative conclusions regarding the appropriateness of setting standards based upon models operating with R-448A, see 88 FR 60746, 60771.

⁶ The NODA support document can be found in the docket at www.regulations.gov/document/EERE-2017-BT-STD-0009.

compressor data provided by the CA IOUs and Efficiency Advocates in their respective comments are representative of compressors rated at DOE walk-in test conditions. Additionally, the compressors provided may impact utility because there are both scroll and semi-hermetic types. Therefore, DOE did not evaluate the compressors provided in the comments from the CA IOUs and Efficiency Advocates. However, using the criteria described for reviewing publicly available compressor data, DOE identified single-speed compressors with capacities roughly between 50 and 60 kBtu/h that have higher efficiencies than the compressor in that capacity range used in the September 2023 NOPR analysis. Compressors in this capacity range could be used in the DC.M.O.054, DC.M.I.054, and DC.M.O.124 representative units.⁹ DOE did not identify any higher efficiency single-speed compressors for low-temperature applications at the representative capacities analyzed based on the criteria previously mentioned.

As such, DOE determined that a higher-efficiency single-speed compressor design option could be applied to the following representative units: DC.M.O.054, DC.M.I.054, and DC.M.O.124. In this NODA, DOE presents an updated analysis when considering the additional compressor design option for these three representative units.

In its updated analysis, DOE added an efficiency level ("EL") which corresponds to the higher-efficiency single-speed compressor design option for the three representative units mentioned previously. The higher-efficiency single-speed compressor has an EER for walk-in refrigeration systems of 7.62 Btu/(W-h), which is 5 percent greater than the baseline compressor's EER of 7.25 Btu/(W-h).¹⁰ Similar to the NOPR analysis, DOE ordered the design options for each representative unit in terms of decreasing cost-effectiveness (manufacturer production cost differential/AWEF2 differential). Table 3.1 of the NODA support document describes the design option codes

related to the refrigeration system representative units analyzed in this NODA. The higher-efficiency single-speed compressor was added at EL 1 for the DC.M.I.054 representative unit and at EL 3 for both DC.M.O.054 and DC.M.O.124 representative units. As a result, the design options that are used at ELs after the higher-efficiency single-speed compressor design option are now associated with one EL higher than in the September 2023 NOPR. For example, in the September 2023 NOPR, electronically commutated ("EC") condenser fan motors were implemented at EL 1 for the DC.M.I.054. Because the higher-efficiency single-speed compressor design option was implemented at EL 1 in this NODA analysis, the EC condenser fan motor design option is implemented at EL 2 for this representative unit.

Section 3 of the NODA support document shows the cost-efficiency results from the September 2023 NOPR, which were published in appendix 5A of the September 2023 NOPR TSD,¹¹ and the updated cost-efficiency results with the additional compressor design option EL. The tables show the AWEF2, manufacturer production cost ("MPC"), and manufacturer selling price ("MSP") plus shipping costs associated with each EL. DOE notes that due to the interaction between design options in the engineering analysis, the performance increase and/or incremental MPC associated with design options added after the higher-efficiency single-speed compressor design option differ from those presented in the NOPR analysis.

DOE requests comment on the updated cost-efficiency results for the 54 kBtu/h indoor and outdoor medium-temperature dedicated condensing units and 124 kBtu/h outdoor medium-temperature dedicated condensing unit presented in section 3 of the NODA support document.

The analytical results (*i.e.*, LCC, PBP, and NIA) presented in section II.C of this document account for the updates discussed in this section.

b. Off-Cycle Ancillary Power

Based on test data available at the time, in the September 2023 NOPR analysis DOE tentatively determined that the only source of off-cycle power for dedicated condensing units and single-packaged dedicated systems would be crankcase heater power. See section 5.6.3.3 of the September 2023

NOPR TSD. DOE assumed that the off-cycle crankcase heater power would be the same for both medium-temperature and low-temperature applications, which DOE estimated using crankcase heater wattage specifications from compressor manufacturer product literature.

In response to the September 2023 NOPR, AHRI and Hussmann commented that there are potential sources of off-cycle ancillary power that DOE did not account for and should consider, such as standard operating controls, defrost time clocks, digital controllers, and transformers. (AHRI, No. 72 at p. 19; Hussmann, No. 75 at p. 9)

In response to these comments, DOE analyzed additional test data and compared the tested off-cycle power values to the crankcase heater wattages specified by compressor manufacturers. DOE found that for medium-temperature dedicated condensing units, the assumed crankcase heater wattage used in the NOPR analysis matched both the tested off-cycle power values and the compressor manufacturer-specified wattages. Therefore, DOE has tentatively determined that the assumed crankcase heater wattages used to analyze medium-temperature dedicated condensing units and single-packaged dedicated systems in the NOPR analysis are representative of the entire off-cycle power of such units.

For low-temperature dedicated condensing units, DOE found that the off-cycle power test data was up to 5 Watts greater than the compressor manufacturer-specified crankcase heater wattages, indicating there may be additional sources of off-cycle power other than the crankcase heater. Additionally for low-temperature units, DOE found that the compressor manufacturer-specified crankcase heater wattages at a given capacity range were slightly different than those specified for medium-temperature units. Therefore, for this NODA, DOE adjusted the assumed crankcase heater wattages for low-temperature dedicated condensing units and single-packaged dedicated systems, as shown in table II.2 and table II.3. DOE also added 5 Watts of off-cycle ancillary power not associated with crankcase heater power for all low-temperature dedicated condensing units and single-packaged dedicated systems. Both changes can be seen in the updated refrigeration engineering analysis spreadsheet.¹² As

⁹ DOE used two compressors with capacities between 50 and 60 kBtu/h for the 124 kBtu/h medium-temperature outdoor dedicated condensing unit. DOE determined that this would be representative for units of this capacity.

¹⁰ DOE determined compressor performance using conditions representative of the A condition test specified by the DOE test procedure for walk-in refrigeration systems in appendix C1 to subpart R of 10 CFR part 431. The test conditions used to determine compressor performance were as follows: a return gas temperature of 41 °F, an evaporator dewpoint temperature of 23 °F, and a condenser dewpoint temperature of 120 °F.

¹¹ DOE notes that in appendix 5A of the September 2023 NOPR TSD, the tables label the efficiency values in terms of AWEF, however, they are in terms of AWEF2 and should have been labeled as such.

¹² The updated refrigeration systems engineering sheet can be found in the docket for this rulemaking.

indicated by commenters, DOE suspects that this additional 5 Watts of power is attributed to timers and controls associated with defrost cycles.

TABLE II.3—CRANKCASE HEATER POWER (W) FOR LOW-TEMPERATURE REFRIGERATION SYSTEMS FROM SEPTEMBER 2023 NOPR

Compressor type	Refrigeration system capacity			
	<10,000 Btu/h	≥10,000 and <50,000 Btu/h	≥50,000–<100,000 Btu/h	≥100,000–<200,000 Btu/h
Hermetic	40			
Scroll	40	67	90	100
Semi-Hermetic	40	50	70	100
Rotary	27			

TABLE II.4—UPDATED CRANKCASE HEATER POWER (W) FOR LOW-TEMPERATURE REFRIGERATION SYSTEMS FOR THIS NODA

Compressor type	Refrigeration system capacity			
	<5,000 Btu/h	≥5,000–<20,000 Btu/h	≥20,000–<50,000 Btu/h	≥50,000–<200,000 Btu/h
Hermetic	40			
Scroll	40	70	73	100
Semi-Hermetic	40	50	70	100
Rotary	27			

DOE requests comment on the updated crankcase heater wattages and additional off-cycle ancillary power for low-temperature dedicated condensing units and single-packaged dedicated systems.

The analytical results (*i.e.*, LCC, PBP, and NIA) presented in section II.C of this document account for the updates discussed in this section.

c. Low GWP Refrigerant Transition

As discussed in the September 2023 NOPR, the Environmental Protection Agency (“EPA”) published a NOPR, “Phasedown of Hydrofluorocarbons: Restrictions on the Use of Certain Hydrofluorocarbons Under Subsection (i) the American Innovation and Manufacturing Act of 2020”, on December 15, 2022, as a part of the American Innovation and Manufacturing (“AIM”) Act, which outlined new refrigerant regulations regarding acceptable global warming potential (“GWP”) limits for various air conditioning and refrigeration systems. 87 FR 76738. On October 24, 2023, EPA finalized these proposals (“October 2023 AIM Act Final Rule”). 88 FR 73098. The October 2023 AIM Act Final Rule established (effective January 1, 2026) a limit of 300 GWP for remote condensing units in retail food

refrigeration systems and cold storage warehouses with less than 200 lbs of charge, which includes split-system walk-in refrigeration systems covered under the scope of the September 2023 NOPR. 88 FR 73098, 73209. In the September 2023 NOPR, DOE analyzed R-454A and R-455A refrigerants which have GWPs less than 300 and tentatively determined that R-454A would be the most likely replacement refrigerant for medium- and low-temperature walk-in refrigeration systems once the regulations finalized in the October 2023 AIM Act Final Rule take effect. DOE also tentatively determined that R-454A would have comparable performance to the currently-used refrigerant R-448A. 88 FR 60746, 60772. As there was limited compressor performance data available for R-454A at the time, DOE used R-448A as the basis for its engineering analysis for medium- and low-temperature dedicated condensing units and single-packaged dedicated systems.¹³ *Id.* In the September 2023 NOPR, DOE requested performance data for walk-in refrigeration systems using R-454A, R-454C, and/or R-455A. DOE also sought comment on its tentative determinations that R-454A is the most likely replacement for the current refrigerants being used (*i.e.*, R-448A and R-449A)

and that walk-in dedicated condensing systems would not suffer a performance penalty when switching from R-448A or R-449A to R-454A. *Id.*

In response, AHRI, Lennox, and Hussmann commented that R-454A is comparable in performance to R-448A but that it is not the most likely low-GWP replacement for WICFs because R-454A has a GWP above 150. (AHRI, No. 72 at p. 10; Lennox, No. 70 at pp. 6–7; Hussmann, No. 75 at p. 10) AHRI and Lennox recommended that modeling should instead be conducted using R-454C and/or R-455A since California and Washington state regulations prohibit the use of a refrigerant with a GWP greater than 150 for systems with more than 50 lbs. of refrigerant charge. (AHRI, No. 72 at p. 10; Lennox, No. 70 at pp. 6–7) Hussmann and NRAC commented that there may be some states with stricter regulations than the EPA that may not allow refrigerants above 150 GWP. (Hussmann, No. 75 at p. 10; NRAC, No. 73 at p. 2)

DOE acknowledges that certain localities already require, or may require in the future, WICF refrigeration systems to be designed for use with sub-150 GWP refrigerants.¹⁴ Based on analysis of low-GWP refrigerant performance in walk-in refrigeration systems conducted for the September

at www.regulations.gov/docket/EERE-2017-BT-STD-0009.

¹³ DOE notes that a more efficient single-speed compressor that used propane was analyzed as a design option for some single-packaged dedicated systems. A propane compressor was analyzed if the

charge limit for propane was sufficient to provide the analyzed capacity and the propane compressor resulted in increased efficiency.

¹⁴ California established (effective January 1, 2022) a limit of 150 GWP for retail food refrigeration equipment and cold storage

warehouses with less than 50 lbs of charge. Washington is expected to establish a limit of 150 GWP for retail food refrigeration equipment and cold storage warehouses with less than 50 lbs of charge.

2023 NOPR, DOE has tentatively concluded that the highest performing sub-150 GWP refrigerant appropriate for use in split-system walk-in refrigeration systems is R-454C. See section 5.6.3.1 of the September 2023 NOPR TSD. To assess the potential impact of state level sub-150 GWP requirements, DOE reviewed the EERs of R-454C compressors with capacities representative of walk-in refrigeration systems and compared these EERs to those of the baseline compressors analyzed in the September 2023 NOPR. DOE determined the R-454C EERs at operating conditions representative for the A test conditions prescribed in the DOE test procedure for walk-in refrigeration systems, adjusting the condensing dewpoint up 2 °F to account for the higher refrigerant temperature glide of R-454C as compared to R-448A or R-454A.

DOE found that trends in the R-454C compressor efficiencies generally aligned with the compressor EERs used in the September 2023 NOPR analysis, except for the DC.M.O.025 and DC.M.I.025 representative units. At this 25 kBtu/h capacity DOE found that the available R-454C compressor had an EER that is 4 percent less than that of the compressor analyzed in the September 2023 NOPR. Based on this, DOE determined that using the R-454C compressor analyzed could result in an AWEF2 that is 2 percent lower for 25 kBtu/h medium-temperature dedicated condensing units than a comparable unit using an R-454A-compatible compressor. As such, and in the absence of more efficient compressors of the same type compatible with R-454C, DOE has tentatively determined that to achieve the standard proposed in the September 2023 NOPR (based on the performance of R-448A), a medium-temperature walk-in refrigeration system using a sub-150 GWP refrigerant may need to incorporate additional design options beyond what DOE presumed in the September 2023 NOPR. To determine the cost of these additional design options DOE constructed the cost curves corresponding to use of the R-454C compressor (with roughly 2-percent reduction of AWEF2 for each evaluated design) and calculated additional cost to attain the proposed AWEF2 by interpolating along the cost-efficiency curves. Based on this analysis DOE has tentatively determined that additional MSP required to achieve the proposed AWEF2 for less-than-150 GWP refrigerant would be \$381 for 25 kBtu/h medium temperature indoor dedicated condensing units and \$96 for 25 kBtu/h

medium temperature outdoor dedicated condensing units.

DOE requests comment on the estimated additional MPC associated with 25 kBtu/h medium temperature indoor and outdoor dedicated condensing units achieving the proposed AWEF2 standard levels while operating with a refrigerant with less than 150 GWP.

The analytical results (*i.e.*, LCC, PBP, and NIA) presented in section II.C account for the cost adder presented in this section, as described in section II.C.1.a of this document.

d. Miscellaneous Updates to the Engineering Analysis Spreadsheet

In response to the September 2023 NOPR, stakeholders commented that there were several issues with calculations in the refrigeration systems engineering spreadsheet.¹⁵ AHRI and Hussmann suggested several corrections to the engineering spreadsheet. (AHRI, No. 72 at pp. 17–19; Hussmann, No. 75 at pp. 7–9) DOE also identified several issues not prompted by comments. DOE discusses the corrections that it made in this NODA in the following paragraphs. To the extent that stakeholders made comments on the engineering spreadsheet and DOE has determined that updates to the spreadsheet are not necessary, DOE will address those comments in a subsequent rulemaking.

AHRI and Hussmann commented that row 77 for the condenser and row 86 for the evaporator on the ‘Calculation’ tab were calculating pressures at the incorrect point of the refrigeration cycle, claiming that all subsequent calculations use the wrong pressures. (AHRI, No. 72 at pp. 17–18; Hussmann, No. 75 at pp. 7–8) DOE notes that the calculations in question are used only for determination of refrigerant glide to adjust from midpoint to dewpoint. The errors in these adjustments result in roughly 0.1 °F difference in calculated dew point temperature for the condenser. They result in zero difference in evaporator dew point temperature for dedicated condensing unit calculations (for which evaporator dew point temperature is prescribed by the test procedure) and roughly 0.03 °F difference for single-packaged dedicated systems calculations. These differences make no significant impact on overall results. Nevertheless, DOE has revised the calculations for this NODA such that the calculation will be based on a quality of 0.5 for the condenser, which

is representative of the condenser midpoint, and a quality for the evaporator somewhat greater than 0.5 to account for the fact that evaporator refrigerant inlet quality is non-zero.

AHRI and Hussmann commented that in rows 165 and 233 of the ‘Calculations’ tab, which contain the condenser half glide calculation for B and C conditions, the formula is using a temperature input rather than a pressure input to calculate a temperature output. (AHRI, No. 72 at pp. 18–19; Hussmann, No. 75 at p. 9). This calculation results in overestimation of the dew point by roughly 0.5 °F, and a corresponding slight overestimation of compressor energy use. DOE has revised this calculation for this NODA.

In the September 2023 NOPR, the cost of additional spark-proofing electronic components was not properly accounted for due to an incorrect formula. In the updated refrigeration system engineering analysis spreadsheet, DOE updated the compressor cost calculation (which feeds into the MPC) to include the additional costs for spark-proofing electronic components for single-packaged dedicated systems that use propane as the refrigerant. As a result of this change in MPC associated with propane-compatible compressors, DOE reordered the design options of the SP.M.O.002 and SP.M.I.002 representative units such that the design options are ordered from most cost-effective AWEF2 improvements to the least cost-effective AWEF2 improvements, where cost-effectiveness is based on the ratio of AWEF2 increase to MPC increase.

In the September 2023 NOPR, all the high-temperature, 2 kBtu/h and 7 kBtu/h, outdoor single-packaged dedicated system representative units implemented the variable-speed condenser fan design option before the electronically commutated motor design option was implemented. However, an electronically commutated motor is a prerequisite for the variable-speed condenser fan design option. In the updated refrigeration system engineering spreadsheet, DOE reordered the variable-speed condenser fan and electronically commutated motor design options for these representative units. DOE notes that reordering these design options did not impact the results of the proposed efficiency level as both design options were included in the efficiency level corresponding to the proposed standard level.

Additionally, DOE updated the calculation of the enthalpy exiting the unit cooler that is used in the calculation of the gross capacity for

¹⁵ The September 2023 NOPR refrigeration systems engineering sheet can be found at www.regulations.gov/docket/EERE-2017-BT-STD-0009-0052.

dedicated condensing units to be consistent with the DOE test procedure. See section C7.5.2 of American National Standards Institute/Air-Conditioning, Heating, and Refrigeration Institute Standard 1250 (I-P), “2020 Standard for Performance Rating of Walk-in Coolers and Freezers”. The calculation for the enthalpy exiting the unit cooler for single-packaged dedicated systems was consistent with the DOE test procedure for the NOPR analysis and therefore, DOE did not update it for single-packaged dedicated systems for this NODA.

Overall, the updates made to the engineering analysis spreadsheet resulted in a minimal change to the cost-efficiency curves for each representative unit. Comparing efficiency levels with the same design option combinations for each representative unit between the September 2023 NOPR and this NODA, the AWEF2s generally increased or decreased between 1- and 3-percent as a result of the changes discussed previously. Similarly, in this NODA, design option order generally remained as it was in the NOPR, and manufacturer production costs did not change from the NOPR for many representative units. However, in some cases, changes in representative unit performance at the baseline required re-baselining to meet the current energy conservation standards. This re-baselining resulted in slightly different combinations of design options at the baseline efficiency level for the following representative units, which also resulted in either more or fewer design options above baseline depending on whether the baseline efficiency level needed fewer or more design options at the baseline to meet the current AWEF standards: DC.M.O.009, DC.M.I.025, DC.L.O.075, and SP.L.I.006. Additionally, some of the changes to the engineering spreadsheet impacted cost model inputs (e.g., fan motor horsepower impacts the cost of a fan motor); therefore, there are slight changes to the manufacturer production costs associated with some representative units’ efficiency levels even if the design option order has not changed from the September 2023 NOPR analysis. This was the case for the following representative units: DC.M.O.009, DC.M.O.025, DC.M.O.054, DC.M.O.075, DC.M.O.124, DC.M.I.009, DC.M.I.025, DC.M.I.054, DC.M.I.075, DC.L.O.003, DC.L.O.009, DC.L.O.025, DC.L.O.054, DC.L.I.003, DC.L.I.009, DC.L.I.025, DC.L.I.054, SP.L.O.002, and SP.L.I.002.

See section 3 of the NODA support document for updated cost-efficiency

results. The analytical results (*i.e.*, LCC, PBP, and NIA) presented in section II.C of this document account for the updates discussed in this section.

3. Unit Coolers

a. Cost Assumptions at Max-Tech Efficiency Levels

In the September 2023 NOPR, using the Unit Cooler Performance Database¹⁶ DOE developed linear cost-efficiency correlations for each representative unit, which DOE used to determine the MPC increase from the baseline efficiency level to the higher efficiency levels for unit coolers. See section 5.8.6 of the September 2023 NOPR TSD. When building the Unit Cooler Performance Database, DOE did not consider that adding additional rows to the unit cooler heat exchanger would require an increase in cabinet size when determining the MPCs associated with each efficiency level. DOE based this assumption on manufacturers’ unit cooler product catalogs, which included unit cooler case dimensions.

In response, Lennox stated that increasing 4-row unit cooler designs to 5- or 6-row designs is not cost-effective because adding coil rows has diminishing returns on improved efficiency and would result in increased coil face area and increased cabinet size. (Lennox, No. 70 at p. 4) AHRI, Hussmann, and Lennox commented that current unit cooler coil and cabinet designs are optimized around 4-row designs and increasing efficiency would be more costly than what DOE estimated when considering packaging, freight, materials, and scrap. (AHRI, No. 72 at pp. 3–4, 9; Hussmann, No. 75 at pp. 2, 12; Lennox, No. 70 at p. 4)¹⁷

During the development of the September 2023 NOPR analysis, DOE identified several manufacturers producing unit coolers with heat exchangers 5 or more rows deep. However, DOE acknowledges the concerns of AHRI, Lennox, and Hussmann that some manufacturers may not be currently producing unit coolers with heat exchangers 5 rows deep. As such, these manufacturers may need to expand the cabinet size of their 4-row unit coolers to accommodate larger heat exchangers (*i.e.*, evaporator coils with at least 5 rows). In response to this feedback, DOE updated its

¹⁶ The Unit Cooler Performance Database can be found at www.regulations.gov/document/EERE-2017-BT-STD-0009-0064.

¹⁷ DOE notes that it also received comments indicating that the conversion costs for refrigeration systems should be incorporated as an amortized consideration in the MSP. DOE will consider and address these stakeholder comments in a subsequent rulemaking.

analysis for this NODA and assumed that the unit cooler case would have to be expanded to accommodate an additional row at the maximum technology (“max-tech”) efficiency level for every unit cooler representative unit.

DOE estimated the additional MPC using the same cost modeling processes described in section 5.4 of the September 2023 NOPR TSD. The additional MPC includes additional material, scrap, and packaging associated with the cabinet size increase. DOE developed this additional MPC for expanding unit cooler case size for several representative units. The average cost adder associated with the cabinet size increase was \$11 for the representative capacities DOE analyzed. Updated unit cooler cost efficiency curves can be found in section 3 of the NODA support document.

DOE has tentatively determined that the increase in shipping cost would not significantly affect the analysis and therefore, did not include this in the revised analysis in this NODA.

The analytical results (*i.e.*, LCC, PBP, and NIA) for unit coolers presented in section II.C of this document account for the updates discussed in this section.

b. Unit Cooler Fan Power

As discussed in section 5.5.4.2 of the September 2023 NOPR TSD, DOE used unit cooler fan powers from manufacturer product catalogs to construct the Unit Cooler Performance Database. In general, DOE found that the fan powers reported in product catalogs were constant across unit cooler models that only appeared to differ in the number of rows in their heat exchangers. Further, fan motor powers per fan were the same across families of unit coolers having the same general geometry and fan diameter, where the unit coolers differed only by overall unit cooler length (and number of fans) and number of tube rows in the evaporator. As such, DOE assumed for the NOPR analysis that unit cooler fan power would not change when additional heat exchanger rows were added.

Lennox stated that adding additional rows would have diminishing performance returns for several reasons including that higher fan power is needed to maintain airflow when additional coil depth is added due to the additional pressure drop imposed by the added tube rows. (Lennox, No. 70 at p. 4)

Increasing heat exchanger size by adding a row could increase the internal static pressure (“ISP”) that the unit cooler fan would need to overcome and would therefore require more fan power to maintain the same airflow at a higher

ISP. DOE notes that when unit cooler airflow is reported in product catalogs for models that only appear to differ in number of heat exchanger rows, the airflow generally decreases when an additional heat exchanger row is added, but (as previously noted) the fan power listed stays constant. To quantify the potential increase in fan power, DOE estimated the increase in ISP associated with adding additional heat exchanger rows using CoilDesigner.¹⁸ For the CoilDesigner model, DOE assumed heat exchanger and fan characteristics based on physical and catalog teardowns of unit coolers and unit cooler airflow based on manufacturer product catalogs. DOE estimated a percentage fan power increase using representative fan performance curves, the reported air flow, and unit cooler system pressure drop before and after adding the coil row, accounting for the additional ISP estimated using CoilDesigner. Based on this analysis, DOE has tentatively determined that increasing the number of heat exchanger rows from 2 to 3 or 3 to 4 would result in roughly a 6-percent increase in unit cooler fan power, and increasing heat exchanger rows from 4 to 5 would result in roughly a 4-percent unit cooler fan power increase.

Although the fan power reported in product catalogs does not appear to change, as the number of heat exchanger rows changes, it is likely, as indicated by the analysis described above, that the fan power is different for these models. To evaluate the potential impact of this variation on potential ranges of AWEF2, DOE evaluated multiple scenarios regarding fan power increase with the Unit Cooler Performance Database medium-temperature unit coolers. For medium-temperature unit coolers, AWEF2 depends only on the fan power and capacity, and questions about potential variation in the defrost energy (a factor for low-temperature unit coolers), would not apply. The initial construction of the Unit Cooler Performance Database, posted to the rulemaking docket, was based on using the literature fan power as reported (*i.e.*, DOE did not consider any changes to fan power based on number of rows).¹⁹ DOE further evaluated two alternative approaches: (a) that the reported fan power applies for unit coolers with the least number of tube rows and therefore, the actual fan power increases above the levels reported in the literature with

additional tube rows; and (b) that the reported fan power applies for the unit coolers with the greatest number of tube rows and therefore, the actual fan power decreases below the levels reported in the literature with fewer tube rows. For each scenario, DOE adjusted the unit cooler fan powers based on the ISP difference determined by DOE's Coil Designer analysis. In all cases, the calculated AWEF2 values include many that are lower than the current baseline level. However, the number of AWEF2 values that are lower than the current baseline level is significantly lower for approach (b) described previously. The highest AWEF2 values are roughly the same at 10.0 for the NOPR scenario (no fan power differences within a family of unit coolers) and scenario (b), and are lower (close to 9.7) for scenario (a). Given that the unit coolers evaluated are all certified as compliant with DOE standards, and the likelihood that the reported motor power would apply for the highest-power (motor design) operating point, DOE concludes that scenario (b) is the most likely. DOE notes that for all three of the scenarios, the Unit Cooler Performance Database has AWEF2 values that are higher than the max-tech AWEF2 values calculated for the representative capacities. Thus, DOE concludes that the max-tech efficiency levels considered in the NOPR were not overestimated due to the potential increase in fan power as additional tube rows are added within the range considered. Therefore, DOE did not adjust the unit cooler AWEF2 values proposed in the September 2023 NOPR based on the potential for additional unit cooler rows to impose additional ISP that could require increased fan power. The results of the three scenarios are shown in Figure 5.1 through Figure 5.3 of the NODA support document that has been posted to the docket.

c. Miscellaneous Updates to the Unit Cooler Analysis

After the September 2023 NOPR was published, DOE identified an issue in the calculation of baseline net capacities for high-temperature unit coolers in its engineering analysis. DOE corrected this issue for this NODA and as a result baseline AWEF2 values are slightly less than the AWEF2 values shown in the NOPR. Additionally, since the AWEF2 values at efficiency levels above baseline are dependent on the baseline AWEF2 values for the high-temperature unit cooler analysis, the AWEF2 values at higher efficiency levels are less than those AWEF2 values shown in the NOPR. On average, the calculated efficiencies of all high-temperature unit

cooler efficiency levels have decreased by 2-percent from the NOPR values.

In addition, DOE found an issue in the calculation of the max-tech MPC of the UC.L.009 representative unit, which resulted in a higher MPC. For this NODA analysis, DOE addressed this calculation issue, which results in an MPC that is 4-percent lower than the MPC presented in the September 2023 NOPR. When accounting for this change and the MPC change associated with the cabinet size increase cost adder discussed in section II.A.3.a, the MPC determined for this NODA is 2-percent less than the MPC presented in the NOPR for this representative unit.

See section 3 of the NODA support document that has been posted to the docket for the updated cost-efficiency curves that includes these corrections. The analytical results (*i.e.*, LCC, PBP, and NIA) presented in section II.C of this document account for these corrections.

B. Trial Standard Levels

DOE analyzed the benefits and burdens of three trial standard levels ("TSLs") for the considered walk-in doors, panels, and refrigeration systems in the September 2023 NOPR. 88 FR 60746, 60785–60786.

DOE notes that the TSLs presented in this NODA are tentative and for evaluating the analytical changes considered in the context of this NODA and DOE may revise the number of, or structure of, these TSLs in response to comments in future analysis. DOE further notes that the TSLs presented in this NODA are within or close to the range of values presented in the September 2023 NOPR.

1. Refrigeration Systems

For this NODA, DOE is presenting three TSLs to demonstrate the changes discussed in sections II.A.2 and II.A.3 of this document that pertain to refrigeration systems. The efficiency levels that correspond to these TSLs for these equipment classes are shown in Table II.5 through Table II.7.

TSL 3 in this NODA includes the efficiency levels that use the combination of design options for each representative unit at the maximum technologically feasible ("max-tech") level. For this NODA, DOE notes a correction here where in the NOPR, the design option representing max-tech for the DC.M.O.054 representative unit was mapped to EL 7—when in fact it should have been EL 8. With the added efficiency level in this NODA, the max-tech efficiency level for the DC.M.O.054 representative unit is now EL 9 as shown in Table II.5. TSL 1 represents

¹⁸ CoilDesigner is a heat exchanger coil simulation tool. CoilDesigner Version 4.8.20221.110 was used for this analysis.

¹⁹ The Unit Cooler Performance Database can be found at www.regulations.gov/document/EERE-2017-BT-STD-0009-0064.

the efficiency levels in this NODA that yield AWEF2 values closest to those AWEF2 values that align with TSL 2 in the September 2023 NOPR, which is the TSL that DOE proposed to adopt. TSL 2 in this NODA is an intermediate TSL that is higher than TSL 1 but below the max-tech level.

TABLE II.5—REFRIGERATION SYSTEMS EFFICIENCY LEVEL BY REPRESENTATIVE UNIT MAPPING FOR TSL 3

	Capacity (kBtu/hr)								
	2	3	6	7	9	25	54	75	124
Dedicated Condensing Units									
Low Temperature, Indoor (DC.L.I) .....	.....	2	.....	.....	1	3	2	.....	.....
Low Temperature, Outdoor (DC.L.O) .....	.....	3	.....	.....	5	8	5	4	.....
Medium Temperature, Indoor (DC.M.I) .....	.....	.....	.....	.....	1	3	4	3	.....
Medium Temperature, Outdoor (DC.M.O) .....	.....	.....	.....	.....	8	8	9	8	9
Single-packaged Dedicated Systems									
High Temperature, Ducted, Indoor (SP.H.ID)	2	.....	.....	2	.....	.....	.....	.....	.....
High Temperature, Ducted, Outdoor (SP.H.OD)	6	.....	.....	6	.....	.....	.....	.....	.....
High Temperature, Indoor (SP.H.I)	2	.....	.....	2	.....	.....	.....	.....	.....
High Temperature, Outdoor (SP.H.O)	6	.....	.....	6	.....	.....	.....	.....	.....
Low Temperature, Indoor (SP.L.I)	7	.....	2	.....	.....	.....	.....	.....	.....
Low Temperature, Outdoor (SP.L.O)	4	.....	4	.....	.....	.....	.....	.....	.....
Medium Temperature, Indoor (SP.M.I)	5	.....	.....	.....	3	.....	.....	.....	.....
Medium Temperature, Outdoor (SP.M.O)	9	.....	.....	.....	5	.....	.....	.....	.....
Unit Coolers									
High Temperature (UC.H) .....	.....	.....	.....	.....	1	1	.....	.....	.....
High Temperature, Ducted (UC.H.ID) .....	.....	.....	.....	.....	1	1	.....	.....	.....
Low Temperature (UC.L) .....	.....	2	.....	.....	2	2	2	2	.....
Medium Temperature (UC.M) .....	.....	2	.....	.....	2	2	2	2	.....

TABLE II.6—REFRIGERATION SYSTEMS EFFICIENCY LEVEL BY REPRESENTATIVE UNIT MAPPING FOR TSL 2

	Capacity (kBtu/hr)								
	2	3	6	7	9	25	54	75	124
Dedicated Condensing Units									
Low Temperature, Indoor (DC.L.I) .....	.....	1	.....	.....	0	2	1	.....	.....
Low Temperature, Outdoor (DC.L.O) .....	.....	2	.....	.....	4	7	4	3	.....
Medium Temperature, Indoor (DC.M.I) .....	.....	.....	.....	.....	0	2	3	2	.....
Medium Temperature, Outdoor (DC.M.O) .....	.....	.....	.....	.....	3	3	4	3	4
Single-packaged Dedicated Systems									
High Temperature, Ducted, Indoor (SP.H.ID)	2	.....	.....	2	.....	.....	.....	.....	.....
High Temperature, Ducted, Outdoor (SP.H.OD)	6	.....	.....	6	.....	.....	.....	.....	.....
High Temperature, Indoor (SP.H.I)	2	.....	.....	2	.....	.....	.....	.....	.....
High Temperature, Outdoor (SP.H.O)	5	.....	.....	5	.....	.....	.....	.....	.....
Low Temperature, Indoor (SP.L.I)	4	.....	1	.....	.....	.....	.....	.....	.....
Low Temperature, Outdoor (SP.L.O)	2	.....	2	.....	.....	.....	.....	.....	.....
Medium Temperature, Indoor (SP.M.I)	3	.....	.....	.....	1	.....	.....	.....	.....
Medium Temperature, Outdoor (SP.M.O)	8	.....	.....	.....	3	.....	.....	.....	.....
Unit Coolers									
High Temperature (UC.H) .....	.....	.....	.....	.....	0	0	.....	.....	.....
High Temperature, Ducted (UC.H.ID) .....	.....	.....	.....	.....	1	1	.....	.....	.....
Low Temperature (UC.L) .....	.....	2	.....	.....	2	2	2	2	.....
Medium Temperature (UC.M) .....	.....	2	.....	.....	2	2	2	2	.....

TABLE II.7—REFRIGERATION SYSTEMS EFFICIENCY LEVEL BY REPRESENTATIVE UNIT MAPPING FOR TSL 1

	Capacity (kBtu/hr)								
	2	3	6	7	9	25	54	75	124
Dedicated Condensing Units									
Low Temperature, Indoor (DC.L.I) .....	.....	1	.....	.....	0	2	1	.....	.....
Low Temperature, Outdoor (DC.L.O) .....	.....	2	.....	.....	4	7	4	2	.....
Medium Temperature, Indoor (DC.M.I) .....	.....	.....	.....	.....	0	2	2	2	.....
Medium Temperature, Outdoor (DC.M.O) .....	.....	.....	.....	.....	2	2	2	2	2
Single-packaged Dedicated Systems									
High Temperature, Ducted, Indoor (SP.H.ID)	2	.....	.....	2	.....	.....	.....	.....	.....
High Temperature, Ducted, Outdoor (SP.H.OD)	5	.....	.....	6	.....	.....	.....	.....	.....
High Temperature, Indoor (SP.H.I)	1	.....	.....	2	.....	.....	.....	.....	.....

TABLE II.7—REFRIGERATION SYSTEMS EFFICIENCY LEVEL BY REPRESENTATIVE UNIT MAPPING FOR TSL 1—Continued

	Capacity (kBtu/hr)								
	2	3	6	7	9	25	54	75	124
High Temperature, Outdoor (SP.H.O)	5	.....	.....	5	.....	.....	.....	.....	.....
Low Temperature, Indoor (SP.L.I)	4	.....	1	.....	.....	.....	.....	.....	.....
Low Temperature, Outdoor (SP.L.O)	0	.....	1	.....	.....	.....	.....	.....	.....
Medium Temperature, Indoor (SP.M.I)	3	.....	.....	.....	1	.....	.....	.....	.....
Medium Temperature, Outdoor (SP.M.O)	8	.....	.....	.....	3	.....	.....	.....	.....
Unit Coolers									
High Temperature (UC.H) .....	.....	.....	.....	.....	0	0	.....	.....	.....
High Temperature, Ducted (UC.H.ID) .....	.....	.....	.....	.....	1	1	.....	.....	.....
Low Temperature (UC.L) .....	.....	2	.....	.....	2	2	2	2	.....
Medium Temperature (UC.M) .....	.....	2	.....	.....	2	2	2	2	.....

2. Non-Display Doors

For this NODA, DOE is presenting three TSLs to demonstrate the changes discussed in section II.A.1 of this document that pertain to non-display doors. The efficiency levels that

correspond to these TSLs for these equipment classes are shown table II.8.

TSL 3 in this NODA includes the efficiency levels that use the combination of design options for each representative unit at the max-tech level. TSL 1 and TSL 2 are intermediate

TSLs between baseline and TSL 3. The efficiency levels for each TSL are based on the updated engineering analysis for non-display doors, as discussed in section II.A.1 of this document and as shown in the NODA support document.

TABLE II.8—NON-DISPLAY DOORS EFFICIENCY LEVEL TO TSL MAPPING

Equipment class	Trial standard level		
	1	2	3
Non-display Doors, Manual			
Low Temperature (NM.L)	1	3	5
Medium Temperature (NM.M)	1	3	6
Non-display Doors, Motorized			
Low Temperature (NO.L)	1	3	5
Medium Temperature (NO.M)	1	3	6

C. Analytical Results

To quantify the impacts to consumers and the Nation from the additional analysis of the technologies described in section II.A of this document, DOE ran its life-cycle cost (“LCC”) and payback period (“PBP”) analysis and national impacts analysis (“NIA”) with the same inputs as it used in the September 2023 NOPR, with the exception of the changes described in sections II.A and II.B of this document. DOE also considered the potential impacts of the updated analysis discussed in this NODA on the manufacturer impact analysis (“MIA”). As discussed in chapter 12 of the September 2023 NOPR TSD, DOE relies on several sources, including the engineering analysis and the shipments analysis, to obtain inputs to quantify the potential impacts of amended energy conservation standards on the walk-in cooler and freezer industry. Changes to MSPs and shipments would affect industry revenue, and, therefore, the MIA results. However, considered in isolation, DOE does not expect that the changes to the

engineering analysis or shipments distribution detailed in this NODA would substantively alter the industry financial results (represented by change in industry net present value) presented in the September 2023 NOPR. DOE will assess and incorporate the most up-to-date data in any subsequent MIA conducted for this rulemaking.

1. Life-Cycle Cost and Payback Period Analysis

DOE analyzed the economic impacts on walk-in coolers and freezers consumers by looking at the effects that potential amended standards at each TSL would have on the LCC and PBP. The detailed description of how DOE calculates its LCC impacts can be found in chapter 8 and associated appendices of the September 2023 NOPR TSD.

In general, higher-efficiency equipment affect consumers in two ways: (1) purchase price increases and (2) annual operating costs decrease. Inputs used for calculating the LCC and PBP include total installed costs (*i.e.*, product price plus installation costs),

and operating costs (*i.e.*, annual energy use, energy prices, energy price trends, repair costs, and maintenance costs). The LCC calculation also uses product lifetime and a discount rate. For this NODA, DOE maintained the same methods and modeling assumptions discussed in chapter 8 of the September 2023 NOPR TSD with the exception of the revised engineering analysis discussed in section II.A of this document and TSL composition discussed in section II.B of this document.

a. Application of the Low-GWP Refrigerant Transition to Specific Regions

As discussed in section II.A.2.c of this document, the states of California and Washington require the use of sub-150-GWP refrigerants. In the September 2023 NOPR, DOE conducted its LCC analysis at the geographic level of Census regions, where the region containing the states of California and Washington is the Western Region

(Region 4).²⁰ To approximate any additional costs associated with moving to low-GWP refrigerants to consumers in California and Washington DOE applied

the cost of the additional design options determined in section II.A.2.c of this document to the fraction of consumers in Western Census Region based on

population.²¹ These weights and design option cost are shown in table II.9.

TABLE II.9—LOW-GWP REFRIGERANT COST ADDERS

EC	Capacity (kBtu/hr)	Census region	Cost adder (\$)	Weight
DC.M.I	3	4	0	0.59
	3	4	0	0.41
	9	4	0	0.59
	9	4	0	0.41
	25	4	381.20	0.59
	25	4	0	0.41
	54	4	0	0.59
	54	4	0	0.41
	75	4	0	0.59
	75	4	0	0.41
DC.M.O	3	4	0	0.59
	3	4	0	0.41
	9	4	0	0.59
	9	4	0	0.41
	25	4	95.94	0.59
	25	4	0	0.41
	54	4	0	0.59
	54	4	0	0.41
	75	4	0	0.59
	75	4	0	0.41
	124	4	0	0.59
	124	4	0	0.41

DOE seeks comment on its approach to applying the transition to low-GWP refrigerant to specific regions.

b. Results for Refrigeration Systems

Table II.10 through table II.14 show the LCC and PBP results for the TSLs for each category of refrigeration system equipment impacted in this NODA. In

the first of each pair of tables by equipment category (dedicated refrigeration systems, single-packaged dedicated refrigeration systems, *etc.*), the simple payback is measured relative to the baseline equipment. In the second table, impacts are measured relative to the efficiency distribution in the no-new-standards case in the compliance

year. The savings refer only to consumers who are affected by a standard at a given TSL. Those who already purchase equipment with efficiency at or above a given TSL are not affected. Consumers for whom the LCC increases at a given TSL experience a net cost.

TABLE II.10—AVERAGE LCC AND PBP RESULTS FOR DEDICATED CONDENSING UNITS

TSL	Average costs (2023\$)				Simple payback period (yrs)	Average lifetime (yrs)
	Installed cost	First year's operation cost	Lifetime operating cost	LCC		
Dedicated Condensing Units, Low Temperature, Indoor (DC.L.I)						
0	7,643	2,486	22,151	29,793	0.0	10.6
1	7,771	2,435	21,844	29,615	3.2	10.6
2	7,771	2,435	21,844	29,615	3.2	10.6
3	10,891	2,331	22,956	33,847	inf	10.6
Dedicated Condensing Units, Low Temperature, Outdoor (DC.L.O)						
0	26,579	3,790	39,853	66,432	0.0	10.5
1	26,799	3,731	39,540	66,339	5.3	10.5
2	26,885	3,724	39,546	66,430	7.5	10.5
3	38,360	3,321	43,510	81,870	inf	10.5
Dedicated Condensing Units, Medium Temperature, Indoor (DC.M.I)						
0	3,783	1,164	10,379	14,162	0.0	10.5
1	3,882	1,123	10,126	14,008	3.0	10.5
2	3,921	1,111	10,058	13,979	3.3	10.5

²⁰ See: https://www2.census.gov/geo/pdfs/maps-data/maps/reference/us_regdiv.pdf.

²¹ See: <https://www.census.gov/data/tables/time-series/demo/popest/2020s-state-total.html>.

TABLE II.10—AVERAGE LCC AND PBP RESULTS FOR DEDICATED CONDENSING UNITS—Continued

TSL	Average costs (2023\$)				Simple payback period (yrs)	Average lifetime (yrs)
	Installed cost	First year's operation cost	Lifetime operating cost	LCC		
3	5,107	1,037	10,214	15,320	64.4	10.5
Dedicated Condensing Units, Medium Temperature, Outdoor (DC.M.O)						
0	5,757	1,661	15,136	20,892	0.0	10.6
1	5,761	1,648	15,041	20,802	0.4	10.6
2	5,884	1,607	14,799	20,683	2.9	10.6
3	8,470	1,297	14,004	22,474	18.7	10.6

Note: The results for each TSL are calculated assuming that all consumers use equipment at that efficiency level. The PBP is measured relative to the baseline equipment.

TABLE II.11—LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR DEDICATED CONDENSING UNITS

TSL	% Consumers with net cost	Average savings—impacted consumers (2023\$)
Dedicated Condensing Units, Low Temperature, Indoor (DC.L.I)		
1	7	276
2	7	276
3	100	– 4,054
Dedicated Condensing Units, Low Temperature, Outdoor (DC.L.O)		
1	28	93
2	47	2
3	100	– 15,438
Dedicated Condensing Units, Medium Temperature, Indoor (DC.M.I)		
1	1	594
2	2	709
3	97	– 1,159
Dedicated Condensing Units, Medium Temperature, Outdoor (DC.M.O)		
1	0	90
2	3	209
3	95	– 1,582

Note: The savings represent the average LCC for affected consumers.

TABLE II.12—AVERAGE LCC AND PBP RESULTS FOR SINGLE-PACKAGED DEDICATED SYSTEMS

TSL	Average costs (2023\$)				Simple payback period (yrs)	Average lifetime (yrs)
	Installed cost	First year's operation cost	Lifetime operating cost	LCC		
Single-packaged Dedicated Systems, High Temperature, Ducted, Indoor (SP.H.ID)						
0	2,051	436	3,977	6,027	0.0	10.5
1	2,145	370	3,586	5,731	1.7	10.5
2	2,145	370	3,586	5,731	1.7	10.5
3	2,145	370	3,586	5,731	1.7	10.5
Single-packaged Dedicated Systems, High Temperature, Ducted, Outdoor (SP.H.OD)						
0	2,820	590	5,401	8,221	0.0	10.5
1	3,119	476	4,811	7,930	3.5	10.5
2	3,146	474	4,819	7,965	3.8	10.5
3	3,146	474	4,819	7,965	3.8	10.5
Single-packaged Dedicated Systems, High Temperature, Indoor (SP.H.I)						
0	1,978	255	2,709	4,688	0.0	10.5
1	2,006	230	2,557	4,563	1.3	10.5
2	2,035	226	2,550	4,585	2.5	10.5

TABLE II.12—AVERAGE LCC AND PBP RESULTS FOR SINGLE-PACKAGED DEDICATED SYSTEMS—Continued

TSL	Average costs (2023\$)				Simple payback period (yrs)	Average lifetime (yrs)
	Installed cost	First year's operation cost	Lifetime operating cost	LCC		
3	2,035	226	2,550	4,585	2.5	10.5
Single-packaged Dedicated Systems, High Temperature, Outdoor (SP.H.O)						
0	2,857	357	3,829	6,686	0.0	10.5
1	2,948	319	3,629	6,577	3.1	10.5
2	2,948	319	3,629	6,577	3.1	10.5
3	1,764	62	2,033	3,797	inf	10.5
Single-packaged Dedicated Systems, Low Temperature, Indoor (SP.L.I)						
0	3,755	732	6,963	10,718	0.0	10.5
1	3,947	665	6,621	10,568	3.9	10.5
2	3,947	665	6,621	10,568	3.9	10.5
3	3,947	665	6,621	10,568	3.9	10.5
Single-packaged Dedicated Systems, Low Temperature, Outdoor (SP.L.O)						
0	4,951	967	9,202	14,153	0.0	10.6
1	4,952	955	9,121	14,074	0.2	10.6
2	4,974	951	9,095	14,068	1.5	10.6
3	6,129	920	9,641	15,771	inf	10.6
Single-packaged Dedicated Systems, Medium Temperature, Indoor (SP.M.I)						
0	4,002	713	6,958	10,959	0.0	10.5
1	4,177	674	6,800	10,977	7.8	10.5
2	4,177	674	6,800	10,977	7.8	10.5
3	5,042	666	7,307	12,349	inf	10.5
Single-packaged Dedicated Systems, Medium Temperature, Outdoor (SP.M.O)						
0	4,795	667	7,023	11,818	0.0	10.5
1	4,857	636	6,846	11,703	2.5	10.5
2	4,857	636	6,846	11,703	2.5	10.5
3	5,806	632	7,436	13,242	inf	10.5

Note: The results for each TSL are calculated assuming that all consumers use equipment at that efficiency level. The PBP is measured relative to the baseline equipment.

TABLE II.13—LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR SINGLE-PACKAGED DEDICATED SYSTEMS

TSL	% Consumers with net cost	Average savings—impacted consumers (2023\$)
Single-packaged Dedicated Systems, High Temperature, Ducted, Indoor (SP.H.ID)		
1	0	296
2	0	296
3	0	296
Single-packaged Dedicated Systems, High Temperature, Ducted, Outdoor (SP.H.OD)		
1	5	291
2	16	256
3	16	256
Single-packaged Dedicated Systems, High Temperature, Indoor (SP.H.I)		
1	2	124
2	3	103
3	3	103
Single-packaged Dedicated Systems, High Temperature, Outdoor (SP.H.O)		
1	3	108
2	3	108
3	21	— 55
Single-packaged Dedicated Systems, Low Temperature, Indoor (SP.L.I)		
1	8	150

TABLE II.13—LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR SINGLE-PACKAGED DEDICATED SYSTEMS—Continued

TSL	% Consumers with net cost	Average savings—impacted consumers (2023\$)
2	8	150
3	8	150
Single-packaged Dedicated Systems, Low Temperature, Outdoor (SP.L.O)		
1	0	105
2	20	85
3	100	– 1,618
Single-packaged Dedicated Systems, Medium Temperature, Indoor (SP.M.I)		
1	27	– 17
2	27	– 17
3	100	– 1,390
Single-packaged Dedicated Systems, Medium Temperature, Outdoor (SP.M.O)		
1	6	114
2	6	114
3	100	– 1,425

Note: The savings represent the average LCC for affected consumers.

TABLE II.14—AVERAGE LCC AND PBP RESULTS FOR UNIT COOLERS

TSL	Average costs (2023\$)				Simple payback period (yrs)	Average lifetime (yrs)
	Installed cost	First year's operation cost	Lifetime operating cost	LCC		
Unit Coolers, High Temperature (UC.H)						
0	3,083	479	4,595	7,678	0.0	10.5
1	3,083	479	4,595	7,678	0.0	10.5
2	3,083	479	4,595	7,678	0.0	10.5
3	3,223	474	4,642	7,865	inf	10.5
Unit Coolers, High Temperature, Ducted (UC.H.ID)						
0	3,161	681	6,111	9,271	0.0	10.5
1	3,212	642	5,859	9,071	1.5	10.5
2	3,212	642	5,859	9,071	1.5	10.5
3	3,212	642	5,859	9,071	1.5	10.5
Unit Coolers, Low Temperature (UC.L)						
0	2,658	4,413	34,322	36,980	0.0	10.5
1	2,918	4,186	32,772	35,690	1.3	10.5
2	2,918	4,186	32,772	35,690	1.3	10.5
3	2,918	4,186	32,772	35,690	1.3	10.5
Unit Coolers, Medium Temperature (UC.M)						
0	2,468	1,675	13,649	16,118	0.0	10.6
1	2,569	1,631	13,373	15,942	2.7	10.6
2	2,569	1,631	13,373	15,942	2.7	10.6
3	2,569	1,631	13,373	15,942	2.7	10.6

Note: The results for each TSL are calculated assuming that all consumers use equipment at that efficiency level. The PBP is measured relative to the baseline equipment.

TABLE II.15—LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR UNIT COOLERS

TSL	% Consumers with net cost	Average savings—impacted consumers (2023\$)
Unit Coolers, High Temperature (UC.H)		
1	n/a	n/a
2	n/a	n/a

TABLE II.15—LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR UNIT COOLERS—Continued

TSL	% Consumers with net cost	Average savings—impacted consumers (2023\$)
3	100	– 187
Unit Coolers, High Temperature, Ducted (UC.H.ID)		
1	0	201
2	0	201
3	0	201
Unit Coolers, Low Temperature (UC.L)		
1	10	1,290
2	10	1,290
3	10	1,290
Unit Coolers, Medium Temperature (UC.M)		
1	23	176
2	23	176
3	23	176

Note: The savings represent the average LCC for affected consumers.

c. Results for Non-Display Doors

Table II.16 through table II.19 show the LCC and PBP results for the TSLs for each non-display doors equipment class impacted in this NODA. In the first of each pair of tables by equipment class (manual non-display doors, motorized non-display doors), the simple payback is measured relative to the baseline equipment. In the second table, impacts are measured relative to the efficiency

distribution in the no-new-standards case in the compliance year. The savings refer only to consumers who are affected by a standard at a given TSL. Those who already purchase equipment with efficiency at or above a given TSL are not affected. Consumers for whom the LCC increases at a given TSL experience a net cost.

As discussed in the September 2023 NOPR, to estimate the impacts of improved efficiency on walk-in

envelope components (e.g., panels, doors), DOE must first establish the efficiencies and energy use of the connected refrigeration equipment. 88 FR 60746, 60786. For the purposes of this NODA, DOE has presented the results for non-display doors based on both the baseline and max-tech refrigeration system to show the range of potential impacts associated with each analyzed TSL.

TABLE II.16—AVERAGE LCC AND PBP RESULTS FOR MANUAL NON-DISPLAY DOORS

TSL	Average costs (2023\$)				Simple payback period (yrs)	Average lifetime (yrs)
	Installed cost	First year's operation cost	Lifetime operating cost	LCC		
Non-display Doors, Manual, Low Temperature (NM.L) <i>Connected to a Baseline Refrigeration System</i>						
0	2,663	315	2,079	4,742	0.0	8.7
1	2,754	237	1,566	4,319	1.2	8.7
2	2,854	161	1,068	3,922	1.3	8.7
3	3,136	147	975	4,111	2.8	8.7
<i>Connected to a Max Tech Refrigeration System</i>						
0	2,574	347	2,289	4,863	0.0	8.7
1	2,705	240	1,582	4,288	1.2	8.7
2	2,833	159	1,050	3,883	1.4	8.7
3	3,136	145	961	4,097	2.8	8.7
Non-display Doors, Manual, Medium Temperature (NM.M) <i>Connected to a Baseline Refrigeration System</i>						
0	2,766	77	505	3,271	0.0	8.8
1	2,827	51	337	3,163	2.4	8.8
2	2,900	35	233	3,132	3.2	8.8
3	3,229	32	211	3,439	10.4	8.8

TABLE II.16—AVERAGE LCC AND PBP RESULTS FOR MANUAL NON-DISPLAY DOORS—Continued

TSL	Average costs (2023\$)				Simple payback period (yrs)	Average lifetime (yrs)
	Installed cost	First year's operation cost	Lifetime operating cost	LCC		
Connected to a Max Tech Refrigeration System						
0	2,605	108	714	3,319	0.0	8.8
1	2,736	56	368	3,105	2.5	8.8
2	2,850	37	246	3,095	3.4	8.8
3	3,229	34	226	3,454	8.4	8.8

Note: The results for each TSL are calculated assuming that all consumers use equipment at that efficiency level. The PBP is measured relative to the baseline equipment.

TABLE II.17—LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR MANUAL NON-DISPLAY DOORS

TSL	% Consumers with net cost	Average savings— impacted consumers (2023\$)
Non-display Doors, Manual, Low Temperature (NM.L) <i>Connected to a Baseline Refrigeration System</i>		
1	1	607
2	1	1,049
3	5	847
<i>Connected to a Max Tech Refrigeration System</i>		
1	1	575
2	1	980
3	5	766
Non-display Doors, Manual, Medium Temperature (NM.M) <i>Connected to a Baseline Refrigeration System</i>		
1	3	233
2	8	263
3	69	– 91
<i>Connected to a Max Tech Refrigeration System</i>		
1	4	214
2	9	224
3	78	– 135

Note: The savings represent the average LCC for affected consumers.

TABLE II.18—AVERAGE LCC AND PBP RESULTS FOR MOTORIZED NON-DISPLAY DOORS

TSL	Average costs (2023\$)				Simple payback period (yrs)	Average lifetime (yrs)
	Installed cost	First year's operation cost	Lifetime operating cost	LCC		
Non-display Doors, Motorized, Low Temperature (NO.L) Connected to a Baseline Refrigeration System						
0	7,120	495	3,244	10,364	0.0	8.7
1	7,240	362	2,376	9,615	0.9	8.7
2	7,367	253	1,663	9,029	1.0	8.7
3	7,688	223	1,466	9,154	2.1	8.7
Connected to a Max Tech Refrigeration System						
0	7,102	480	3,146	10,248	0.0	8.7
1	7,233	341	2,237	9,470	0.9	8.7
2	7,363	237	1,558	8,921	1.1	8.7
3	7,688	210	1,381	9,069	2.2	8.7

TABLE II.18—AVERAGE LCC AND PBP RESULTS FOR MOTORIZED NON-DISPLAY DOORS—Continued

TSL	Average costs (2023\$)				Simple payback period (yrs)	Average lifetime (yrs)
	Installed cost	First year's operation cost	Lifetime operating cost	LCC		
Non-display Doors, Motorized, Medium Temperature (NO.M) Connected to a Baseline Refrigeration System						
0	7,333	91	597	7,930	0.0	8.8
1	7,377	66	436	7,813	1.8	8.8
2	7,435	50	331	7,767	2.5	8.8
3	7,704	45	298	8,002	8.1	8.8
Connected to a Max Tech Refrigeration System						
0	7,059	151	992	8,051	0.0	8.8
1	7,190	81	536	7,727	1.9	8.8
2	7,307	56	373	7,679	2.6	8.8
3	7,704	50	333	8,037	6.4	8.8

Note: The results for each TSL are calculated assuming that all consumers use equipment at that efficiency level. The PBP is measured relative to the baseline equipment.

TABLE II.19—LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR MANUAL NON-DISPLAY DOORS

TSL	% Consumers with net cost	Average savings— impacted consumers (2023\$)
Non-display Doors, Motorized, Low Temperature (NO.L) <i>Connected to a Baseline Refrigeration System</i>		
1	0	819
2	0	1,417
3	2	1,291
<i>Connected to a Max Tech Refrigeration System</i>		
1	0	778
2	0	1,326
3	2	1,179
Non-display Doors, Motorized, Medium Temperature (NO.M) <i>Connected to a Baseline Refrigeration System</i>		
1	1	349
2	3	424
3	42	77
<i>Connected to a Max Tech Refrigeration System</i>		
1	1	324
2	4	372
3	51	14

Note: The savings represent the average LCC for affected consumers.

2. National Impacts Analysis

This section presents DOE's estimates of the changes in national energy savings ("NES") and the net present value ("NPV") of consumer benefits that would result from each of the TSLs as potential amended standards for the equipment under consideration in this NODA. For this NODA, DOE maintained the methodologies and modeling assumptions that were used in the 2023 September NOPR. For brevity the NIA

results are presented here by equipment category (*i.e.*, refrigeration systems), the results for each equipment class can be found in section 6 of the NODA support document.

The detailed description of how DOE calculates its national impacts can be found in chapter 10 and associated appendices of the September 2023 NOPR TSD.

a. Non-Display Doors

As discussed in the September 2023 NOPR, the energy savings from improved insulation or reduced heat infiltration would be realized as reduced load on the attached refrigeration systems; however, for the purpose of reporting, these energy savings are attributed to the individual door in question. 88 FR 60746, 60788. For this NODA, when determining the NES and NPV of consumer benefits of

each TSL DOE bounds the range of potential costs and benefits for non-display doors when they are connected to max-tech refrigeration systems (the low bound), and baseline refrigeration systems (the high bound). These results are shown in table II.21 and table II.23.

b. Significance of Energy Savings

To estimate the energy savings attributable to potential amended standards for walk-in refrigeration systems, DOE compared their energy consumption under the no-new-standards case to their anticipated energy consumption under each TSL. The savings are measured over the entire lifetime of equipment purchased

in the 30-year period that begins in the year of anticipated compliance with amended standards (2027–2056). Table II.20 and table II.21 present DOE's projections of the NES for each TSL considered for walk-in refrigeration systems shown in section II.B. The savings were calculated using the approach described in chapter 10 of the September 2023 NOPR TSD.²²

TABLE II.20—CUMULATIVE FULL-FUEL CYCLE NATIONAL ENERGY SAVINGS FOR WALK-IN COOLERS AND FREEZER REFRIGERATION SYSTEMS (QUADS); 30 YEARS OF SHIPMENTS
[2027–2056]

	Trial standard level		
	1	2	3
	(quads)		
Primary energy	0.86	1.11	3.51
FFC energy	0.89	1.14	3.61

TABLE II.21—CUMULATIVE FULL-FUEL CYCLE NATIONAL ENERGY SAVINGS FOR WALK-IN COOLERS AND FREEZERS: NON-DISPLAY DOORS (QUADS); 30 YEARS OF SHIPMENTS
[2027–2056]

	Trial standard level		
	1	2	3
	(quads)		
Primary energy	0.27 to 0.28	0.58 to 0.61	0.65 to 0.70
FFC energy	0.28 to 0.29	0.59 to 0.63	0.67 to 0.72

c. Net Present Value of Consumer Costs and Benefits

DOE estimated the cumulative NPV of the total costs and savings for consumers that would result from the

TSLs considered for walk-in refrigeration systems. In accordance with the Office of Management and Budget's guidelines on regulatory analysis,²³ DOE calculated NPV using both a 7-percent and a 3-percent real

discount rate. Table II.22 and table II.23 show the consumer NPV results with impacts counted over the lifetime of walk-in coolers and freezers refrigeration systems and non-display doors purchased in 2027–2056.

TABLE II.22—CUMULATIVE NET PRESENT VALUE OF CONSUMER BENEFITS FOR WALK-IN COOLERS AND FREEZERS REFRIGERATION SYSTEMS; 30 YEARS OF SHIPMENTS
[2027–2056]

Discount rate	Trial standard level		
	1	2	3
	(billion 2023\$)		
3 percent	1.53	1.57	– 25.45
7 percent	0.64	0.62	– 13.15

²² See: www.regulations.gov/document/EERE-2017-BT-STD-0009-0046.

²³ U.S. Office of Management and Budget. Circular A–4: Regulatory Analysis. September 17, 2003. www.whitehouse.gov/wp-content/uploads/

[legacy_drupal_files/omb/circulars/A4/a-4.pdf](https://www.omb.eop.gov/circulars/A4/a-4.pdf) (last accessed April 26, 2023).

TABLE II.23—CUMULATIVE NET PRESENT VALUE OF CONSUMER BENEFITS FOR WALK-IN COOLERS AND FREEZERS: NON-DISPLAY DOORS; 30 YEARS OF SHIPMENTS
[2027–2056]

Discount rate	Trial standard level		
	1	2	3
	(billion 2022\$)		
3 percent	0.78 to 0.83	1.57 to 1.72	–0.43 to –0.24
7 percent	0.35 to 0.37	0.69 to 0.76	–0.43 to –0.35

D. Updated Equations for Proposed Standards

1. Energy Consumption Equations for Non-Display Doors

In the September 2023 NOPR, DOE proposed amended energy conservation

standards for walk-in non-display doors at TSL 2 from the NOPR analysis. 88 FR 60746, 60748. Table II.24 presents updated MDEC curves for the affected equipment classes at the same trial standard level proposed in the

September 2023 NOPR using the updated analysis presented in this NODA.

TABLE II.24—CHANGES TO ENERGY CONSERVATION STANDARDS FOR WALK-IN NON-DISPLAY DOORS PROPOSED IN THE SEPTEMBER 2023 NOPR

Equipment class	TSL 2 NOPR equations for MDEC (kWh/day) *	TSL 2 NODA equations for MDEC (kWh/day) *
Non-Display Door, Manual, Medium Temperature	$0.01 \times A_{nd} + 0.25$	$0.01 \times A_{nd} + 0.25 + 0.33a + 0.25b + 0.07c + 0.24d$.
Non-Display Door, Manual, Low Temperature	$0.06 \times A_{nd} + 1.32$	$0.06 \times A_{nd} + 1.35 + 0.40a + 1.42b + 0.09c + 0.30d + 0.85e$.
Non-Display Door, Motorized, Medium Temperature	$0.01 \times A_{nd} + 0.39$	$0.01 \times A_{nd} + 0.39 + 0.33a + 0.25b + 0.07c + 0.24d$.
Non-Display Door, Motorized, Low Temperature	$0.05 \times A_{nd} + 1.56$	$0.05 \times A_{nd} + 1.59 + 0.40a + 1.42b + 0.09c + 0.30d + 0.85e$.

A_{nd} represents the surface area of the non-display door.

a = 1 for a door with lighting and = 0 for a door without lighting.

b = 1 for a door with a heated viewport window and = 0 for a door without a heated viewport window.

c = 1 for a door with a digital temperature display without alarms and = 0 for a door without a digital display without alarms.

d = 1 for a door with a digital temperature display with alarms and = 0 for a door without a digital temperature display with alarms.

e = 1 for a door with a heated pressure relief vent and = 0 for a door without a heated pressure relief vent.

2. AWEF2 Equations

In the September 2023 NOPR, DOE proposed amended energy conservation standards for walk-in refrigeration system equipment at TSL 2 from the NOPR analysis. 88 FR 60746, 60748. The equations for the proposed amended energy conservation standards for dedicated condensing units and single-packaged dedicated systems generally followed the trends of the TSL 2 levels determined for the analyzed representative capacities. For unit coolers, DOE proposed energy conservation standards that do not vary with capacity.

AHRI and Hussmann commented on the proposed energy conservation standards for unit coolers by providing plots for medium- and low-temperature unit coolers showing that DOE proposed AWEF2 standards equations that resulted in AWEF2 values above the AWEF2 values determined for EL 2 (*i.e.*, the max-tech efficiency level) for certain representative capacities. (AHRI, No. 72

at pp. 4–5; Hussmann, No. 75 at pp. 2–3)

DOE notes that it proposed unit cooler standards that do not depend on capacity, averaging the proposed TSL 2 efficiency levels of the representative capacities within each unit cooler class. Thus, the proposed standard levels at higher representative capacities were above the max-tech efficiency levels determined for those capacities. DOE analyzed the unit cooler performance database to determine if the proposed standards for medium- and low-temperature were technologically feasible. DOE was able to identify low-temperature unit cooler models above the standard level proposed in the September 2023 NOPR across the full range of capacities analyzed. Therefore, DOE has tentatively concluded that the AWEF2 standard proposed in the September 2023 NOPR for low-temperature unit coolers is technologically feasible. DOE was unable to identify medium-temperature unit cooler models at efficiency levels at or above the standard level proposed in

the September 2023 NOPR at certain capacities. Therefore, DOE has revised the medium-temperature unit cooler standard equation proposed in the September 2023 NOPR such that it never exceeds the maximum technology level identified in the unit cooler performance database for given capacity ranges. Revised medium-temperature unit cooler standard equations are presented in section 7 of the NODA support document.

In the September 2023 NOPR, DOE proposed an AWEF2 standard level for medium-temperature outdoor single-packaged dedicated systems of 7.11 for models with capacities greater than or equal to 9 kBtu/h. 88 FR 60746, 60853. In response to the September 2023 NOPR, the Efficiency Advocates commented that DOE's proposed AWEF2 standard of 7.11 corresponds to EL 1 for 9 kBtu/h medium-temperature outdoor single-packaged dedicated systems even though table IV.26 in the September 2023 NOPR maps TSL 2 to EL 3 (Efficiency Advocates, No. 77 at p. 6). DOE acknowledges that table IV.26

in the September 2023 NOPR maps TSL 2 for 9 kBtu/h medium-temperature single-packaged outdoor dedicated systems to EL 3, which has an AWEF2 of 7.5. 88 FR 60746, 60787.

Additionally, table 5A.5.21 in appendix 5A in the September 2023 NOPR TSD specifies that EL 3 of the 9 kBtu/h medium-temperature outdoor single-packaged dedicated systems (SP.M.O.009) corresponds to an AWEF2 of 7.5. However, the proposed standard level for medium-temperature outdoor single-packaged dedicated systems was erroneously set based on an AWEF2 of 7.11 for the representative capacity of 9 kBtu/h. DOE has corrected this in table 7.1 of the NODA Support Document.

Section 7 of the NODA Support Document presents updated AWEF2 calculations for refrigeration system equipment classes at the trial standards levels presented in this NODA.

III. Public Participation

DOE requests comment on the updated efficiency levels, incremental MPCs, LCC, PBP, and NIA results for walk-in refrigeration systems presented in the NODA. As noted in the September 2023 NOPR, DOE may adopt energy efficiency levels that are either higher or lower than the proposed standards, or some combination of level(s) that incorporate the proposed standards in part.

DOE will accept comments, data, and information regarding this NODA no later than the date provided in the **DATES** section at the beginning of this document. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via www.regulations.gov. The www.regulations.gov web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want

to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to www.regulations.gov information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (“CBI”). Comments submitted through www.regulations.gov cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through www.regulations.gov before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that www.regulations.gov provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or postal mail.

Comments and documents submitted via email, hand delivery/courier, or postal mail also will be posted to www.regulations.gov. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No telefacsimiles (“faxes”) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, that are written in English, and that are free of any defects or viruses.

Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters’ names compiled into one or more PDFs. This reduces comment processing and posting time.

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.

It is DOE’s policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

IV. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notification of data availability and request for comment.

Signing Authority

This document of the Department of Energy was signed on March 11, 2024, by Jeffrey Marootian, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable 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 March 11, 2024.

Treena V. Garrett,

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

[FR Doc. 2024-05462 Filed 3-13-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No.: FAA-2024-0159; Notice No. 24-10]

RIN 2120-AL87

Disclosure of Safety Critical Information; Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM); Extension of comment period.

SUMMARY: This action extends the comment period for the NPRM titled “Disclosure of Safety Critical Information” that was published on January 25, 2024. In that document, the FAA proposed the implementation of certain mandates in the Aircraft Certification, Safety, and Accountability Act of 2020 by requiring applicants for, and holders of, new and amended transport category airplane type certificates to submit, and subsequently continue to disclose, certain safety critical information to the FAA. The FAA also proposed a requirement for all applicants for type certificates, including new, amended, and supplemental type certificates, to submit a proposed certification plan to the FAA. The FAA is extending the comment period closing date, on request, to allow commenters additional time to analyze the proposed rule and prepare a response.

DATES: The comment period for the NPRM published on January 25, 2024, at 89 FR 4841, is extended. Comments should be received on or before May 9, 2024.

ADDRESSES: Send comments identified by docket number FAA-2024-0159 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12-140, West

Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202-493-2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Susan McCormick, Systems Standards, Product Policy Management, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, 26805 East 68th Ave., Denver, CO 80249-6339; telephone (206) 231-3242; email susan.mccormick@faa.gov.

SUPPLEMENTARY INFORMATION:

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the

closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The agency may change this proposal in light of the comments it receives.

B. Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA), 5 U.S.C. 552, CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

C. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the internet by—

1. Searching the Federal eRulemaking Portal at www.regulations.gov;
2. Visiting the FAA’s Regulations and Policies web page at www.faa.gov/regulations_policies/; or
3. Accessing the Government Printing Office’s web page at www.GovInfo.com.

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267-9680. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the internet through the Federal eRulemaking Portal referenced in item (1) above.

Background

On January 25, 2024, the FAA published a NPRM titled “Disclosure of

Safety Critical Information” in the **Federal Register** (89 FR 4841; Notice No. 24–10). In that document, the FAA proposed the implementation of certain mandates in the Aircraft Certification, Safety, and Accountability Act of 2020 by requiring applicants for, and holders of, new and amended transport category airplane type certificates to submit, and subsequently continue to disclose, certain safety critical information to the FAA. The FAA also proposed a requirement for all applicants for type certificates, including new, amended, and supplemental type certificates, to submit a proposed certification plan to the FAA. Commenters were instructed in the NPRM to provide comments on or before March 25, 2024 (*i.e.*, 60 days from the date of publication of the NPRM).

Since publication of the NPRM, the FAA has received a joint request from the Aerospace Industries Association (AIA) and the General Aviation Manufacturers Association (GAMA) to extend the comment period by an additional ninety (90) days. These organizations requested more time to review the proposed rule, develop comments and recommendations, and coordinate those comments among their stakeholders which include a broad range of manufacturers.¹

Extension of Comment Period

The FAA has reviewed, and partially grants, the request for an extension of the comment period. The FAA recognizes the importance of the proposed rule, and that an extension would help commenters craft complete and thoughtful responses. However, the FAA finds that an additional forty-five (45) days will provide sufficient opportunity to review the NPRM and provide comments.

Accordingly, the comment period for Notice No. 24–10 is extended by forty-five (45) days and will now close on May 9, 2024.

This will provide the public with a total of one hundred and five (105) days to conduct its review and submit comments to the docket. The FAA does not intend to approve additional requests to further extend the comment period for this rulemaking.

Issued under authority provided by 5 U.S.C. 553(c), and 49 U.S.C. 106(f) and 44701, in Washington, DC.

Brandon Roberts,

Executive Director, Office of Rulemaking.

[FR Doc. 2024–05400 Filed 3–13–24; 8:45 am]

BILLING CODE 4910–13–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

20 CFR Part 901

[REG–127915–17]

RIN 1545–BQ30

Regulations for Continuing Professional Education Requirements of the Joint Board for the Enrollment of Actuaries

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Proposed rule.

SUMMARY: This document sets forth proposed regulations that would amend the continuing professional education requirements for actuaries enrolled by the Joint Board for the Enrollment of Actuaries (Joint Board). These proposed regulations would remove the physical presence requirement for formal continuing professional education programs required for active enrolled actuaries and the physical location requirement from course certifications. These proposed regulations also would modify the continuing professional education requirement for certain actuaries who seek to return to active enrollment from inactive status due to their failure to timely satisfy the renewal requirements in the first enrollment cycle after their initial enrollment cycle. Finally, the proposed regulations would add a requirement that certificates of instruction for continuing professional education courses include the number of hours counted towards the required number of hours for formal programs. These proposed regulations solely address the enrollment rules of the Joint Board and do not affect pension plans, plan participants, or the general public.

DATES: Written or electronic comments and requests for a public hearing must be received by April 15, 2024.

ADDRESSES: Commenters are strongly encouraged to submit public comments electronically. Submit electronic submissions via the Federal eRulemaking Portal at www.regulations.gov (indicate IRS and REG–127915–17) by following the online instructions for submitting comments. Requests for a public hearing must be submitted as prescribed in the “Comments and Requests for a Public Hearing” section. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. Because the Joint Board’s Executive Director office is within the IRS Return Preparer Office, the Department of the Treasury (the Treasury Department) and the

Internal Revenue Service (IRS) will publish for public availability any comment, whether submitted electronically or on paper, to its public docket. The Treasury Department and the IRS are collecting comments on behalf of the Joint Board. Send paper submissions to: CC:PA:01:PR (REG–127915–17), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT:

Thomas Curtin, Executive Director, Joint Board for the Enrollment of Actuaries at (202) 317–3559; concerning submission of comments, the public hearing, and the access code to attend the hearing by telephone, Vivian Hayes at (202) 317–6901 (not toll-free numbers) or publichearings@IRS.gov (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document sets forth proposed amendments to 20 CFR part 901 under section 3042 of the Employee Retirement Income Security Act of 1974 (88 Stat. 829), Public Law 93–406 (ERISA). Section 3042 of ERISA provides that the Joint Board shall, by regulations, establish reasonable standards and qualifications for persons performing actuarial services with respect to plans to which ERISA applies and, upon application by any individual, will enroll such individual if the Joint Board finds that such individual satisfies such standards and qualifications. The Joint Board’s Executive Director and staff are located within the IRS’s Return Preparer Office, and, accordingly, the Treasury Department and the IRS are assisting with the drafting of these proposed regulations.

Section 901.11 of the Joint Board regulations provides enrollment procedures for the Joint Board, including continuing professional education requirements for enrolled actuaries. Section 901.11(d) provides that, to maintain active enrollment to perform actuarial services under ERISA, each enrolled actuary is required to periodically renew enrollment. Pursuant to section 901.11(d)(1), the process for renewing enrollment as an enrolled actuary with the Joint Board occurs on a three-year cycle. Part of the renewal process includes a certification that the actuary satisfied a continuing professional education requirement. Pursuant to section 901.11(e)(2)(i), 36 hours of continuing professional education credits are required within the three-year cycle for every enrolled

¹ The request is in the docket.

actuary. For newly enrolled actuaries, however, the 36-hour requirement is reduced pursuant to section 901.11(e)(2)(ii) or (iii) depending on the particular year of the three-year cycle in which the actuary enrolled. Under these rules, those who initially enroll during the first year of an enrollment cycle must complete 24 hours of continuing professional education; those who enroll during the second year of an enrollment cycle must complete 12 hours of continuing professional education; and those who enroll during the third year of an enrollment cycle are exempt from the continuing professional education requirements until the next enrollment cycle.

Pursuant to section 901.11(f)(1), in order to earn their required continuing professional education credits, enrolled actuaries must attend qualifying programs (as defined in section 901.11(f)(2)) conducted by qualifying sponsors (as defined in section 901.11(f)(3)) and at least a third of the credits must be earned by attending a formal program (as defined in section 901.11(f)(2)(ii)). Formal programs under section 901.11(f)(2) are required to include an in-person element, and special rules apply depending on whether the enrolled actuary is participating in the program as a participant or as an instructor (physical presence requirement). A program participant must simultaneously participate in the program in the same physical location with at least two other participants engaged in substantive pension service, and the participants must have the opportunity to interact with a qualified individual who serves as an instructor (whether or not in the same physical location). Instructors, however, must be in the physical presence of at least three other individuals engaged in substantive pension service.

Section 901.11(f)(3) defines qualifying sponsors as organizations recognized by the Executive Director of the Joint Board whose programs offer opportunities for continuing professional education. Pursuant to section 901.11(f)(3)(iv), upon verification of successful completion of a qualifying program, the program's qualifying sponsor must furnish each individual who successfully completed the qualifying program with a certificate listing certain information, including the location of the program. Section 901.11(f)(3)(v) further requires that the program's qualifying sponsor must furnish to each instructor, discussion leader, or speaker a certificate listing certain information, including the location of the program.

An actuary who fails to timely satisfy the requirements for renewal of enrollment is placed in inactive status pursuant to section 901.11(l)(4). Section 901.11(l)(7)(i) specifies the continuing professional education requirements for actuaries who seek to return to active enrollment after being placed in inactive status. Currently, under section 901.11(l)(7), all actuaries in their first inactive enrollment cycle, including newly enrolled actuaries, must complete 36 hours of qualifying continuing professional education in order to return to active status. That is, section 901.11(l)(7)(i) disregards the special rules under section 901.11(e)(2)(ii) or (iii) that prorate the number of hours of continuing professional education required for newly enrolled actuaries based on the year of their initial enrollment.

Prior to the commencement of the COVID-19 pandemic, some interested parties had sent comments to the Joint Board expressing the view that the physical presence requirement is outdated and imposes a burden on actuaries who are unable, for health, safety, or other reasons, to meet the physical presence requirement. Once the COVID-19 pandemic commenced, qualifying sponsors were prevented from conducting in-person continuing professional education programs. As a result, and consistent with its waiver authority under section 901.11(k), the Joint Board announced in August of 2020, via a news release (IR-2020-177, August 10, 2020), and notified all enrolled actuaries and qualifying sponsors, that the Joint Board was waiving the physical presence requirement for continuing professional education programs through the end of the enrollment cycle ending on December 31, 2022. The Joint Board announced in March of 2024, and notified all enrolled actuaries and qualifying sponsors, that the waiver was being extended. The extended waiver applies to continuing professional education credits earned for programs held during the period from January 1, 2023, through the date that is 30 days after the publication of the Treasury decision finalizing these proposed regulations.

Explanation of Provisions

A. Modification of Definition of Formal Program

This document sets forth proposed regulations that would amend section 901.11 of the Joint Board regulations to remove the physical presence requirement from the definition of a formal program. After considering the

input of interested parties and taking into account the successful operation of the continuing professional education programs that were conducted during the COVID-19 pandemic in 2020, 2021, and 2022 without a physical presence requirement, the Joint Board is proposing to permanently eliminate the physical presence requirement for formal continuing professional education programs for active enrolled actuaries and also to permit educational materials to be delivered in an electronic format.

In eliminating the physical presence requirement, these proposed regulations would remove the requirement that the instructor of a qualifying program be in the physical presence of the program participants in order for the instructor to receive formal credit and the requirement that a program participant be in the same physical location as other program participants in order for the participant to receive formal credit. These proposed regulations would retain the requirement that the participants have an opportunity for real-time interaction with an instructor to receive formal credit. These proposed regulations would further provide that any materials (for example, outlines, or textbooks) for the qualifying program still need to be written and made available to the participant, but need not be provided in physical paper-based form; rather, they could be provided by any other mode of conveying written educational material.

B. Amendment to the Additional Continuing Professional Education Requirement for Return to Active Enrollment From Inactive Status

These proposed regulations would change the requirement in section 901.11(l)(7)(i) that an enrolled actuary who fails to satisfy the renewal requirements by the deadline set forth in section 901.11(d) must complete 36 hours of continuing professional education, if the failure to timely renew is for the enrollment cycle immediately following the actuary's initial enrollment cycle. Specifically, these proposed regulations would add an exception to the rule regarding the number of continuing professional education hours required to renew enrollment in this case. Under this exception, actuaries who fail to timely renew their enrollment for the enrollment cycle immediately following their initial enrollment cycle could adjust the requirement to complete 36 hours of continuing professional education based on the year of the prior cycle in which they initially enrolled pursuant to section 901.11(e)(2)(ii) or

(iii). These proposed regulations provide an example that illustrates the proposed change to the rule.

C. Amendment to the Information Requirement for Certificates of Completion and Certificates of Instruction

These proposed regulations would eliminate the requirement that a certificate of completion and a certificate of instruction list the location of the training. These proposed regulations would also add a requirement that the certificate of instruction include the number of hours that are counted toward the formal program requirement in section 901.11(g)(2).

Effective Date

The regulations will not become effective until the date that is 30 days after the date of publication in the **Federal Register** of the Treasury decision finalizing these proposed regulations. For a course conducted on or after January 1, 2023, but prior to the date that is 30 days after the date the final regulations are published in the **Federal Register**, the March 2024 waiver described in the Background section of this preamble will apply with respect to the physical presence requirement.

Special Analyses

It is hereby certified that these regulations would not have a significant economic impact on a substantial number of small entities within the meaning of section 601(6) of the Regulatory Flexibility Act (5 U.S.C. chapter 6). The Joint Board believes that these proposed changes would primarily affect individual actuaries enrolled by the Joint Board and providers of their educational programs. These amendments would update the regulations in light of the workplace technology (including newly developed technology for delivering education and educational materials) that became more prevalent in response to the COVID-19 pandemic and that continues to develop in ways that make the physical presence requirement unnecessary. In addition, these amendments to the regulations would revise the continuing professional education requirements for actuaries returning from inactive status and provide an exception to the 36-hour continuing professional education requirement for recently enrolled actuaries who fail to timely satisfy the requirements for renewal of enrollment. Notwithstanding this certification, the Joint Board invites comments from the

public about the impact of these proposed regulations on small entities.

This rule has been designated as not significant for purposes of Executive Order 12866, as amended.

Paperwork Reduction Act

Any collection of information under these proposed regulations has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1545-0951. The regulations (20 CFR 901) require that records be kept that verify satisfaction of requirements and requirements for certificates of completion of continuing education. It is estimated that this recordkeeping will take .25 hours and that there are 4,100 recordkeepers annually for a total of 1,000 burden hours. Comments concerning the collection of information and the accuracy of estimated average annual burden and suggestions for reducing this burden should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, IRS Reports Clearance Officer, SE:W:CAR:MP:T:T:SP, Washington, DC 20224. Comments on the burden associated with this collection of information must be received by May 13, 2024.

Comments and Requests for a Public Hearing

Before these proposed amendments to the regulations are adopted as final regulations, consideration will be given to comments that are submitted timely to the Joint Board as prescribed in the preamble under the **ADDRESSES** section. The Joint Board requests comments on all aspects of these proposed regulations. Any comments submitted will be made available at www.regulations.gov or upon request.

A public hearing will be scheduled if requested in writing by any person who timely submits electronic or written comments. Requests for a public hearing are also encouraged to be made electronically by sending an email to publichearings@irs.gov. If a public hearing is scheduled, notice of the date and time for the public hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is Tom Morgan of the Office of Associate Chief Counsel (Employee Benefits, Exempt Organizations, and Employment Taxes). Other personnel

from the Treasury Department, the IRS, and the Joint Board also participated in the development of these regulations.

List of Subjects in 20 CFR Part 901

Regulations governing the performance of actuarial services under the Employee Retirement Income Security Act of 1974.

Proposed Amendments to the Regulations

Accordingly, 20 CFR part 901 is proposed to be amended as follows:

PART 901—REGULATIONS GOVERNING THE PERFORMANCE OF ACTUARIAL SERVICES UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

■ **Paragraph 1.** The authority citation for part 901 continues to read as follows:

Authority: Sec. 3042, subtitle C, title 3, Employee Retirement Income Security Act of 1974. (88 Stat. 1002, 29 U.S.C. 1241, 1242)
* * *

■ **Par. 2.** Section 901.11 is amended by:

- 1. Revising paragraphs (f)(2)(i)(D) and (f)(2)(ii)(A);
- 2. In paragraph (f)(2)(ii)(B), by removing “and the instructor is in the physical presence of at least three other individuals”;
- 3. In paragraph (f)(3)(iv)(C), by removing “, location,”;
- 4. In paragraph (f)(3)(v)(C), by removing “and location”;
- 5. Revising paragraph (f)(3)(v)(F);
- 6. Revising paragraph (l)(7)(i); and
- 7. Revising paragraph (o).

The revisions read as follows:

§ 901.11 Enrollment procedures.

* * * * *

(f) * * *

(2) * * *

(i) * * *

(D) Includes outlines, textbooks, and other written educational material;

* * * * *

(ii) * * *

(A) *Participants.* Formal programs are programs that meet all of the requirements of this paragraph (f)(2)(ii) and paragraph (f)(2)(i) of this section. Whether a program qualifies as a formal program is determined on a participant-by-participant basis. A qualifying program qualifies as a formal program with respect to a participant if the participant has the opportunity for real-time interaction with another individual qualified with respect to the course content who serves as an instructor, and at least three individuals engaged in substantive pension service simultaneously participate in the

program in addition to the instructor. A qualifying program that is pre-recorded will qualify as a formal program with respect to a participant if the participant has the opportunity for real-time interaction immediately after the pre-recorded program with a qualified individual who serves as the instructor or discussion leader and is available to answer questions, and at least three individuals engaged in substantive pension service simultaneously participate in the entire program (including the discussion time immediately following the pre-recorded program) in addition to the instructor or discussion leader.

* * * * *

(3) * * *

(v) * * *

(F) Whether or not the program is a formal program with respect to the instructor and the number of hours counted toward the formal program requirement.

* * * * *

(l) * * *

(7) * * *

(i) During the first inactive enrollment cycle, 36 hours of qualifying continuing professional education as set forth in paragraph (e)(2) of this section, without regard to the reduction in hours provided to newly enrolled actuaries set forth in paragraph (e)(2)(ii) or (e)(2)(iii) of this section must be completed, except with regard to actuaries whose first inactive cycle immediately follows the initial enrollment cycle, in which case, paragraph (e)(2)(ii) or (e)(2)(iii) of this section may be applied. Any hours of continuing professional education credit earned during the immediately prior enrollment cycle may be applied in satisfying this requirement.

* * * * *

(o) Examples. The following examples illustrate the application of the rules of paragraph (l)(7) of this section and the effective date of an enrolled actuary's renewal:

(1) *Example 1.* Individual E, who was initially enrolled before January 1, 2008, completes 12 hours of core continuing professional education credit and 24 hours of non-core continuing professional education credit between January 1, 2011, and December 31, 2013. E files a complete application for reenrollment on February 28, 2014. E's reenrollment is effective as of April 1, 2014.

(2) *Example 2.* Individual F, who was initially enrolled before January 1, 2008, also completes 12 hours of core continuing professional education credit and 24 hours of non-core continuing professional education credit between

January 1, 2011, and December 31, 2013. However, F does not file an application for reenrollment until March 20, 2014. The Joint Board notifies F that it has granted F's application on June 25, 2014. Accordingly, effective April 1, 2014, F is placed on the roster of inactive enrolled actuaries. F returns to active status as of June 25, 2014. F is ineligible to perform pension actuarial services as an enrolled actuary under ERISA and the Internal Revenue Code from April 1 through June 24, 2014.

(3) *Example 3.* Individual G, who was initially enrolled before January 1, 2008, completes only 8 hours of core continuing professional education credit and 24 hours of non-core continuing professional education credit between January 1, 2011, and December 31, 2013. G completes another 6 hours of core continuing professional education on January 15, 2014, and files an application for return to active status on January 20, 2014. G's application shows the timely completion of 32 hours of continuing professional education plus the additional 4 hours of continuing professional education earned after the end of the enrollment cycle. The Joint Board notifies G that it has granted the application on April 20, 2014.

Accordingly, effective April 1, 2014, G is placed on the roster of inactive enrolled actuaries. G returns to active status as of April 20, 2014. G is ineligible to perform pension actuarial services as an enrolled actuary under ERISA and the Internal Revenue Code from April 1 through April 19, 2014. Of the 6 hours of continuing professional education earned by G on January 15, 2014, only 2 hours may be applied to the enrollment cycle that ends December 31, 2016.

(4) *Example 4.* (i) Individual H, who was initially enrolled before January 1, 2008, completes 5 hours of core continuing professional education credit and 10 hours of non-core continuing professional education credit between January 1, 2011, and December 31, 2013. Accordingly, effective April 1, 2014, H is placed on the roster of inactive enrolled actuaries and is ineligible to perform pension actuarial services as an enrolled actuary under ERISA and the Internal Revenue Code.

(ii) H completes 7 hours of core continuing professional education credit and 14 hours of non-core continuing professional education credit between January 1, 2014, and May 24, 2016. Because H has completed 12 hours of core continuing professional education and 24 hours of non-core continuing professional education during the last active enrollment period and the initial period when on inactive status, H has

satisfied the requirements for reenrollment during the first inactive cycle. Accordingly, H may file an application for return to active enrollment on May 24, 2016. If this application is approved, H will be eligible to perform pension actuarial services as an enrolled actuary under ERISA and the Internal Revenue Code, effective with the date of such approval.

(iii) Because H used the 21 hours of continuing professional education credit earned after January 1, 2014, for return from inactive status, H may not apply any of these 21 hours of core and non-core continuing professional education credits towards the requirements for renewed enrollment effective April 1, 2017. Accordingly, H must complete an additional 36 hours of continuing professional education (12 core and 24 non-core) prior to December 31, 2016, to be eligible for renewed enrollment effective April 1, 2017.

(5) *Example 5.* (i) The facts are the same as in example 4 in paragraph (o)(4) of this section except H completes 2 hours of core continuing professional education credit and 8 hours of non-core continuing professional education credit between January 1, 2014, and December 31, 2016. Thus, because H did not fulfill the requirements for return to active status during his first inactive cycle, H must satisfy the requirements of paragraph (l)(7)(ii) of this section in order to return to active status.

(ii) Accordingly, in order to be eligible to file an application for return to active status on or before December 31, 2019, H must complete an additional 38 hours of continuing professional education credit (of which at least 14 hours must consist of core subject matter) between January 1, 2017, and December 31, 2019, and have 18 months of certified responsible pension actuarial experience during the period beginning on January 1, 2014.

(iii) Note that the 5 hours of core continuing professional education credit and the 10 hours of non-core continuing professional education credit that H completes between January 1, 2011, and December 31, 2013, are not counted toward H's return to active status and are also not taken into account toward the additional hours of continuing professional education credit that H must complete between January 1, 2017, and December 31, 2019, in order to apply for renewal of enrollment effective April 1, 2020.

(6) *Example 6.* (i) The facts are the same as in example 4 in paragraph (o)(4) of this section except H completes 2 hours of core continuing professional education credit and 8 hours of non-core continuing professional education

credit between January 1, 2014, and December 31, 2016, and 12 hours of core continuing professional education credit and 24 hours of non-core continuing professional education credit between January 1, 2017, and December 31, 2019. Thus, because H did not fulfill the requirements for return to active status during his first or second inactive cycles, H must satisfy the requirements of paragraph (l)(7)(iii) of this section in order to return to active status.

(ii) Accordingly, in order to be eligible to file an application for return to active status on or before December 31, 2022, H must complete an additional 24 hours of continuing professional education credit (of which, at least 8 hours must consist of core subject matter) between January 1, 2020 and December 31, 2022, and have at least 18 months of certified responsible pension actuarial experience during the period beginning on January 1, 2017.

(iii) Note that the total of 15 hours of continuing professional education credit that H completes between January 1, 2011, and December 31, 2013, as well as the 10 hours of continuing professional education credit between January 1, 2014, and December 31, 2016, are not counted toward H's return to active status and are not taken into account toward the additional hours of continuing professional education credit that H must complete between January 1, 2020, and December 31, 2022, in order to be eligible to file an application for renewal of enrollment active status effective April 1, 2023.

(7) *Example 7.* (i) Individual J, who was initially enrolled July 1, 2012, completes 1 hour of core continuing professional education credit and 2 hours of non-core continuing professional education credit between January 1, 2012, and December 31, 2013. Accordingly, effective April 1, 2014, J is placed on the roster of inactive enrolled actuaries and is ineligible to perform pension actuarial services as an enrolled actuary under ERISA and the Internal Revenue Code.

(ii) J completes 5 hours of core continuing professional education credit and 4 hours of non-core continuing professional education credit between January 1, 2014, and October 6, 2014. Because J did not complete the required 12 hours of continuing professional education (of which at least 6 hours must consist of core subject matter) during J's initial enrollment cycle, J is not eligible to file an application for a return to active enrollment on October 6, 2014, notwithstanding the fact that had J completed such hours between January 1, 2012, and December 31, 2013, J would have satisfied the requirements

for renewed enrollment effective April 1, 2014.

(iii) Accordingly, J must complete an additional 24 hours of continuing professional education (of which at least 12 hours must consist of core subject matter) during his/her first inactive enrollment cycle before applying for renewal of enrollment.

(8) *Example 8.* The facts are the same as in example 7 in paragraph (o)(7) of this section except that J completes 17 hours of core continuing professional education credit and 16 hours of non-core continuing professional education credit between January 1, 2014, and February 12, 2015. Accordingly, because as of February 12, 2015, J satisfied the continuing professional education requirements as set forth in paragraph (e)(2) of this section without regard to paragraph (e)(2)(ii) thereof, J may file an application for return to active enrollment status on February 12, 2015.

(9) *Example 9.* Individual K was initially enrolled on July 1, 2024, in the second year of the three-year enrollment cycle ending December 31, 2025. K satisfied all continuing professional education requirements during the cycle. K fails to timely file for renewal for the enrollment cycle beginning January 1, 2026, and instead files on May 1, 2026, which is after the March 1, 2026, deadline for filing to renew enrollment. Therefore, pursuant to paragraph (l)(4)(i) of this section, K is placed in inactive status. Under paragraph (e)(2)(ii) of this section, K, who was initially enrolled in the second year of an enrollment cycle, was required to complete 12 hours of continuing professional education in order to satisfy the continuing professional education requirement to renew after K's initial enrollment. Under paragraph (l)(7)(i) of this section, because K was placed on inactive status for the enrollment cycle immediately following K's initial enrollment cycle, K may apply the 12 hours of continuing professional education credits that K earned during the prior enrollment cycle for the purpose of returning to active status. K does not need to earn any additional continuing professional education credits in order to return to active status. Once K returns to active status for the enrollment cycle beginning on January 1, 2026, K will be required to earn the full 36 hours of continuing professional education credits during that cycle for renewal for

the enrollment cycle beginning January 1, 2029.

* * * * *

Chet Andrzejewski,

Chair, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2024–05240 Filed 3–13–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2024–0119]

RIN 1625–AA00

Safety Zone; Reoccurring Firework Displays Near Convention Center on the Mobile River, Mobile, AL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a safety zone for reoccurring firework displays on the Mobile River in the vicinity of the Arthur R. Outlaw Convention Center in Mobile, AL. The safety zone would be enforced only during the firework displays. Establishment of this safety zone is necessary to protect waterway users and vessels from potential hazards associated with these firework displays. This proposed rulemaking would prohibit entry into the safety zone during the firework displays unless authorized by the Captain of the Port Mobile (COTP), or a COTP designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before April 15, 2024.

ADDRESSES: You may submit comments identified by docket number USCG–2024–0119 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket USCG–2024–0119.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Lawrence J. Schad, Waterways Management, Sector Mobile, U.S. Coast Guard; telephone 251–382–8653, email SectorMobileWaterways@uscg.mil.

SUPPLEMENTARY INFORMATION:**I. Table of Abbreviations**

CFR Code of Federal Regulations
 COTP Captain of the Port
 DHS Department of Homeland Security
 FR Federal Register
 NPRM Notice of proposed rulemaking
 § Section
 U.S.C. United States Code

II. Background, Purpose, and Legal Basis

The Coast Guard receives numerous event applications for firework displays on the Mobile River, to be held in the vicinity of the Arthur R. Outlaw Convention Center in Mobile, AL. These displays are sponsored by multiple organizations and held sporadically throughout the year. Based on previous years, approximately five to ten displays are expected to be held on any given year. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The COTP has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within an area up to a 100-yard radius of the barge upon which the display occurs.

The purpose of this proposed rule is to ensure the safety of vessels, participants, and waterways users within a 100-yard radius of the fireworks barge immediately before, during, and after scheduled events. The method to announce the enforcement details of the safety zone will be made by marine broadcasts, local notice to mariners, local news media, distributions in leaflet form, or on scene oral notice as appropriate. The Coast Guard may also issue notices of enforcement in the **Federal Register** to announce the dates and times of the safety zone enforcement. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

III. Discussion of Proposed Rule

The COTP is proposing to establish a reoccurring safety zone covering all navigable waters within a 100-yard radius of barge-based firework displays on the Mobile River. The safety zone would be subject to enforcement for approximately one hour when a barge-based fireworks display is scheduled to occur. No person would be allowed within 100 yards of the fireworks barges immediately before, during, and immediately after firework displays. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the fireworks display. No vessel or person would be permitted to enter the

safety zone without obtaining permission from the COTP, or a COTP designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This NPRM has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic may be able to safely transit around this safety zone which would impact a small, 100-yard, designated area of the Mobile River for approximately one hour or less on an estimated five to ten days of the year. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section IV.A above, this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rulemaking would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires

Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the potential effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone that would prohibit entry within 100 yards of a fireworks barge for one hour periods, several times a year. Normally such actions are categorically excluded from further review under paragraph L(60)a of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this

document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision-Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2024–0119 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you click on the Dockets tab and then the proposed rule, you should see a “Subscribe” option for email alerts. The option will notify you when comments are posted, or a final rule is published.

We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 165.834 to read as follows:

§ 165.834 Safety Zone, Reoccurring Firework Displays near Convention Center on the Mobile River, Mobile, AL.

(a) **Location.** The following area is a safety zone: All navigable waters on the Mobile River 100 yards in all directions from any barges holding fireworks immediately before, during, and immediately after firework displays. The barges will generally be located in the Mobile River in the vicinity of the Arthur R. Outlaw Convention Center.

(b) **Regulations.** (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the Captain of the Port Sector Mobile (COTP) or the COTP’s designated representative.

(2) To seek permission to enter, contact the COTP or the COTP’s representative by VHF CH–16. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP’s designated representative.

(d) **Notification.** COTP will use all appropriate means to notify the public in advance of an event of the enforcement of this safety zone either by publishing a Notice of Enforcement in the **Federal Register** or through the local Notice to Mariners and Broadcast Notice to Mariners. Such notifications will include the date and times of enforcement, along with any pre-determined conditions of entry. Firework barges will also have a sign on their port and starboard side labeled “FIREWORKS—STAY AWAY”. This sign will consist of a ten inch high by one and half inch wide red lettering on a white background.

(e) **Enforcement period.** This rule will be enforced anytime immediately before, during, and immediately after a barge is conducting firework displays on the Mobile River. The Coast Guard anticipates that these safety zones will be enforced for a one hour duration for each display, between 7 p.m. and 1 a.m. The exact dates and times will be announced as described in paragraph (d) of this section.

Dated: March 8, 2024.

U.S. Mullins,

Captain, U.S. Coast Guard, Captain of the Port Sector Mobile.

[FR Doc. 2024–05422 Filed 3–13–24; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 03–123, 10–51; FCC 23–78; FR ID 206954]

Video Relay Service Compensation

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Communications Commission (FCC or Commission) seeks comment on amending its rules on compensation from the Telecommunications Relay Services (TRS) Fund for providers of Video Relay Service (VRS) to address a number of special situations. The Commission proposes to allow VRS providers additional compensation for responding to a consumer's justified request that a Deaf Interpreter be added to a call. The Commission believes that providing additional compensation for such calls will advance the statutory objective to make functionally equivalent TRS available. The Commission also seeks comment on whether the TRS Fund should support other methods of communication with eligible TRS users, such as cued language, as a specialized form of VRS; the routing of VRS calls to a Communication Assistant (CA) with a particular skill set or knowledge of a specific subject matter; calls between a VRS user who is deafblind and another VRS user; and, voice carry over (VCO) calls between a TRS user who is deafblind and a hearing user.

DATES: Comments are due April 15, 2024. Reply comments are due April 29, 2024.

ADDRESSES: You may submit comments, identified by CG Docket Nos. 03–123 and 10–51 by the following method:

Federal Communications Commission's website: <https://apps.fcc.gov/ecfs>. Follow the instructions for submitting comments.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Joshua Mendelsohn, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202–559–7304, or Joshua.Mendelsohn@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking, document FCC 23–78, adopted on September 22, 2023, released on September 28, 2023, in CG Docket Nos.

03–123 and 10–51. The full text of document FCC 23–78 is available for public inspection and copying via the Commission's Electronic Comment Filing System (ECFS).

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

Electronic Filers: Comments may be filed electronically using the internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.

Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20–304 (March 19, 2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418–0530.

Providing Accountability Through Transparency Act: The Providing Accountability Through Transparency Act, Public Law 118–9, requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule. The required summary of this Further Notice of Proposed Rulemaking is

available at <https://www.fcc.gov/proposed-rulemakings>.

Ex Parte Rules. This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules. 47 CFR 1.1200 *et seq.* Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b) of the Commission's rules. In proceedings governed by § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Synopsis

Background

Section 225 of the Communications Act of 1934, as amended (the Act), requires the Commission to ensure the availability of TRS to persons who are deaf, hard of hearing, or deafblind or who have speech disabilities, to the extent possible and in the most efficient manner. 47 U.S.C. 225(b)(1). *TRS* are defined as telephone transmission services enabling such persons to communicate by wire or radio in a

manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services. 47 U.S.C. 225(a)(3). VRS, a relay service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment, is supported entirely by the TRS Fund. VRS providers are compensated for the reasonable costs of providing VRS in accordance with payment formulas approved by the Commission.

Further Notice of Proposed Rulemaking

In document FCC 23–78, the Commission seeks further comment on whether, and under what circumstances, the Commission should provide additional compensation for specific types of specialized service identified by commenters, and how such compensation should be structured.

Deaf Interpreters. The Commission seeks comment on whether VRS providers should receive additional compensation for responding to a consumer's justified request that a Deaf Interpreter be added to a call. According to the Registry for Interpreters for the Deaf, Inc. (RID), a *Certified Deaf Interpreter* is a holder of a certification that the individual is deaf or hard of hearing, possesses native or near native fluency in American Sign Language (ASL), has demonstrated knowledge and understanding of interpreting, deafness, the deaf community, and deaf culture, and has specialized training or experience in the use of tools to enhance communication. RID adds that Certified Deaf Interpreters are recommended for assignments where an interpreter who is deaf or hard of hearing would be beneficial, such as when the communication mode of an individual who is deaf is so unique that it cannot be adequately accessed by interpreters who are hearing. The record indicates that such interpreters are sometimes needed on VRS calls to enable functionally equivalent communication in ASL. For example, a commenter states that Deaf Interpreters provide necessary support to consumers with limited English or ASL proficiency, or cognitive or motor disabilities. It is also apparent that providing a Deaf Interpreter adds significantly to the cost of handling a VRS call where such interpreters are required. The Commission therefore believes that providing additional compensation for such calls will advance the objective of section 225 to make functionally equivalent TRS

available. The Commission also believes such additional compensation can be implemented relatively efficiently, without adding administrative burdens disproportionate to the resulting benefits. The Commission seeks comment on its proposal and these underlying assumptions.

As a threshold matter, the Commission seeks comment on the extent to which Deaf Interpreters (whether “Certified” or not) are currently being used in VRS. What percentage of a VRS provider's calls and minutes involve the provision of such additional assistance? How often are Certified Deaf Interpreters requested, and how often are such requests granted? Is there evidence that VRS providers are failing to provide a Certified Deaf Interpreter when such assistance is warranted? If so, what concerns lead VRS providers to withhold such assistance—given that the Commission's allowable cost criteria do not exclude the costs of such assistance from allowable costs that may be subject to TRS Fund support?

If additional compensation is provided for the use of Certified Deaf Interpreters, what criteria should be applied to determine when such additional compensation is paid? Should the Commission adopt RID's description as a definition for *Certified Deaf Interpreter*? Should that definition be modified or supplemented with other pertinent information? Should the Commission require that persons providing such assistance be certified, and if so, what bodies should be deemed qualified to issue such certifications? How should the Commission define the occasions when a Certified Deaf Interpreter is needed for a VRS call? For example, should the Commission adopt a commenter's suggested criterion, authorizing additional compensation when a Certified Deaf Interpreter is needed to provide necessary support to consumers with limited English or ASL proficiency, or cognitive or motor disabilities, or should different or more specific criteria be applicable? The Commission also seeks comment on the costs of providing this additional service, and how additional compensation should be determined. What additional amount, if any, would be necessary to incentivize providers to make this service available when needed? Alternatively, should the provision of Certified Deaf Interpreters when needed be mandatory for all VRS providers? The Commission also seeks comment on any changes to the call detail reporting requirements that may be needed to facilitate reporting calls

that include Deaf Interpreters and to allow the TRS Fund administrator to validate those calls for compensation.

Interpreting Other Than ASL. The Commission also seeks comment on whether other methods of communication with eligible TRS users, such as cued language, should be authorized for compensation as a specialized form of VRS. How many people currently use cued language? To what extent could such a service be effectively offered by VRS providers, and what are the relevant additional costs that would be incurred to provide such a service? If authorized, how should the additional reasonable costs of such a service be determined for the purpose of setting an appropriate amount of additional compensation?

Skills-based Interpreting. The Commission further seeks comment on whether VRS providers should receive additional compensation for responding to a VRS user's request to have a call routed to a CA with particular skill sets—such as particular spoken-language abilities, interpreting, transliteration, and signing styles and skills, or knowledge of specific subject matters, such as medicine, law, or technology. To what extent would the provision of skills-based interpreting enable functionally equivalent communications? To what extent could such a service be effectively offered by VRS providers, and what are the relevant additional costs that would be incurred to provide such a service? Would costs vary depending on the type of skill set? How should the costs for differing skill sets be determined for setting an appropriate amount of additional compensation? How could the additional costs be verified?

If additional compensation is provided, what criteria should be applied to determine when such compensation is paid? What criteria should be met to determine that a CA has a particular skill set, and how should the Commission verify that such CAs provided such skills during a call? How should the Commission verify that the skills-based interpreting improved the call quality beyond what the user would have received from an interpreter without the identified skill set? The Commission also seeks comment on any changes to the call detail reporting requirements that may be needed to facilitate reporting calls that include skills-based interpreters and to allow the TRS Fund administrator to validate those calls for compensation.

Compensable Calls for VRS Users Who Are Deafblind. The Commission seeks comment on whether the TRS Fund should support calls between a

VRS user who is deafblind and another VRS user. Do such calls require the participation of a CA for functionally equivalent communication? The Commission believes that during such a call, the VRS user who is deafblind would be signing to the other VRS user on the call and would receive a typed communication from the CA of the signed communication from the other VRS user. What are the costs and benefits of allowing such calls to be compensable from the TRS Fund? What changes, if any, would need to be implemented to a VRS provider's platform, to the TRS Numbering database, and to call details records to allow such calls to be compensated when a CA is needed? Should the Compensation Additive for calls from individuals who are deafblind apply to such calls? Or should an alternative compensation rate be considered for such calls? What rules, if any, would need to be revised or adopted to permit such calls to be compensable?

Voice Carry Over Calls. The Commission also seeks comment on whether voice carry over (VCO) calls between a TRS user who is deafblind and a hearing user should be compensable from the TRS Fund. In such a call, where the individual who is deafblind is using their voice, rather than ASL, the role of the CA is limited to typing the voiced communications of the other party to the call. The Commission seeks comment on how to classify such calls within the TRS program. On its face, such a call does not seem to be classifiable as VRS because no party is using ASL or other form of sign language. Should such a call be classified as an internet Protocol Captioned Telephone Service (IP CTS) call or a VCO IP Relay call? What are the costs and benefits to finding such calls to be compensable? Would permitting such calls allow individuals who are deafblind that use ASL, their own voice, and Braille to complete all of their calls to hearing individuals on one TRS platform? Would it be an inefficient use of available VRS CAs, if no ASL is used on the call? Are there technological alternatives available on VRS platforms, such as voice-to-Real Time Text (RTT) or captioning using automatic speech recognition that would allow the other party to the call to have their voice transcribed and converted to braille without the presence of a VRS CA? If so, should such calls be considered point-to-point video calls on a VRS platform or should it be considered a compensable relay call, and if so, what compensation rate should apply to such calls?

Digital Equity and Inclusion. Finally, the Commission, as part of its continuing effort to advance digital equity for all, including people of color, persons with disabilities, persons who live in rural or Tribal areas, and others who are or have been historically underserved, marginalized, or adversely affected by persistent poverty or inequality, invites comment on any equity-related considerations and benefits (if any) that may be associated with the proposals and issues discussed. Specifically, the Commission seeks comment on how these proposals may promote or inhibit advances in diversity, equity, inclusion, and accessibility, as well the scope of the Commission's relevant legal authority.

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended, the Commission has prepared the Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this document. Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadline for comments provided in this document.

Need for, and Objective of, the Proposed Rules. Under section 225 of the Communications Act, as amended, the Commission is tasked with ensuring that TRS are available to the extent possible and in the most efficient manner to individuals with disabilities. The Commission seeks comment on additional compensation for VRS specialized services, including the use of Certified Deaf Interpreters, other methods of communications, such as cued speech, and skills-based interpreting. The Commission proposes adding an incentive per minute compensation amount to the compensation levels to provide these services and seeks comment on alternative approaches for providing additional compensation. The incentive would be added to the per-minute compensation rate that the provider is eligible to receive for the provisioning of VRS. In considering these proposals, the Commission seeks to ensure the availability of functionally equivalent VRS, provided in the most efficient manner, and ensure that the Commission's regulations encourage the use of existing technology and do not discourage or impair the development of improved technology. Providing compensation for VRS specialized services with added per-minute rates, the Commission expects to encourage

the provisioning of these services to help ensure that individuals who need services beyond traditional VRS have access to the communications network in a manner that is functionally equivalent. The compensation proposal would allow providers to offer and improve the availability of these specialized services over time. The proposed limitations on the amount of compensation and the conditions for receiving the compensation would ensure that VRS with specialized services is offered in the most efficient manner.

The Commission also seeks comment on the need for rule changes to allow communications assistants (CA) to be present on calls between VRS users who are deafblind and another VRS user, as well as the compensability of voice carry over calls for VRS users who are deafblind. Addressing these contours of compensability and eligibility will help ensure that the provision of services to individuals who are deafblind are functionally equivalent and offered in the most efficient manner.

Legal Basis. The proposed action is authorized pursuant to sections 1, 2, and 225 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152 and 225.

Small Entities Impacted. The proposals will affect obligations of VRS providers. These services can be included within the broad economic category of All Other Telecommunications.

Description of Reporting, Recordkeeping, and Other Compliance Requirements. In assessing the cost of compliance for small entities, at this time the Commission is unable to quantify the cost of compliance with any of the potential rule changes that may be adopted. Additionally, the Commission is currently not in a position to determine whether, if adopted, the proposals and matters upon which the Commission seeks comment will require small entities to hire professionals to comply. However, as the proposed rules are essentially an expansion of an existing framework used by VRS providers, the Commission does not anticipate that small entities will be required to hire professionals to comply with any rule modifications the Commission ultimately adopts. The Commission expects the information received in comments, including any requested cost information, will help the Commission identify and evaluate relevant compliance issues, including costs, that may impact small entities.

Steps Taken to Minimize Significant Impact on Small Entities, and Significant Alternatives Considered. The

Commission is taking steps to minimize the economic impact on small entities and is considering significant alternatives by proposing and seeking alternative proposals for providing compensation for VRS specialized services. The Commission will consider these proposals to maintain and improve choice among suppliers for VRS users using specialized services; help maintain functionally equivalent service; and maintain an efficient VRS market over the long term in accordance with the Commission's statutory obligations. For example, in considering the proposal to allow additional compensation for specialized services, the Commission's intent is to help ensure that VRS is provided in a manner that would allow all individuals with disabilities to have the ability to engage in functionally equivalent communications while recognizing the additional costs small and other providers will encounter to provision these services. Further, allowing such compensation is an alternative to adopting and imposing a specific requirement for VRS providers to

provide such services and would help ensure specialized services are voluntarily offered and minimize the cost to providers by allowing providers the opportunity to recover costs incurred in the provision of such services beyond the cost of providing traditional VRS. In the alternative, the Commission could adopt a specific mandate for the provision of these VRS specialized services or decline to allow additional compensation, but continue to allow providers to offer specialized services at the prevailing VRS compensation level. The Commission seeks comment on the effect these proposals will have on VRS providers that provision these specialized services.

The Commission seeks comment from all interested parties. Small entities are encouraged to bring to the Commission's attention any specific concerns they may have with the proposals. The Commission expects to more fully consider the economic impact on small entities, based on any comments received, prior to reaching its final conclusions and adopting final rules in this proceeding.

Federal Rules Which Duplicate, Overlap, or Conflict With, the Commission's Proposals. None.

Initial Paperwork Reduction Act of 1995 Analysis

This document contains proposed modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the OMB to comment on the information collection requirements proposed in this document, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, the Commission seeks comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees. Public Law 107–198; 44 U.S.C. 3506(c)(4).

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024–05461 Filed 3–13–24; 8:45 am]

BILLING CODE 6712–01–P

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Global AI Research Agenda

AGENCY: U.S. Agency for International Development.

ACTION: Notice; request for information.

SUMMARY: The United States Agency for International Development and the U.S. Department of State, in collaboration with the Department of Energy and the National Science Foundation, seek information to assist in carrying out responsibilities under Executive Order 14110 (<https://www.federalregister.gov/executive-order/14110>) on Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence issued on October 30, 2023. Specifically, the E.O. directs USAID and the State Department to publish a Global AI Research Agenda to guide the objectives and implementation of AI-related research in contexts beyond United States borders.

DATES: Comments containing information in response to this notice must be received on or before April 10, 2024. Submissions received after that date may not be considered.

ADDRESSES: Comments may be submitted by any of the following methods:

Sent as an attachment to gaira_rfi@usaid.gov in any of the following unlocked formats: HTML; ASCII; Word; RTF; Unicode, or .pdf.

Written comments may be submitted by mail to: USAID, IPI/ITR/T, Rm. 2.12–213, RRB, 1300 Pennsylvania Avenue NW, Washington, DC 20004.

Response to this RFI is voluntary. Submissions must not exceed 10 pages (when printed) in 12-point or larger font, with a page number provided on each page. Please include your name, organization's name (if any), and cite "Global AI Research Agenda" in all correspondence.

Comments containing references, studies, research, and other empirical data that are not widely published should include copies of the referenced materials. All comments and submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure.

USAID will not accept comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. Therefore, do not submit confidential business information or otherwise sensitive, protected, or personal information, such as account numbers, Social Security numbers, or names of other individuals.

FOR FURTHER INFORMATION CONTACT: For questions about this RFI contact: Craig Jolley, gaira_rfi@usaid.gov or 1–202–712–5536.

Accessible Format: USAID will make the RFI available in alternate formats, such as Braille or large print, upon request by persons with disabilities.

SUPPLEMENTARY INFORMATION: To promote safe, responsible, and rights-affirming development and deployment of AI abroad, the Executive Order on Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence directs:

"The Secretary of State and the Administrator of the United States Agency for International Development, in collaboration with the Secretary of Energy and the Director of NSF, shall develop a Global AI Research Agenda to guide the objectives and implementation of AI-related research in contexts beyond United States borders. The Agenda shall:

(A) include principles, guidelines, priorities, and best practices aimed at ensuring the safe, responsible, beneficial, and sustainable global development and adoption of AI; and
(B) address AI's labor-market implications across international contexts, including by recommending risk mitigations."

USAID and the State Department are seeking information to assist in carrying out this action.

The rapid development of AI technologies is taking place in a highly-connected global context, in which funding, data, talent, and computing resources flow across borders to create

globally-sourced products with global audiences. Building a safe, secure, trustworthy global AI ecosystem will require robust international collaboration and thorough understanding of the global impacts of AI technologies.

As a result, the Global AI Research Agenda has three interrelated goals:

- First, to leverage robust research collaborations to promote the safe, responsible, beneficial, and sustainable development of AI technologies around the world. This will require understanding of the best practices for building international partnerships, and using these partnerships to promote responsible research practices.

- Second, to outline important areas of inquiry for the study of AI's human impacts in a global context. Given the rapid development of AI technology, we are still at an early stage of understanding how it may reshape our economies, societies, and selves. Because AI's reach is inherently global, this inquiry needs to take a global perspective, understanding how the human impacts of AI are modulated by language, culture, geography, and socioeconomic development.

- Finally, to address the global labor market implications of AI. While many leading AI companies are based in the United States and other wealthy countries of the Global North, necessary inputs such as data labeling and human-feedback training involve workers in much more diverse settings. Similarly, the availability of commercial APIs and open-source models make the outputs of AI accessible around the world, potentially leading to unpredictable changes in the quantity, profitability, and nature of work.

The Global AI Research Agenda drafting committee is currently working with the following high-level structure for the Agenda. We welcome public input on this high-level structure, in particular whether other topics need to be emphasized in order to address the three goals above.

- International Research Principles
- AI Research Best Practices
- AI Research Priorities
 - Sociotechnical perspectives on human-AI interactions (*i.e.*, research approaches situating technological systems in their social, cultural, and economic contexts)

- Advancing fundamental AI through international collaborations and research infrastructure
- Applications of AI to address global challenges: climate, food security, health, etc.
- Global perspectives on AI misuse: surveillance, information integrity, gender-based violence
- Advancing safe, secure, inclusive, and trustworthy AI
- Labor Market Implications and risk mitigation

In considering information for submission, respondents are encouraged to review resources that USAID, State Department, DOE, and NSF have developed or coordinated with partners to develop in the past:

- USAID Digital Ecosystem Framework
- USAID AI Action Plan
- Reflecting the Past, Shaping the Future: Making AI Work for International Development
- OECD Working Party on AI Governance
- Global Partnership on AI
- OECD Recommendation on AI
- Hiroshima Process Code of Conduct for Organizations Developing Advanced AI Systems
- National Artificial Intelligence Research and Development Strategic Plan

1. Questions for the Global AI Research Agenda

USAID and State Department are interested in receiving information pertinent to any or all of the topics described below. Respondents may provide information on one or more of the topics in this RFI and may elect not to address every topic.

Please answer based on your experience, the positions of your organization, or research you have encountered or conducted. Where possible, please cite the source of your information or note when personal views are expressed.

Information that is specific and actionable is of special interest. Copyright protections of materials, if any, should be clearly noted. USAID and the State Department are especially interested in the perspectives of those living and/or working in emerging economies, though responses are welcome from anyone.

- *Research best practices:* What sorts of guidelines, practices, or institutional arrangements can help various research stakeholders (universities, corporate R&D centers, conferences, journals, etc.) ensure that AI research is safe, ethical, and sensitive to global contexts?

- In particular, what criteria and frameworks are currently being used by

AI conferences, publications, and funders?

- *International engagement:* What types of international research partnerships have been most effective in ensuring alignment on safe, secure, and trustworthy AI? What types have been challenging?

- *Foundation models:* How might research and engagement best practices differ between the developers of foundation models and “downstream” users of these models? What do users want and need from foundation model developers?

- *Human impacts:* What considerations are most important for safe and ethical research into the human impacts of AI systems (e.g., mental health, labor displacement, bias and discrimination)? How do these considerations vary in different global contexts?

- *Enabling infrastructure:* What are the best strategies to ensure access to computing resources, data, and other prerequisites for AI research?

- *Global equity considerations:* How might these best practices or strategies look different for partnerships in developed economies and those involving emerging economies? How might best practices differ for different types of partnerships (academic, private sector, government, public-private etc.)?

Authority: Executive Order 14110 of Oct. 30, 2023.

Sabeen V. Dhanani,

Deputy Director, Technology Division, Innovation, Technology & Research Hub (ITR), Bureau for Inclusive Growth, Partnerships, and Innovation.

[FR Doc. 2024–05357 Filed 3–13–24; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency’s estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of

information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by April 15, 2024 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Business-Cooperative Service

Title: Bio-refinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program.

OMB Control Number: 0570–0065.

Summary of Collection: The Rural Business-Cooperative Service (RBCS or the Agency) is a Rural Development agency of the U.S. Department of Agriculture and administers The Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program (Program). The Program was established under Section 9003 of the 2008 Farm Bill and assists in the development, construction, and retrofitting of new and emerging technologies for the development of advanced biofuels by providing loan guarantees of up to \$250 million. The Program’s authority was continued in the Agricultural Acts of 2014 and 2018. This collection of information is necessary for Rural Development to identify projects eligible for loan guarantees under the Program. In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35), Rural Development is submitting this information collection package to the Office of Management and Budget (OMB) for review and clearance.

Need and Use of the Information: The Agency will use various forms and written evidence to collect needed information to determine lender and borrower eligibility for loan guarantees,

and to ensure the lender protects the government's financial interests. Lenders provide the Agency with quarterly construction progress reports demonstrating that engineering and financial criteria used in the review and approval of the application continue to be met during the construction phase of the project. Post-construction information will be collected demonstrating that the bio-refineries are operating and meeting all financial criteria projected during the application phase. If the information were not collected, the Agency would not be able to make prudent credit decisions nor monitor the lenders servicing activities.

Description of Respondents: Business or other for-profit.

Number of Respondents: 26.

Frequency of Responses:

Recordkeeping; Reporting: Annually.

Total Burden Hours: 7,803.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024-05431 Filed 3-13-24; 8:45 am]

BILLING CODE 3410-XY-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by April 15, 2024 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this

particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Utilities Service

Title: Electric System Emergency Restoration Plan.

OMB Control Number: 0572-0140.

Summary of Collection: The Rural Utilities Service (RUS) is uniquely coupled with the electric infrastructure of rural America and its electric borrowers serving rural America because a substantial portion of the electric infrastructure of the United States resides in, and is maintained by, rural America. To ensure that the electric infrastructure in rural America is adequately protected, RUS requires that all electric borrowers conduct a Vulnerability and Risk Assessment (VRA) of their respective systems and utilize the results of this assessment to enhance an existing Emergency Restoration Plan (ERP) or create an ERP.

The items covered in this information collection package are received from RUS electric program distribution, generation, and transmission borrowers, who are required by 7 CFR 1730.27 and 1730.28 to identify critical assets and develop an Emergency Restoration Plan (ERP). The ERP details how borrowers will restore systems in the event of a system-wide outage resulting from a major natural or man-made disaster or other causes. The ERP also includes preventative measures for emergency recovery from physical and cyber-attacks to the borrower's electric systems and addresses Homeland Security concerns.

Need and Use of the Information:

Electric borrowers maintain an ERP as part of prudent utilities practices. These ERPs are essential to continuous operation of the electric systems. 7 CFR 1730.26(b) requires that each electric applicant develop an ERP that is approved and signed by the applicant's Manager or Chief Executive Officer and approved by the applicant's Board of Directors. Applicants for new RUS electric loans, loan guarantees, or grants must include the written certification of an ERP in the application package submitted to RUS. If the self-

certification of an ERP is not received, approval of the loan, loan guarantees, or grants will not be considered until the certification is received by RUS.

Description of Respondents: Not-for-profit institutions.

Number of Respondents: 41.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 21.

Rural Utilities Service

Title: 7 CFR part 1752, Special Servicing of Telecommunication Programs Loans for Financially Distressed Borrowers.

OMB Control Number: 0572-0153.

Summary of Collection: The Rural Utilities Service (RUS or the Agency) Telecommunications Program (Program) provides loan funding to build and expand broadband and telecommunications services into unserved and underserved rural communities, along with very limited funding to support the costs to acquire equipment to provide distance learning and telemedicine service. RUS published a Final rule codifying a new servicing regulation on February 25, 2020 in the **Federal Register** which outlines policies for servicing actions associated with distressed borrowers from the Telecommunications Infrastructure Loan Program, Rural Broadband Program, Distance Learning and Telemedicine Program, Broadband Initiatives Program, and Rural e-Connectivity Pilot Program. The purpose of the regulation is to streamline servicing actions, improve the government's recovery on such loans, and improve customer service.

Need and Use of the Information: The information collection addresses RD's expanded authority, with the codification of the rulemaking, to address servicing actions. RD considers it imperative to use the expanded authority for servicing actions associated with the RUS

Telecommunications Programs in order to: (1) maximize risk management of loan portfolio; (2) reduce duplication of effort between Federal agencies, which may expedite servicing of distressed borrowers; (3) ensure efficient recovery of debt which may mitigate negative impact on program subsidy rates; and (4) simplify the servicing process for the Agency and therefore minimize the financial burden and costs on borrowers.

The Agency provides forms and/or guidelines to assist in collection and submission of the information required to service loans. In some cases, use of Agency forms is optional and the borrower may submit the information

required on other forms. The forms or related items completed by the borrower are submitted to and evaluated by the Agency. Failure to collect proper information from borrowers could result in improper determinations of servicing assistance, hinder the government's recovery of such loans as well as encumber customer service.

Description of Respondents: Business or other for-profit; Not for-profit institutions.

Number of Respondents: 5.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 695.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024-05429 Filed 3-13-24; 8:45 am]

BILLING CODE 3410-15-P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection

Activities: Supplemental Nutrition Assistance Program (SNAP) Requirements for National Directory of New Hires for Employment Verification

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is a revision of a currently approved collection.

DATES: Written comments must be received on or before May 13, 2024.

ADDRESSES: Comments may be sent to: Maribelle Balbes, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, 5th Floor, Alexandria, VA 22314. Comments may also be submitted via email to snapsab@usda.gov. Comments will also be accepted through the Federal eRulemaking Portal. Go to <http://www.regulations.gov>, and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

copies of this information collection should be directed to Jennifer Ragan at 703-457-6786.

SUPPLEMENTARY INFORMATION: In 2016, an Interim Final Rule titled "Supplemental Nutrition Assistance Program: Requirement for National Directory of New Hires Employment Verification and Annual Program Activity Reporting," was published in the **Federal Register**. This rule codified section 4013 of the Agricultural Act of 2014, requiring State agencies to access employment data through the National Directory of New Hires (NDNH) at the time of certification, including recertification, to determine eligibility status and correct benefit amount for SNAP applicants.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: SNAP Requirement for National Directory of New Hires Employment Verification.

Form Number: N/A.

OMB Control Number: 0584-0608.

Expiration Date: 07/31/2024.

Type of Request: Revision of a currently approved collection.

Abstract: Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 272.16 require that each State agency must compare identifiable information about each adult household member against data from the U.S. Department of Health and Human Services' (HHS) National Directory of New Hires (NDNH). This comparison will be used to determine the eligibility status of the household and determine the correct benefit amount the household should receive. Following OMB approval of this collection, FNS intends to merge this collection with OMB control number 0584-0064.

Verification of Match; Notice of Match Results: The State agency must independently verify the information prior to taking any adverse action against an individual. Should the State agency receive employment information via the NDNH that was previously unreported by the household, the State agency must issue a notice of match results informing the household of the match and providing them with the opportunity to verify the information. The State agency may contact the employer directly, depending upon applicable reporting requirements as defined at 7 CFR 273.12.

Notice of Adverse action or Notice of Denial: The Notice of Adverse Action or Notice of Denial is issued by State agencies to participating households whose benefits will be reduced or terminated as the result of a change in household circumstances. Should the State agency independently verify unreported or underreported income discovered through NDNH, and that income results in a reduction of benefits or change in eligibility, the State agency must take action by issuing the household a Notice of Adverse Action or Notice of Denial and adjust or deny benefits accordingly.

Burden Estimates: The previous burden for this collection was 521,719.02 reporting hours (482,290.88 reporting burden hours for State agencies + 39,428.14 reporting burden hours for households). The requested burden is 3,365,064.98 (1,261,899.37 reporting burden hours for State agencies + 2,103,165.61 reporting burden hours for households), which represents an increase of 2,843,345.96 hours due to program adjustments. These program adjustments result from the availability of State usage data and an increase in the number of State agencies utilizing NDNH database. There are no recordkeeping or third party/disclosure requirements associated with this collection.

Reporting

Affected Public: State and local agencies, households.

Estimated Number of Respondents: 25,187,665.15.

Estimated Number of Responses per Respondent: 1.99.

Estimated Total Annual Responses: 50,375,224.29.

Estimated Time per Response: 0.0668.

Estimated Total Annual Burden on Respondents: 3,365,064.98.

Regulation	Burden activity	Estimated number of respondents	Estimated responses per respondent	Estimated total annual responses	Estimated hours per response	Estimated total annual hours
State Agency Reporting Burden						
272.16	Verification of Match; Notice of Match results	53	316,825.31	16,791,741.43	0.0501	841,266.25
272.16	NDNH—Notice of Adverse Action or Notice of Denial.	53	158,412.66	8,395,870.72	0.0501	420,633.12
State Agency Reporting Total		53	475,237.97	25,187,612.15	0.0501	1,261,899.37
Household Reporting Burden						
272.16	NDNH—Response to Notice of Match Results	16,791,741.43	1.00	16,791,741.43	0.0835	1,402,110.41
272.16	NDNH—Response to Notice of Adverse Action or Notice of Denial.	8,395,870.72	1.00	8,395,870.72	0.0835	701,055.20
Household Reporting Total		25,187,612.15	1.00	25,187,612.15	0.0835	2,103,165.61
Grand Totals		25,187,665.15	1.999995792	50,375,224.29	0.0668	3,365,064.98

Tameka Owens,

Assistant Administrator, Food and Nutrition Service.

[FR Doc. 2024–05436 Filed 3–13–24; 8:45 am]

BILLING CODE 3410–30–P

INTERNATIONAL BROADCASTING ADVISORY BOARD

Sunshine Act Meetings

TIME AND DATE:

March 19, 2024 3:45 p.m.–5:15 p.m. ET
March 20, 2024 9:15 a.m.–12:30 p.m. ET

PLACE:

On March 19, 2024, the Board will meet at: Wilbur J. Cohen Building, 330 Independence Avenue SW, Washington, DC 20237

On March 20, 2024, the Board will meet at: 1250 Connecticut Avenue NW, Suite 450, Washington, DC 20036

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: The International Broadcasting Advisory Board (Board) will conduct a meeting closed to the public at the dates and times listed above. Board Members (membership includes Chair Kenneth Jarin, Luis Botello, Jamie Fly, Jeffrey Gedmin, Michelle Giuda, Kathleen Matthews, Under Secretary Elizabeth Allen (Secretary of State's Representative)), Chief Executive Officer of the U.S. Agency for Global Media (USAGM), General Counsel and Acting Board Secretary to the Board, the Secretariat to the Board, and recording secretaries will attend the closed meeting. Certain USAGM staff members who may be called on to brief or support the Board also may attend.

The USAGM General Counsel and Acting Board Secretary has certified that, in his opinion, exemptions set forth in the Government in the Sunshine Act, in particular 5 U.S.C. 552b(c)(2),

(6), and (9)(B), permit closure of this meeting.

The entirety of the Board's membership approved the closing of this meeting.

The closed meeting will focus on discussing the development of internal rules and practices to govern Board processes and functions. This includes developing processes or rules relating to IBAB, USAGM, and the USAGM networks. Publicizing these deliberations would frustrate the implementation of the very items they will be proposing. [This related to (2) and (9).]

In the event that the time, date, or location of this meeting changes, USAGM will post an announcement of the change, along with the new time, date, and/or place of the meeting on its website at <https://www.usagm.gov>.

Although a separate federal entity, USAGM prepared this notice and will continue to support the Board in accordance with 22 U.S.C. 6205(g).

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact Oanh Tran at (202) 920–2583.

(Authority: 5 U.S.C. 552b, 22 U.S.C. 6205(e)(3)(C))

Dated: March 8, 2024.

Armanda Matthews,

Program Support Specialist, U.S. Agency for Global Media.

[FR Doc. 2024–05371 Filed 3–12–24; 4:15 pm]

BILLING CODE 8610–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Hawai'i Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA), that the Hawai'i Advisory Committee (Committee) to the U.S. Commission on Civil Rights will convene by ZoomGov on Wednesday, March 20, 2024, from 2:30 p.m. to 4:00 p.m. HST, to plan future briefings related to the Committee's topic "Examining Hawai'i's Child Welfare System and its Impact on Native Hawaiian Children and Families."

DATES: Wednesday, March 20, 2024, from 2:30 p.m.–4:00 p.m. Hawai'i Standard Time.

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_3ySrLPDMTW-K7zcJ9QzUdg.

Join by Phone (Audio Only): (833) 435–1820 USA Toll Free; Webinar ID: 160 676 0643.

FOR FURTHER INFORMATION CONTACT: Kayla Fajota, Designated Federal Officer (DFO) at kfajota@usccr.gov or (434) 515–2395.

SUPPLEMENTARY INFORMATION:

Committee meetings are available to the public through the videoconference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Closed captions will be provided for individuals who are

deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Angelica Trevino, Support Services Specialists, at atrevino@usccr.gov at least 10 business days prior to the meeting. Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Kayla Fajota (DFO) at kfajota@usccr.gov.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via www.facadatabase.gov under the Commission on Civil Rights, Hawai'i Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at atrevino@usccr.gov.

Agenda

- I. Welcome and Roll Call
- II. Announcements and Updates
- III. Discussion: Panel Planning
- IV. Public Comment
- V. Adjournment

Dated: March 7, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024-05211 Filed 3-13-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-552-801]

Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Final Results and Partial Rescission of Administrative Review; 2021–2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Vinh Hoan Corporation (Vinh Hoan), an exporter of certain frozen fish fillets (fish fillets) from the Socialist Republic of Vietnam (Vietnam), did not sell subject merchandise in the United States at prices below normal value (NV) during the period of review (POR) August 1, 2021, through July 31, 2022.

Commerce also determines that Can Tho Import Export Seafood Joint Stock Company (CASEAMEX), an exporter of fish fillets from Vietnam, did sell subject merchandise in the United States at prices below NV during the POR. Further, Commerce determines that four additional companies, Cafatex Corporation (Cafatex), Hung Vuong Corporation and its affiliated companies (HVC), International Development and Investment Corporation (IDI), and Loc Kim Chi Seafood Joint Stock Company (Loc Kim Chi), are eligible for separate-rate status. Commerce is also rescinding the review with respect to 12 companies and the Vietnam-wide entity.

DATES: Applicable March 14, 2024.

FOR FURTHER INFORMATION CONTACT:

Javier Barrientos or Christopher Maciuba, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2243 and (202) 482-0413, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 7, 2023, Commerce published the preliminary results of this administrative review and invited interested parties to comment.¹ On December 11, 2023, Commerce extended the deadline for issuance of these final results to March 5, 2024.² For a complete description of the events that occurred subsequent to the *Preliminary Results*, see the Issues and Decision Memorandum.

Scope of the Order³

The products covered by the *Order* are fish fillets from Vietnam. For a complete description of the scope of this order, see the Issues and Decision Memorandum.⁴

¹ See *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review, Preliminary Determination of No Shipments, and Notice of Intent to Rescind, in Part; 2021–2022*, 88 FR 61525 (September 7, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

² See Memorandum, “Extension of Deadline for Final Results of Antidumping Duty Administrative Review,” dated December 11, 2023.

³ See *Notice of Antidumping Duty Order: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam*, 68 FR 47909 (August 12, 2003) (*Order*).

⁴ See Memorandum, “Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam; 2021–2022,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum), at 3.

Analysis of Comments Received

We addressed all issues raised in the case and rebuttal briefs filed by interested parties in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is provided in Appendix I to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNotices/ListLayout.aspx>.

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an antidumping duty order when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.⁵ Normally, upon completion of an administrative review, the suspended entries are liquidated at the assessment rate calculated for the review period.⁶ Therefore, for an administrative review to be conducted for a company, there must be at least one reviewable, suspended entry that Commerce can instruct CBP to liquidate at the assessment rate calculated for the review period.⁷ There were no entries of subject merchandise for 12 of the companies, nor for the Vietnam-wide entity, subject to this review during the POR.⁸ Accordingly, in the absence of suspended entries of subject merchandise during the POR, we are hereby rescinding this administrative review for these companies and the Vietnam-wide entity, in accordance with 19 CFR 351.213(d)(3).

Separate Rates

We continue to find that the non-individually-examined exporters Cafatex, HVC, IDI, and Loc Kim Chi, and individually-examined respondents Vinh Hoan and CASEAMEX, have

⁵ See, e.g., *Diocetyl Terephthalate from the Republic of Korea: Rescission of Antidumping Administrative Review; 2021–2022*, 88 FR 24758 (April 24, 2023); see also *Certain Carbon and Alloy Steel Cut-to Length Plate from the Federal Republic of Germany: Rescission of Antidumping Administrative Review; 2020–2021*, 88 FR 4157 (January 24, 2023).

⁶ See 19 CFR 351.212(b)(1).

⁷ See 19 CFR 351.213(d)(3).

⁸ For the companies for which we are rescinding this review, see Appendix II.

demonstrated eligibility for separate rates.⁹ As noted below, we have assigned Cafatex, HVC, IDI, and Loc Kim Chi the rate established for CASEAMEX, consistent with our practice in administrative reviews and section 735(c)(5)(A) of the Tariff Act of 1930, as amended (the Act).¹⁰

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding the *Preliminary Results*, as well as our verification procedures, Commerce made certain

changes to the margin calculations for Vinh Hoan and CASEAMEX.¹¹

Final Results of Administrative Review

The estimated weighted-average dumping margins for the final results of this administrative review are as follows:

Exporter	Weighted-average dumping margin (dollars per kilogram)
Vinh Hoan Corporation ¹²	\$0.00
Can Tho Import Export Seafood Joint Stock Company	0.18
Loc Kim Chi Seafood Joint Stock Company	* 0.18
International Development and Investment Corporation	* 0.18
Hung Vuong Corporation ¹³	* 0.18
Cafatex Corporation	* 0.18

* This rate is based on the rate calculated for Can Tho Import Export Seafood Joint Stock Company.

Disclosure

We intend to disclose the calculations performed for the final results of this review to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b), Commerce has determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

For Vinh Hoan, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. Pursuant to Commerce's assessment practice,¹⁴ for entries of Vinh Hoan's merchandise that were not reported in the U.S. sales data submitted by Vinh Hoan during this review, Commerce will instruct CBP to liquidate such entries at the Vietnam-wide entity rate.

Because CASEAMEX's weighted-average dumping margin is not zero or *de minimis* (i.e., less than 0.5 percent), we calculated importer-specific (or customer-specific) per-unit assessment rates by dividing the amount of dumping for reviewed sales to the importer or customer by the total sales quantity associated with those transactions. Where an importer-specific

or customer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For Cafatex, HVC, IDI, and Loc Kim Chi, because we assigned these companies CASEAMEX's rate of \$0.18 per kilogram in the final results of this review, we will instruct, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise at the rate of \$0.18 per kilogram.

For the companies/entity listed in Appendix II for which we are rescinding this administrative review, Commerce will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period August 1, 2021, through July 31, 2022, in accordance with 19 CFR 351.212(c)(1)(i).

Commerce intends to issue appropriate assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (i.e., within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) for the companies listed above, the cash deposit rate will be equal to the dumping margin established in the final results of this review (except, if the rate is zero or *de minimis*, then the cash deposit rate will be zero); (2) for previously examined Vietnamese and non-Vietnamese exporters not listed above that maintain separate rates based on a prior completed segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate; (3) for all Vietnamese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the Vietnam-wide entity (i.e., \$2.39 per kilogram); and (4) for all non-Vietnamese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnamese exporter that supplied that non-Vietnamese exporter. These deposit

⁹ See *Preliminary Results* PDM at 7–10.

¹⁰ *Id.* at 10.

¹¹ For a full description of changes, see Issues and Decision Memorandum.

¹² Vinh Hoan Corporation is part of a single entity with the following companies: (1) Van Duc Food Export Joint Stock Company (also known as Van Duc); (2) Van Duc Tien Giang Food Export Company (also known as VDTG or Van Duc Tien Giang Food Exp. Co.); (3) Thanh Binh Dong Thap One Member Company Limited (also known as Thanh Binh Dong Thap or Thanh Binh Dong Thap

Ltd.); and (4) Vinh Phuoc Food Company Limited (also known as Vinh Phuoc or VP Food).

¹³ Hung Vuong Corporation (also known as Hung Vuong Joint Stock Company, HVC or HV Corp.) is part of a single entity with the following companies: (1) An Giang Fisheries Import and Export Joint Stock Company (also known as Agifish, An Giang Fisheries Import and Export, An Giang Fisheries Import & Export Joint Stock Company); (2) Asia Pangasius Company Limited (also known as ASIA); (3) Europe Joint Stock Company (also known as Europe, Europe JSC or EJS CO.); (4) Hung Vuong

Ben Tre Seafood Processing Company Limited (also known as Ben Tre, HVBT, or HVBT Seafood Processing); (5) Hung Vuong Mascato Company Limited (also known as Mascato); (6) Hung Vuong—Sa Dec Co., Ltd. (also known as Sa Dec or Hung Vuong Sa Dec Company Limited); and (7) Hung Vuong—Vinh Long Co., Ltd. (also known as Vinh Long or Hung Vuong Vinh Long Company Limited).

¹⁴ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: March 5, 2024.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the Preliminary Results
- V. Discussion of the Issues
 - Comment 1: Standing of Luscious Seafoods LLC to Request a Review
 - Comment 2: Whether to Apply Facts Available with Adverse Inferences to Can Tho Import Export Seafood Joint Stock Company
 - Comment 3: Whether to Deny CASEAMEX's By-product Offset Claim
 - Comment 4: Hung Vuong Corporation's Separate Rate Implementation
 - Comment 5: Surrogate Financial Ratios
 - Comment 6: Surrogate Value for Fish Skin
 - Comment 7: Rescission of Review for Certain Exporters
- VI. Recommendation

Appendix II

Exporters for Which We Are Rescinding the Review

1. Bien Dong Seafood Company Ltd. (also known as Bien Dong, Bien Dong Seafood, Bien Dong Seafood Co., Ltd., Biendong Seafood Co., Ltd., Bien Dong Seafood Limited Liability Company or Bien Dong Seafoods Co., Ltd.) ***
2. C.P. Vietnam Corporation (also known as C.P. Vietnam Corp.)
3. Dai Thanh Seafoods Company Limited (also known as DATHACO, Dai Thanh Seafoods or Dai Thanh Seafoods Co., Ltd.)
4. East Sea Seafoods LLC (also known as East Sea Seafoods Limited Liability Company, ESS LLC, ESS, ESS JVC, or East Sea Seafoods Joint Venture Co., Ltd.)
5. Hai Huong Seafood Joint Stock Company (also known as HHFish, HH Fish, or Hai Huong Seafood)
6. NTSF Seafoods Joint Stock Company (also known as NTSF, NTSF Seafoods or Ntsf Seafoods Jsc) ***
7. Vinh Quang Fisheries Corporation (also known as Vinh Quang, Vinh Quang Fisheries Corp., Vinh Quang Fisheries Joint Stock Company, or Vinh Quang Fisheries Co., Ltd.)
8. Fatifish Company Limited (also known as FATIFISH or FATIFISHCO or Fatfish Co., Ltd.)
9. GODACO Seafood Joint Stock Company (also known as GODACO, GODACO Seafood, GODACO SEAFOOD, GODACO SEAFOOD, or GODACO Seafood J.S.C.)
10. Green Farms Seafood Joint Stock Company (also known as Green Farms, Green Farms Seafood JSC, GreenFarm Seafoods Joint Stock Company, or Green Farms Seafoods Joint Stock Company)
11. Nam Viet Corporation (also known as NAVICO)
12. QVD Food Co., Ltd. *
13. Vietnam-Wide Entity **

* This is a single entity comprised of: QVD Food Co., Ltd., QVD Dong Thap Food Co., Ltd. (also known as Dong Thap or QVD DT), and Thuan Hung Co., Ltd. (also known as THUFICO).

** The Vietnam-Wide Entity includes all exporters without an existing separate rate, some of which were individually named in the notice of initiation of this review. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 61278, 61280 (October 11, 2022). For a list of those companies, see Appendix III.

*** As noted in the Issues and Decision Memorandum, all valid review requests were withdrawn for each of these companies.

Appendix III

Portion of the Vietnam-Wide Entity Identified in the Initiation Notice

1. An Chau Co., Ltd.
2. An Giang Agriculture and Food Import-Export Joint Stock Company (also known as Afex or An Giang Agriculture and Foods Import-Export Joint Stock Company)
3. An Hai Fishery Ltd. Co.

4. An My Fish Joint Stock Company (also known as Anmyfish, Anmyfishco or An My Fish Joint Stock)
5. An Phat Import-Export Seafood Co., Ltd. (also known as An Phat Seafood Co. Ltd. or An Phat Seafood, Co., Ltd.)
6. An Phu Seafood Corp. (also known as ASEAFood or An Phu Seafood Corp.)
7. Anchor Seafood Corp.
8. Anvifish Joint Stock Company (also known as Anvifish, Anvifish JSC, or Anvifish Co., Ltd.)
9. Asia Commerce Fisheries Joint Stock Company (also known as Acomfish JSC or Acomfish)
10. Basa Joint Stock Company (also known as BASACO)
11. Ben Tre Aquaprodukt Import and Export Joint Stock Company (also known as Bentre Aquaprodukt, Bentre Aquaprodukt Import & Export Joint Stock Company or Aquatex Bentre)
12. Bentre Forestry and Aquaprodukt Import Export Joint Stock Company (also known as Bentre Forestry and Aquaprodukt Import and Export Joint Stock Company, Ben Tre Forestry and Aquaprodukt Import-Export Company, Ben Tre Forestry Aquaprodukt Import-Export Company, Ben Tre Frozen Aquaprodukt Export Company or Faquimex)
13. Bentre Seafood Jsc.
14. Bien Dong Hau Giang Seafood Joint Stock Company (also known as Bien Dong HG or Bien Dong Hau Giang Seafood Joint Stock Co.) ***
15. Binh An Seafood Joint Stock Company (also known as Binh An or Binh An Seafood Joint Stock Co.)
16. Binh Dinh Garment Joint Stock Co.
17. Binh Dinh Import Export Company (also known as Binh Dinh Import Export Joint Stock Company, or Binh Dinh)
18. Ca Mau Frozen Seafood Processing Import Export Corporation
19. Cadovimex II Seafood Import-Export and Processing Joint Stock Company (also known as Cadovimex II, Cadovimex II Seafood Import Export and Processing Joint Stock Company, or Cadovimex II Seafood Import-Export)
20. Cantho Imp. Exp. Seafood
21. Cantho Import Export Fishery Limited
22. Cavina Seafood Joint Stock Company (also known as Cavina Fish or Cavina Seafood Jsc)
23. Cds Overseas Vietnam Co., Ltd.
24. Co May Imp. Exp. Co.
25. Colorado Boxed Beef Company (also known as CBBC)
26. Coral Triangle Processors (dba Mowi Vietnam Co., Limited (Dong Nai))
27. Cuu Long Fish Import-Export Corporation (also known as CL Panga Fish or Cuu Long Fish Imp. Exp. Corporation)
28. Cuu Long Fish Joint Stock Company (also known as CL-Fish, CL-FISH CORP, or Cuu Long Fish Joint Stock Company)
29. Cuu Long Seapro.
30. Da Nang Seaproducts Import-Export Corporation (also known as SEADANANG, Da Nang or Da Nang Seaproducts Import/Export Corp.)
31. Dai Tien Vinh Co., Ltd.
32. Dong Phuong Co., Ltd.
33. Dong Phuong Import Export Seafood

- Company Limited (also known as Dong Phuong Export Seafood Limited, Dong Phuong Seafood Company Limited, or aFishDeal)
34. Dragonwaves Frozen Food Factory Co., Ltd.
 35. Europe Trading Co., Ltd.
 36. GF Seafood Corp.
 37. Gia Minh Co. Ltd.
 38. Go Dang An Hiep One Member Limited Company
 39. Go Dang Ben Tre One Member Limited Liability Company
 40. Gold Future Imp. Exp.
 41. Golden Quality Seafood Corporation (also known as Golden Quality, GoldenQuality, GOLDENQUALITY, or GoldenQuality Seafood Corporation)
 42. GreenFeed Vietnam Corporation
 43. Ha Noi Can Tho Seafood Jsc.
 44. Hai Thuan Nam Co Ltd.
 45. Hai Trieu Co., Ltd.
 46. Hasa Seafood Corp. (Hasaco)
 47. Hiep Thanh Seafood Joint Stock Company (also known as Hiep Thanh or Hiep Thanh Seafood Joint Stock Co.)
 48. Hoa Phat Seafood Import-Export and Processing J.S.C. (also known as HOPAFISH, Hoa Phat Seafood Import-Export and Processing Joint Stock Company, Hoa Phat Seafood Import-Export and Processing JSC, or Hoa Phat Seafood Imp. Exp. And Processing)
 49. Hoang Long Seafood Processing Company Limited (also known as HLS, Hoang Long, Hoang Long Seafood, HoangLong Seafood, or Hoang Long Seafood Processing Co., Ltd.)
 50. Hong Ngoc Seafood Co., Ltd.
 51. Hung Phuc Thinh Food Jsc.
 52. Hung Vuong
 53. Hung Vuong—Mien Tay Aquaculture Corporation (HVMT or Hung Vuong Mien Tay Aquaculture Joint Stock Company)
 54. Hung Vuong Seafood Joint Stock Company
 55. Hungca Co., Ltd.
 56. Indian Ocean One Member Company Limited (also known as Indian Ocean Co., Ltd. or Indian Ocean One Member Co., Ltd.)
 57. Jk Fish Jsc.
 58. Lian Heng Investment Co. Ltd. (also known as Lian Heng or Lian Heng Investment)
 59. Lian Heng Trading Co. Ltd. (also known as Lian Heng or Lian Heng Trading)
 60. Mekong Seafood Connection Co., Ltd.
 61. Minh Phu Hau Giang Seafood Corp.
 62. Minh Phu Seafood Corp.
 63. Minh Qui Seafood Co., Ltd.
 64. Nam Phuong Seafood Co., Ltd. (also known as Nam Phuong, NAFISHCO, Nam Phuong Seafood, or Nam Phuong Seafood Company Ltd.)
 65. New Food Import, Inc.
 66. Ngoc Ha Co. Ltd. Food Processing and Trading (also known as Ngoc Ha or Ngoc Ha Co., Ltd. Foods Processing and Trading)
 67. Ngoc Tri Seafood Joint Stock
 68. Nguyen Tran Seafood Company (also known as Nguyen Tran J-S Co)
 69. Nha Trang Seafoods, Inc. (also known as Nha Trang Seafoods-F89, Nha Trang Seafoods, or Nha Trang Seaproduct Company)
 70. NTACO Corporation (also known as NTACO or NTACO Corp.)
 71. Phu Thanh Co., Ltd.
 72. Phu Thanh Hai Co. Ltd. (also known as PTH Seafood)
 73. Phuc Tam Loi Fisheries Imp.
 74. PREFCO Distribution, LLC. ***
 75. Pufong Trading And Service Co.
 76. QMC Foods, Inc.
 77. Qn Seafood Co., Ltd.
 78. Quang Minh Seafood Company Limited (also known as Quang Minh, Quang Minh Seafood Co., Ltd., or Quang Minh Seafood Co.)
 79. Quirch Foods, LLC.
 80. Riptide Foods
 81. Saigon-Mekong Fishery Co., Ltd. (also known as SAMEFICO or Saigon Mekong Fishery Co., Ltd.)
 82. Seafood Joint Stock Company No. 4 (also known as SEAPRIEXCO No. 4)
 83. Seafood Joint Stock Company No. 4 Branch Dongtam Fisheries Processing Company (also known as DOTASEAFOODCO or Seafood Joint Stock Company No. 4—Branch Dong Tam Fisheries Processing Company)
 84. Seavina Joint Stock Company (also known as Seavina)
 85. Sobi Co., Ltd.
 86. Song Bien Co., Ltd.
 87. Southern Fishery Industries Company, Ltd. (also known as South Vina, South Vina Co., Ltd., Southern Fishery Industries Co., Ltd., Southern Fisheries Industries Company, Ltd., or Southern Fisheries Industries Company Limited).Sunrise Corporation
 88. Tam Le Food Co., Ltd.
 89. Tan Thanh Loi Frozen Food Co., Ltd.
 90. TG Fishery Holdings Corporation (also known as TG or Tg Fishery Holdings Corp.)
 91. Thanh Dat Food Service And Trading
 92. Thanh Hung Co., Ltd. (also known as Thanh Hung Frozen Seafood Processing Import Export Co., Ltd. or Thanh Hung)
 93. Thanh Phong Fisheries Corp.
 94. The Great Fish Company, LLC.
 95. Thien Ma Seafood Co., Ltd. (also known as THIMACO, Thien Ma, Thien Ma Seafood Company, Ltd., or Thien Ma Seafoods Co., Ltd.)
 96. Thinh Hung Co., Ltd.
 97. Thuan An Production Trading and Service Co., Ltd. (also known as TAFISHCO, Thuan An Production Trading and Services Co., Ltd., or Thuan An Production Trading & Service Co., Ltd.)
 98. Thuan Nhan Phat Co., Ltd.
 99. Thuan Phuoc Seafoods and Trading Corporation
 100. To Chau Joint Stock Company (also known as TOCHAU, TOCHAU JSC, or TOCHAU Joint Stock Company).Trang Thuy Seafood Co., Ltd.
 101. Trinity Vietnam Co., Ltd.
 102. Trong Nhan Seafood Co., Ltd.
 103. Truong Phat Seafood Jsc.
 104. Van Y Corp.
 105. Viet Hai Seafood Company Limited (also known as Viet Hai, Viet Hai Seafood Co., Ltd., Viet Hai Seafood Co., Vietnam Fish-
 - One Co., Ltd., or Fish One).Viet Long Seafood Co., Ltd.
 106. Viet Phat Aquatic Products Co., Ltd.
 107. Viet Phu Foods and Fish Corporation (also known as Vietphu, Viet Phu, Viet Phu Food and Fish Corporation, Viet Phu Foods & Fish Co., Ltd., or Viet Phu Food & Fish Corporation)
 108. Vietnam Seaproducts Joint Stock Company (also known as Seaprodex or Vietnam Seafood Corporation—Joint Stock Company)
 109. Vif Seafood Factory
 110. Vinh Long Import-Export Company (also known as Vinh Long, Imex Cuu Long, Vinh Long Import/Export Company)

*** As noted in the Issues and Decision Memorandum, all valid review requests were withdrawn for each of these companies.

[FR Doc. 2024-05453 Filed 3-13-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, and Rescission in Part; 2021; Correction

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

ACTION: Notice; correction.

SUMMARY: On December 22, 2023, the U.S. Department of Commerce (Commerce) published the *Preliminary Results* of this administrative review. That notice inadvertently listed Haining Chint Solar Energy Technology Co., Ltd., Yuhuan Jinko Solar Co., Ltd., and Zhejiang Jinko Solar Co., Ltd. under Appendix III (Companies to be Rescinded). Further, in Appendix III, the notice inadvertently omitted the companies Trina Solar Energy Development Company Limited, and Yancheng Trina Guoneng Photovoltaic Technology Co., Ltd. Lastly, in the notice, Yancheng Trina Guoneng Photovoltaic Technology Co., Ltd. was inadvertently omitted from the section titled Rescission of Administrative Review, in Part.

FOR FURTHER INFORMATION CONTACT: Toni Page, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1398.

SUPPLEMENTARY INFORMATION:

Background

On December 22, 2023, Commerce published in the **Federal Register** the preliminary results of the 2021 administrative review of the countervailing duty order on solar cells from China.¹ In that notice, we inadvertently listed Yuhuan Jinko Solar Co., Ltd., and Zhejiang Jinko Solar Co., Ltd. under Appendix II (Non-Selected Companies Under Review) (*see* company number 6) and Appendix III (Companies To Be Rescinded) (*see* company numbers 62 and 64). The two companies should have only been listed under Appendix II. Further, we inadvertently listed Haining Chint Solar Energy Technology Co., Ltd. in Appendix III (Companies To Be Rescinded) (*see* company number 22). However, this company was preliminarily determined to be cross-owned with the mandatory respondent, Chint Solar (Zhejiang) Co., Ltd., and should not have been listed in Appendix III.² Additionally, we note that Commerce “received a timely-filed withdrawal review request with respect to” Trina Solar Energy Development Company Limited, but inadvertently omitted the company from Appendix III (Companies To Be Rescinded).³ Lastly, we received a timely-filed withdrawal request for Yancheng Trina Guoneng Photovoltaic Technology Co., Ltd. but the company was inadvertently omitted from Appendix III (Companies To Be Rescinded) and the “Rescission of Administrative Review, in Part” section.⁴

Correction

In the **Federal Register** of December 22, 2023, in FR Doc 2023–28162, on pages 88577–88578, replace Appendix III (Companies to be Rescinded) with the attached revised Appendix III. Further, on pages 88575–88576, correct the sentence “Commerce also received a timely-filed withdrawal of review request with respect to: (1) Canadian Solar Manufacturing, Inc.; (2) New East Solar Energy Cambodia Co., Ltd.; (3) Trina Solar (Hefei) Science and Technology Co., Ltd.; (4) Trina Solar (Singapore) Science and Technology Pte. Ltd.; (5) Trina Solar Energy Development Company Limited; (6) Vina Cell Technology Company

Limited; and (7) Vina Solar Technology Company Limited.” to read as follows:

“Commerce also received a timely-filed withdrawal of review request with respect to: (1) Canadian Solar Manufacturing, Inc.; (2) New East Solar Energy Cambodia Co., Ltd.; (3) Trina Solar (Hefei) Science and Technology Co., Ltd.; (4) Trina Solar (Singapore) Science and Technology Pte. Ltd.; (5) Trina Solar Energy Development Company Limited; (6) Vina Cell Technology Company Limited; (7) Vina Solar Technology Company Limited; and (8) Yancheng Trina Guoneng Photovoltaic Technology Co., Ltd.”

Notification to Interested Parties

This notice is issued and published in accordance with section(s) 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213 and 19 CFR 351.221(b)(4).

Dated: March 6, 2024.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix III

Companies To Be Rescinded

1. Astronergy Co., Ltd.
2. Astronergy Solar
3. Baoding Tianwei Yingli New Energy Resources Co., Ltd.
4. Beijing Tianneng Yingli New Energy Resources Co., Ltd.
5. Boviet Solar Technology Co., Ltd.
6. Canadian Solar International Limited
7. Canadian Solar Manufacturing, Inc.
8. Canadian Solar Inc.; Canadian Solar Manufacturing (Changshu) Inc.; Canadian Solar Manufacturing (Luoyang) Inc.; Changshu Tegu New Materials Technology Co., Ltd.; Changshu Tian Co., Ltd.; CSI Cells Co., Ltd.; CSI New Energy Holding Co., Ltd.; CSI Solar Manufacture Inc. (a.k.a. CSI New Energy Holding Co., Ltd.); CSI Solar Power (China) Inc.; CSI Solar Power Group Co., Ltd. (f.k.a. CSI Solar Power (China) Inc.); CSI Solar Technologies Inc.; CSI Solartronics (Changshu) Co., Ltd. CSI–GCL Solar Manufacturing (Yancheng) Co., Ltd.; CSI Manufacturing (FuNing) Co., Ltd. (f.k.a. CSI–GCL Solar Manufacturing (YanCheng) Co., Ltd.); Suzhou Sanysolar Materials Technology Co., Ltd.
9. Changzhou Trina Hezhong Photoelectric Co., Ltd.
10. CSI Modules (Dafeng) Co., Ltd.
11. CSI Solar Power (China) Inc.
12. DelSolar (Wujiang) Ltd.
13. DelSolar Co., Ltd.
14. De-Tech Trading Limited HK
15. Dongguan Sunworth Solar Energy Co., Ltd.
16. Eoply New Energy Technology Co., Ltd.
17. ERA Solar Co., Ltd.
18. ET Solar Energy Limited

19. Fuzhou Sunmodo New Energy Equipment Co., Ltd.
20. GCL System Integration Technology Co., Ltd.
21. Hainan Yingli New Energy Resources Co., Ltd.
22. Haining Chint Solar Energy Technology Co., Ltd.;
23. Hangzhou Sunny Energy Science and Technology Co., Ltd.
24. Hengdian Group DMEGC Magnetics Co., Ltd.
25. Hengshui Yingli New Energy Resources Co., Ltd.
26. Hongkong Hello Tech Energy Co., Ltd.
27. JA Solar, Co., Ltd.
28. JA Technology Yangzhou Co., Ltd.
29. Jiangsu Jinko Tiansheng Solar Co., Ltd.
30. Jinko Solar International Limited
31. Light Way Green Energy Co., Ltd.
32. Lixian Yingli New Energy Resources Co., Ltd.
33. Longi (HK) Trading Ltd.
34. Luoyang Suntech Power Co., Ltd.
35. New East Solar Energy Cambodia Co., Ltd.
36. Nice Sun PV Co., Ltd.
37. Ningbo ETDZ Holdings, Ltd.
38. ReneSola Jiangsu Ltd.
39. Renesola Zhejiang Ltd.
40. Changzhou Jintan Ningsheng Electricity Power Co., Ltd.; Changzhou Sveck New Material Technology Co., Ltd.; Changzhou Sveck Photovoltaic New Material Co., Ltd. (including Changzhou Sveck Photovoltaic New Material Co., Ltd. Jintan Danfeng Road Branch); Jiangsu Sveck New Material Co., Ltd.; Jiujiang Shengchao Xinye Technology Co., Ltd. (including Jiujiang Shengshao Xinye Technology Co., Ltd. Ruichang Branch); Jiujiang Shengchao Xinye Trade Co., Ltd.; Ninghai Risen Energy Power Development Co., Ltd.; Risen (Changzhou) Import and Export Co., Ltd.; Risen (Luoyang) New Energy Co., Ltd.; Risen (Ningbo) Electric Power Development Co., Ltd.; Risen (Wuhai) New Energy Co., Ltd.; Risen Energy (Changzhou) Co., Ltd.; Risen Energy (HongKong) Co., Ltd.; Risen Energy (Ningbo) Co., Ltd.; Risen Energy (Yiwu) Co., Ltd.; Risen Energy Co., Ltd.; Zhejiang Boxin Investment Co., Ltd.; Zhejiang Twinsel Electronic Technology Co., Ltd.
41. Shenzhen Glory Industries Co., Ltd.
42. Shenzhen Topray Solar Co., Ltd.
43. Shenzhen Yingli New Energy Resources Co., Ltd.
44. Sumec Hardware & Tools Co., Ltd.
45. Sunpreme Solar Technology (Jiaxing) Co., Ltd.
46. Suntech Power Co., Ltd.
47. Suntimes Technology Co., Limited
48. Systemes Versilis, Inc.
49. Taimax Technologies Inc.
50. Taizhou BD Trade Co., Ltd.
51. Talesun Energy
52. Talesun Solar
53. tenKsolar (Shanghai) Co., Ltd.
54. Tianjin Yingli New Energy Resources Co., Ltd.
55. Trina (Hefei) Science and Technology Co., Ltd.
56. Trina Solar Energy Development

¹ See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, and Rescission in Part*; 2021, 88 FR 88575 (December 22, 2023).

² *Id.*, 88 FR at 88576.

³ *Id.*, 88 FR at 88575.

⁴ *Id.*, 88 FR at 88575–76.

- Company Limited
57. Trina Solar (Hefei) Science and Technology Co., Ltd.
58. Trina Solar (Singapore) Science and Technology Pte. Ltd.
59. Vina Cell Technology Company Limited
60. Vina Solar Technology Company Limited
61. Wuxi Tianran Photovoltaic Co., Ltd.
62. Yancheng Trina Guoneng Photovoltaic Technology Co., Ltd.
63. Yingli Green Energy International Trading Company Limited
64. Zhejiang ERA Solar Technology Co., Ltd.
65. Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company

[FR Doc. 2024–05401 Filed 3–13–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–104, C–570–105]

Alloy and Certain Carbon Steel Threaded Rod From the People's Republic of China; Carbon and Alloy Steel Threaded Rod From the People's Republic of China: Affirmative Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that imports of unthreaded pins of alloy steel from China are circumventing the antidumping duty (AD) order on alloy and certain carbon steel threaded rod from China and the countervailing duty (CVD) order on carbon and alloy steel threaded rod from China. We invite interested parties to comment on the preliminary determination.

DATES: Applicable March 14, 2024.

FOR FURTHER INFORMATION CONTACT: Robert Galantucci, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2923.

SUPPLEMENTARY INFORMATION:

Background

On July 12, 2023, pursuant to section 781(a) of the Tariff Act of 1930, as amended (the Act), Commerce initiated these circumvention inquiries concerning unthreaded pins of alloy steel exported from China, which are further processed in the United States,

into steel threaded rod.¹ Commerce provided opportunities for interested parties to identify respondents in these inquiries² and also solicited information on the quantity and value of sales, exports, or shipments of unthreaded pins from publicly-identified Chinese exporters and U.S. importers/processors.³ On October 13, 2023, Commerce selected importers Birmingham Fastener Inc./Houston Fastener Mfg. Inc. (Birmingham) and Dan Loc Group LLC (Dan Loc), and exporters Jiashan Steelfit Trading Co., Ltd. (Steelfit) and Ningbo Zhenghai Yongding Fastener Co., Ltd. (Yongding Fastener),⁴ as mandatory respondents to our questionnaires.⁵

We received responses to initial and supplemental questionnaires from Birmingham, Dan Loc, and Steelfit, as well as a response to our initial questionnaire from Yongding Fastener. However, after initially participating in these inquiries, Yongding Fastener subsequently failed to respond to a request for additional necessary information from Commerce. For a complete description of the events that followed the initiation of these inquiries, *see* the Preliminary Decision Memorandum.⁶

Scope of the Orders

The merchandise covered by the scope of the *AD Order*⁷ is alloy and certain carbon steel threaded rod from China. The merchandise covered by the scope of the *CVD Order*⁸ is carbon and

¹ *See Alloy and Certain Carbon Steel Threaded Rod from the People's Republic of China; Carbon and Alloy Steel Threaded Rod from the People's Republic of China: Initiation of Circumvention Inquiries on the Antidumping Duty Order and Countervailing Duty Order*, 88 FR 44277 (July 12, 2023) (*Initiation Notice*).

² *Id.*, 88 FR at 44279.

³ *Id.*; *see also* Memorandum, “Confirmation of Delivery of Antidumping Questionnaire; Comments,” dated October 4, 2023.

⁴ Yongding Fastener exports through an affiliated trading company, *i.e.*, Ningbo Ningding Import & Export Co. Ltd. *See* Yongding Fastener's Letter, “Response of Ningbo Yongding to Questionnaire Dated October 16, 2023,” dated November 12, 2023, at 1.

⁵ *See* Memorandum, “Respondent Selection,” dated October 13, 2023.

⁶ *See* Memorandum, “Circumvention Inquiries Regarding Antidumping Duty Order on Alloy and Certain Carbon Steel Threaded Rod from the People's Republic of China and Countervailing Duty Order on Carbon and Alloy Steel Threaded Rod from the People's Republic of China: Preliminary Decision Memorandum,” dated concurrently, and hereby adopted, with this notice (Preliminary Decision Memorandum).

⁷ *See Alloy and Certain Carbon Steel Threaded Rod from the People's Republic of China: Antidumping Duty Order*, 85 FR 19929 (April 9, 2020) (*AD Order*).

⁸ *See Carbon and Alloy Steel Threaded Rod from India and the People's Republic of China: Countervailing Duty Orders*, 85 FR 19927 (April 9,

alloy steel threaded rod from China. For a full description of the scopes, *see* the Preliminary Decision Memorandum.

Merchandise Subject to the Circumvention Inquiries

These circumvention inquiries cover unthreaded pins of alloy steel exported from China which are further processed into alloy steel threaded rod in the United States. Unthreaded pins of alloy steel are unthreaded rod, bar, or studs, having a solid, circular cross section of any diameter, in any straight length, and are non-headed. Unthreaded pins may enter unchamfered or with their ends already chamfered. Such pins may also be referenced as “pitch diameter stud blanks” or “blanks.” Unthreaded pins of alloy steel are believed to enter under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7318.15.5051, 7318.15.5056, 7318.15.5090, 7228.60.8000, 7318.15.2095, 7318.19.0000, and 7318.29.0000, several of which also cover alloy steel threaded rod.

Methodology

Commerce made these preliminary findings of circumvention in accordance with section 781(a) of the Act and 19 CFR 351.226. We relied on information placed on the record by the petitioners,⁹ U.S. importers/processors, and Chinese suppliers. Further, because Chinese supplier Yongding Fastener failed to cooperate in these inquiries, *i.e.*, by failing to respond to a request for information and failing to participate to the best of its ability, we have used adverse inferences when selecting from among the facts otherwise available on the record, pursuant to sections 776(a) and (b) of the Act.¹⁰ Also, as adverse facts available, we are treating Yongding Fasteners and Ningding I&E, its affiliated trading company, as a single entity.

For a complete description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/>

2020) (*CVD Order*). We collectively refer to the *AD Order* and the *CVD Order* as the *Orders*.

⁹ The petitioner is Vulcan Threaded Products Inc.

¹⁰ *See* Preliminary Decision Memorandum at Section VI.

frn. A list of the topics discussed in the Preliminary Decision Memorandum is attached at Appendix I to this notice.

Preliminary Affirmative Determination of Circumvention

Based on our analysis, as detailed in the Preliminary Decision Memorandum, we preliminarily find, pursuant to section 781(a) of the Act, that imports of unthreaded pins of alloy steel from China that are further processed in the United States into subject merchandise are circumventing the *Orders*.

Certification Requirements

To administer this affirmative preliminary circumvention determination, Commerce is requiring that importers of unthreaded pins of alloy steel from China which will not be threaded into subject merchandise certify that such pins will not be further processed into subject alloy steel threaded rod. Importers will be required to submit a copy of the importer certification as part of the entry summary by uploading them into the document imaging system (or “DIS”) in ACE, and to provide U.S. Customs and Border Protection (CBP) and/or Commerce with the importer certification, and any supporting documentation, upon request of either agency.¹¹ Properly certified entries are not subject to AD/CVD duties under the *Orders*. Exemption from AD/CVD duties under the *Orders* is permitted only if the certification and documentation requirements specified in Appendices II and III are met.

Entries of unthreaded pins of alloy steel produced and/or exported by Yongding Fastener or Ningding I&E are not eligible for certification.

Suspension of Liquidation and Cash Deposit Requirements

In accordance with 19 CFR 351.226(l)(2), we will direct CBP to continue the suspension of liquidation of previously suspended entries and to suspend liquidation of all entries of unthreaded pins of alloy steel from China that are entered, or withdrawn from warehouse, for consumption on or after July 12, 2023 (*i.e.*, the date of publication of the *Initiation Notice*).¹² Pursuant to 19 CFR 351.226(l)(2), we will also instruct CBP to require AD and CVD cash deposits for unthreaded pins

of alloy steel from China for each unliquidated entry of unthreaded pins of alloy steel from China that have been entered, or withdrawn from warehouse, for consumption on or after July 12, 2023.

For entries of unthreaded pins of alloy steel for which the exporter has a company-specific cash deposit rate under the *AD Order*, the cash deposit rate will be the company-specific AD cash deposit rate established for that company in the most recently-completed segment of the proceeding. For all Chinese exporters of unthreaded pins of alloy steel that do not have a company-specific cash deposit rate under the *AD Order*, the AD cash deposit rate will be the cash deposit rate for the China-wide entity (*i.e.*, 48.91 percent);¹³ for all non-Chinese exporters of unthreaded pins of alloy steel which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter.

For entries of unthreaded pins of alloy steel for which the producer and/or exporter has a company-specific cash deposit rate under the *CVD Order*, the cash deposit rate will be the company-specific CVD cash deposit rate established for that company in the most recently-completed segment of the proceeding. For all Chinese producers and/or exporters of unthreaded pins of alloy steel that do not have a company-specific cash deposit rate under *CVD Order*, the CVD cash deposit rate will be the “all others” rate (*i.e.*, 41.17 percent).¹⁴

These suspension of liquidation instructions and cash deposit requirements will remain in effect until further notice.

Public Comment

Pursuant to 19 CFR 351.226(f)(4), interested parties are invited to comment on this preliminary determination of circumvention and may submit case briefs and/or written comments within 14 days of the publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date on which case briefs are due. Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of

the issue; (2) a brief summary of the argument; and (3) a table of authorities.

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this these inquiries, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁵ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in these inquiries. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁶

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce will inform parties of the time and date for the hearing. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date of the hearing.

U.S. International Trade Commission (ITC) Notification

Consistent with section 781(e) of the Act, Commerce is notifying the ITC of this affirmative preliminary determination to include the merchandise subject to these inquiries within the *Orders*. Pursuant to section 781(e) of the Act, the ITC may request consultations concerning Commerce's proposed inclusion of the inquiry merchandise. These consultations must

¹¹ The importer certification is provided at Appendix III.

¹² See generally *Initiation Notice*. We note that the petitioner has suggested that Commerce direct CBP to suspend entries earlier, pursuant to 19 CFR 351.226(l)(iii)(B). However, Commerce has determined that the appropriate date in this case is the date of initiation, pursuant to 19 CFR 351.226(l)(iii)(A).

¹³ See *Alloy and Certain Carbon Steel Threaded Rod from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2021–2022*, 88 FR 18117 (March 27, 2023).

¹⁴ See *Carbon and Alloy Steel Threaded Rod from India and the People's Republic of China: Countervailing Duty Orders*, 85 FR 19927, 19928 (April 9, 2020).

¹⁵ We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁶ See also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023).

be concluded within 15 days after the date of the request. If, after consultations, the ITC believes that a significant injury issue is presented by the proposed inclusion, it will have 60 days to provide written advice to Commerce.

Notification to Interested Parties

This notice is published in accordance with section 781(a) of the Act and 19 CFR 351.226(g)(1).

Dated: March 8, 2024.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Orders*
- IV. Merchandise Subject to the Circumvention Inquiries
- V. Period of the Circumvention Inquiries
- VI. Application of Facts Available and Use of Adverse Inferences
- VII. Statutory and Regulatory Framework for the Circumvention Inquiries
- VIII. Analysis for the Circumvention Inquiries
- IX. Country-Wide Determination
- X. Certification Requirement
- XI. Recommendation

Appendix II

Certification Requirements

Importers are required to complete and maintain the applicable importer certification and retain all supporting documentation for the certification. With the exception of the entries described below, the importer certification must be completed, signed, and dated by the time the entry summary is filed for the relevant entry. The importer, or the importer's agent, must transmit the importer's certification to CBP as part of the entry process by uploading it into the document imaging system (DIS) in ACE. Where the importer uses a broker to facilitate the entry process, it should obtain the entry summary number from the broker. Agents of the importer, such as brokers, however, are not permitted to certify on behalf of the importer.

Additionally, the claims made in certifications and any supporting documentation are subject to verification by Commerce and/or CBP. Importers are required to maintain certifications and supporting documentation until the later of: (1) the date that is five years after the latest entry date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in United States courts regarding such entries.

For all unthreaded pins of alloy steel from China that were entered, or withdrawn from warehouse, for consumption during the period July 12, 2023 (*i.e.*, the date of

publication of the *Initiation Notice*), through the date of publication of this preliminary determination in the **Federal Register**, where the entry has not been liquidated, the relevant certification should be completed and signed as soon as practicable, but not later than 45 days after the date of publication of this preliminary determination in the **Federal Register**. For such entries, importers have the option to complete a blanket certification covering multiple entries, individual certifications for each entry, or a combination thereof.

For unliquidated entries (and entries for which liquidation has not become final) of unthreaded pins of alloy steel from China that were declared as non-AD/CVD type entries (*e.g.*, type 01) and entered, or withdrawn from warehouse, for consumption in the United States during the period July 12, 2023 (*i.e.*, the date of publication of the *Initiation Notice*) through the date of publication of this preliminary determination in the **Federal Register**, for which none of the above certifications may be made, importers must file a Post Summary Correction with CBP, in accordance with CBP's regulations, regarding conversion of such entries from non-AD/CVD type entries to AD/CVD type entries (*e.g.*, type 01 to type 03). The importer should pay cash deposits on those entries consistent with the regulations governing post summary corrections that require payment of additional duties.

If it is determined that an importer has not met the certification and/or related documentation requirements for certain entries, Commerce intends to instruct CBP to suspend, pursuant to this preliminary country-wide affirmative determination of circumvention and the *Orders*, all unliquidated entries for which these requirements were not met and to require the importer to post applicable AD and CVD cash deposits equal to the rates noted above. Interested parties may comment in their case briefs on these certification requirements, and on the certification language contained in Appendix III to this notice.

Appendix III

Importer Certification

I hereby certify that:

(A) My name is {IMPORTING COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF IMPORTING COMPANY}, located at {ADDRESS OF IMPORTING COMPANY}.

(B) I have direct personal knowledge of the facts regarding the importation into the Customs territory of the United States of unthreaded pins of alloy steel produced in China that entered under the entry summary number(s), identified below, and which are covered by this certification. Unthreaded pins of alloy steel are unthreaded rod, bar, or studs, having a solid, circular cross section of any diameter, in any length, and are non-headed. Unthreaded pins may enter unchamfered or with their ends already chamfered. Such pins may also be referenced as "pitch diameter stud blanks" or "blanks."

"Direct personal knowledge" refers to facts the certifying party is expected to have in its own records. For example, the importer should have direct personal knowledge of the

importation of the product (*e.g.*, the name of the exporter and producer) in its records.

(C) If the importer is acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

The unthreaded pins of alloy steel covered by this certification were imported by {IMPORTING COMPANY} on behalf of {U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER}.

If the importer is not acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

{NAME OF IMPORTING COMPANY} is not acting on behalf of the first U.S. customer.

(D) The imported unthreaded pins of alloy steel covered by this certification were shipped to {NAME OF PARTY TO WHOM MERCHANDISE WAS FIRST SHIPPED IN THE UNITED STATES}, located at {ADDRESS OF SHIPMENT}.

(E) Select appropriate statement below:

___ I have direct personal knowledge of the facts regarding the end use of the imported product because my company is the end user of the imported product covered by this certification and I certify that the unthreaded pins of alloy steel will not be used to produce subject merchandise. "Direct personal knowledge" includes information contained within my company's books and records.

___ I have personal knowledge of the facts regarding the end use of the imported product because my company is not the end user of the imported product covered by this certification. However, I have been able to contact the end user of the imported product and confirm that it will not use this product to produce subject merchandise. The end user of the imported product is {COMPANY NAME} located at {ADDRESS}. "Personal knowledge" includes facts obtained from another party (*e.g.*, correspondence received by the importer from the end user of the product).

(F) The imported unthreaded pins of alloy steel from China covered by this certification were not produced and/or exported by either Ningbo Zhenghai Yongding Fastener Co., Ltd. or Ningbo Ningding Import & Export Co. Ltd.

(G) This certification applies to the following entries (repeat this block as many times as necessary):

Entry Summary #:

Entry Summary Line Item #:

Foreign Seller:

Foreign Seller's Address:

Foreign Seller's Invoice #:

Foreign Seller's Invoice Line Item #:

Producer:

Producer's Address:

(H) I understand that {NAME OF IMPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.*, documents maintained in the normal course of business, or documents obtained by the certifying party, for example, mill certificates, production records, invoices, *etc.*) for the later of: (1) a period of five years from the date of entry; or (2) a period of three years after the conclusion of any litigation in the United States courts regarding such entries.

(I) I understand that {IMPORTING COMPANY} is required to submit a copy of the importer certification as part of the entry summary by uploading it into the document imaging system (DIS) in ACE, and to provide U.S. Customs and Border Protection (CBP) and/or the U.S. Department of Commerce (Commerce) with the importer certification, and any supporting documentation, upon request of either agency.

(J) I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce.

(K) I understand that failure to maintain the required certifications, and/or failure to substantiate the claims made herein, and/or failure to allow CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all entries to which this certification applies are within the scope of the antidumping/countervailing duty orders on steel threaded rod from China. I understand that such finding will result in:

(i) suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

(ii) the requirement that the importer post applicable antidumping duty and/or countervailing duty cash deposits (as appropriate) equal to the rates determined by Commerce; and

(iii) the importer no longer being allowed to participate in the certification process.

(L) I understand that agents of the importer, such as brokers, are not permitted

to make this certification. Where a broker or other party was used to facilitate the entry process, {NAME OF IMPORTING COMPANY} obtained the entry summary number and date of entry summary from that party.

(M) This certification was completed at or prior to the date of entry summary or within 45 days of the date on which Commerce published notice of its preliminary circumvention findings in the **Federal Register**.

(N) I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature

{NAME OF COMPANY OFFICIAL}
{TITLE}

[FR Doc. 2024–05464 Filed 3–13–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD791]

Marine Mammals and Endangered Species

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of a permit.

SUMMARY: Notice is hereby given that a permit has been issued to the following entity under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA).

ADDRESSES: The permit and related documents are available for review upon written request via email to NMFS.Pr1Comments@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore at (301) 427–8401.

SUPPLEMENTARY INFORMATION: Notice was published in the **Federal Register** on the date listed below that a request for a permit had been submitted. To locate the **Federal Register** notice that announced our receipt of the application and a complete description of the activities, go to <https://www.federalregister.gov> and search on the permit number provided in table 1 below.

TABLE 1—ISSUED PERMIT

Permit No.	RTID	Applicant	Previous Federal Register Notice	Issuance date
27592	0648–XD587	Shannon Atkinson, Ph.D., University of Alaska Fairbanks, 17101 Point Lena Loop Road, Juneau, AK 99801.	88 FR 88372, December 21, 2023.	February 9, 2024.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance of this permit was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Authority: The requested permit has been issued under the MMPA of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the

regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222 through 226), as applicable.

Dated: March 11, 2024.

Julia M. Harrison,

*Chief, Permits and Conservation Division,
Office of Protected Resources, National
Marine Fisheries Service.*

[FR Doc. 2024–05445 Filed 3–13–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD784]

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of NC public port meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold four port meetings in North Carolina to gather input on Atlantic king mackerel and Atlantic Spanish mackerel fisheries, which are managed by the Fishery Management Plan for Coastal

Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region.

DATES: The port meetings will take place April 1–4, 2024. The port meetings will begin at 6 p.m., EST. For specific dates and times, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES:

Meeting addresses: The public meetings will be held in: Wilmington, NC; Morehead City, NC; Hatteras, NC; and Manteo, NC. For specific locations, see **SUPPLEMENTARY INFORMATION**.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT:

Christina Wiegand, Fishery Social Scientist, SAFMC; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: christina.wiegand@safmc.net.

SUPPLEMENTARY INFORMATION: The Council is hosting a series of port meetings along the Atlantic coast throughout 2024 in order to take a focused look at the Atlantic king mackerel and Atlantic Spanish mackerel fisheries. The agenda for the four in-person public meetings is as follows: Council staff will briefly introduce port meetings and the Council's goals and objectives. Attendees will then have the opportunity, through a series of discussion-based breakout groups, to provide input on issues related to the Atlantic king mackerel and Spanish mackerel fisheries including changing environmental conditions, needed management changes, commercial and recreational fishery dynamics, and the goals and objectives of the Coastal Migratory Pelagics Fishery Management Plan. Information provided during port meetings will be summarized and presented to the Council for use in management. Additional port meetings will be scheduled along the Atlantic coast throughout the remainder of 2024. Meeting materials and additional information will be posted on the Council's website at www.safmc.net as it becomes available.

In-Person Port Meeting Locations

Monday, April 1, 2024: North Carolina Division of Marine Fisheries Southern District Office, 127 Cardinal Drive Extension, Wilmington, NC 28405; phone: (910) 796–7215;

Tuesday, April 2, 2024: North Carolina Division of Marine Fisheries Central District Office, 5285 Highway 70 West, Morehead City, NC 28557; phone: (252) 515–5500;

Wednesday, April 3, 2024: Hatteras Village Civic Center, 6658 North

Carolina Hwy 12, Hatteras, NC 27943; phone: (252) 986–2109; and

Thursday, April 4, 2024: Dare County Administrative Building Board of Commissioners Meeting Room, 954 Marshall C. Collins Dr., Manteo, NC 27954; phone: (252) 475–5700.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aid should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 11, 2024.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024–05447 Filed 3–13–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Atlantic Highly Migratory Species Permit Family of Forms

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before May 13, 2024.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at NOAA.PRA@noaa.gov. Please reference OMB Control Number 0648–0327 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Cliff Hutt, Fishery Management Specialist, National Marine Fisheries Service (NMFS) Highly Migratory Species (HMS) Management Division, at 301–427–8542 or cliff.hutt@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for the revision and extension of a current information collection, which includes both vessel and dealer permits.

Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*), NMFS is responsible for management of the Nation's marine fisheries. In addition, NMFS must comply with the United States' obligations under the Atlantic Tunas Convention Act of 1975 (ATCA; 16 U.S.C. 971 *et seq.*).] Atlantic highly migratory species (HMS) fisheries are managed under the 2006 Consolidated HMS Fishery Management Plan (FMP) and its amendments pursuant to the Magnuson-Stevens Act and consistent with ATCA. HMS implementing regulations are at 50 CFR part 635. NMFS issues permits to fishing vessels and dealers in order to collect information necessary to comply with domestic and international obligations, secure compliance with regulations, and disseminate necessary information. Regulations at § 635.4 require that vessels participating in commercial and recreational fisheries for Atlantic HMS and dealers purchasing Atlantic HMS from a vessel obtain a federal permit issued by NMFS.

This action addresses the renewal of permit applications currently approved under OMB control number 0648–0327, including both vessel and Atlantic Tunas Dealer permits. Vessel permits include Atlantic Tunas (except Longline permits, which are approved under OMB control number 0648–0205), HMS Charter/Headboat, HMS Angling, and Swordfish General Commercial permits. This action also includes the one-time requirement for commercial vessels greater than 20 meters in length to obtain an International Maritime Organization/Lloyd's Registry (IMO/LR) number.

This action is also being revised to include a new requirement for all HMS vessel permit applications to be submitted online starting in 2025, and the one-time requirement for all permit applicants to set up an account on the HMS permits website. The latter was

implemented to make the program compatible with current federal data security requirements and will make it easier for permit holders with multiple vessel permits to manage their permits by linking them all within a single account. Finally, the action is revised to remove the ability to submit an application for an Atlantic Tunas Purse Seine category permit, as the Atlantic Tunas Purse Seine category was discontinued as part of Amendment 13 to the 2006 Consolidated HMS Fishery Management Plan after years of inactivity in the bluefin tuna fishery. More information on that action can be found in the Amendment 13 final rule (87 FR 59966, October 3, 2022).

The burden estimates in this renewal are also being updated to reflect increases in the total number of permits issued each year, and a \$1 increase in the price of HMS vessel permits to \$27 per permit, due to increased costs associated with maintaining and executing the program.

II. Method of Collection

Method of submittal will be electronic (online) only via the NMFS Permit Shop.

III. Data

OMB Control Number: 0648–0327.

Form Number(s): None.

Type of Review: Regular submission (request for revision and extension of a current information collection).

Affected Public: Individuals or households; Business or other for-profit organizations.

Estimated Number of Respondents: 40,400.

Estimated Time per Response: Renewal of Atlantic Tunas Dealer Permit application, 5 minutes; renewal applications for the following vessel permits—Atlantic Tunas, HMS Charter/Headboat, HMS Angling, and Swordfish General Commercial, 10 minutes; initial Atlantic Tunas Dealer Permit application, 15 minutes; initial applications for the following vessel permits—Atlantic Tunas, HMS Charter/Headboat, HMS Angling, and Swordfish General Commercial, 35 minutes; one-time application for the IMO/LR number, 30 minutes.

Estimated Total Annual Burden Hours: 10,933.

Estimated Total Annual Cost to Public: \$1,073,550.

Respondent's Obligation: Mandatory.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 *et seq.*).

IV. Request for Comments

We are soliciting public comments to allow the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this Information Collection Request (ICR). Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024–05456 Filed 3–13–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD498]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to U.S. Navy Construction at Naval Station Norfolk in Norfolk, Virginia

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application for Letter of Authorization; request for comments and information.

SUMMARY: NMFS has received a request from the U.S. Navy for authorization to take small numbers of marine mammals

incidental to construction activities associated with the replacement of the Q8 bulkhead at Naval Station Norfolk over the course of 5 years from the date of issuance. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of the Navy's request for the development and implementation of regulations governing the incidental taking of marine mammals. NMFS invites the public to provide information, suggestions, and comments on the Navy's application and request.

DATES: Comments and information must be received no later than April 15, 2024.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to ITP.Cockrell@noaa.gov. An electronic copy of the Navy's application may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing the document, please call the contact listed below.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Craig Cockrell, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either

regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An incidental take authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined “negligible impact” in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term “take” means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Summary of Request

On September 14, 2022, NMFS received an application from the Navy requesting authorization for take of marine mammals incidental to construction activities related to demolition and construction activities associated with the replacement of the Q8 bulkhead at Naval Station Norfolk. Following NMFS’ review of the application, the Navy provided responses to our questions on December 15, 2023. A revised version of the application was submitted on January 5, 2024 and the application was deemed adequate and complete on February 23, 2024. The requested regulations would be valid for 5-years, from January 1, 2025 through December 31, 2029. The Navy plans to conduct necessary work, including vibratory pile driving and removal and impact pile driving to remove aging components of the bulkhead and replacing the tongue and groove sheet piles between Piers 11 and 14 and areas to the north of Pier 14. The proposed action may incidentally expose marine mammals occurring in

the vicinity to elevated levels of underwater sound, potentially resulting in incidental take, by Level B harassment. Therefore, the Navy requests an authorization to incidentally take marine mammals.

Specified Activities

The Navy is proposing to remove old components of the Q8 bulkhead at Naval Station Norfolk and replace those with new to maintain the use and lifespan of the bulkhead from Pier 11 to the northern jetty just past Pier 14. Work would be conducted over three phases. The entire project scope includes the removal of 378 existing piles from the old bulkhead and installation of 836 piles to construct the new bulkhead structure. The Navy expects construction will require approximately 212 in-water workdays over the 5-year period.

Information Solicited

Interested persons may submit information, suggestions, and comments concerning the Navy’s request (see **ADDRESSES**). NMFS will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by the Navy, if appropriate.

Dated: March 11, 2024.

Kimberly Damon-Randall,
Director, Office of Protected Resources,
National Marine Fisheries Service.

[FR Doc. 2024–05465 Filed 3–13–24; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER FINANCIAL PROTECTION BUREAU

[Docket No. CFPB–2024–0011]

Agency Information Collection Activities: Comment Request

AGENCY: Consumer Financial Protection Bureau.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (CFPB) is requesting the revision of the Office of Management and Budget’s (OMB’s) approval for an existing information collection titled, “Regulation F: Fair Debt Collection Practices Act, State Application for Exemption,” approved under OMB Control Number 3170–0056.

DATES: Written comments are encouraged and must be received on or

before May 13, 2024 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments.

- **Email:** PRA_Comments@cfpb.gov. Include Docket No. CFPB–2024–0011 in the subject line of the email.

- **Mail/Hand Delivery/Courier:** Comment Intake, Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552. Because paper mail in the Washington, DC area and at the CFPB is subject to delay, commenters are encouraged to submit comments electronically.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Anthony May, PRA Officer, at (202) 435–7278, or email: CFPB_PRA@cfpb.gov. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov. Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Regulation F: Fair Debt Collection Practices Act, State Application for Exemption.

OMB Control Number: 3170–0056.

Type of Review: Revision of a currently approved collection.

Affected Public: State governments.

Estimated Number of Respondents: 8,730.

Estimated Total Annual Burden Hours: 858,345.

Abstract: Regulation F implements the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. 1692 and prescribes Federal rules governing the activities of debt collectors (as that term is defined in the FDCPA). Regulation F addresses communications in connection with debt collection and prohibitions on harassment or abuse, false or misleading representations, and unfair practices in debt collection. Regulation F includes information collections related to information that debt collectors must provide to consumers at various points during the debt collection process (such as at the outset of collections), before

reporting a debt to a consumer reporting agency, and in response to certain consumer requests or actions.

Regulation F also includes information collections related to recordkeeping and State applications to the CFPB for an exemption of a class of debt collection practices within the applying State from the provisions of the FDCPA and the corresponding provisions of Regulation F.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the CFPB, including whether the information will have practical utility; (b) The accuracy of the CFPB's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB's approval. All comments will become a matter of public record.

Anthony May,

Paperwork Reduction Act Officer, Consumer Financial Protection Bureau.

[FR Doc. 2024-05449 Filed 3-13-24; 8:45 am]

BILLING CODE 4810-AM-P

DEPARTMENT OF EDUCATION

Applications for New Awards; Promoting Postbaccalaureate Opportunities for Hispanic Americans Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2024 for the Promoting Postbaccalaureate Opportunities for Hispanic Americans (PPOHA) Program, Assistance Listing Number (ALN) 84.031M. This notice relates to the approved information collection under OMB control number 1894-0006.

DATES:

Applications Available: March 14, 2024.

Deadline for Transmittal of Applications: May 13, 2024.

Deadline for Intergovernmental Review: July 12, 2024.

Deadline for Optional Notice of Intent to Apply: May 3, 2024.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at <https://www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs>.

FOR FURTHER INFORMATION CONTACT: Margarita L. Meléndez, U.S. Department of Education, 400 Maryland Avenue SW, Room 5C125, Washington, DC 20202-4260. Telephone: (202) 987-0408. Email: Margarita.Melendez@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:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purposes of the PPOHA Program are to: (1) expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and (2) expand the postbaccalaureate academic offerings, as well as enhance the program quality, at the institutions of higher education (IHEs) that are educating the majority of Hispanic college students and helping large numbers of Hispanic and low-income students complete postsecondary degrees.

Background: In the fall of 2021, there were approximately 2.8 million U.S. resident students enrolled at the postbaccalaureate level in degree-granting institutions.¹ Of those students, 60 percent were White and only 13 percent were Hispanic.² Furthermore, in 2021, White students received 62.4 percent and 63.4 percent of master's and doctoral degrees, respectively, and Hispanic students received 12.7 percent and 9.7 percent of master's and doctoral degrees, respectively.³

Hispanic students who enroll and attain credentials beyond a bachelor's

degree have increased employment options, which provides the potential for greater financial returns.⁴ In 2021, for example, 49 percent advanced degree holders earned \$100,000 or more, as compared to 7 percent of high school graduates and 35 percent of those whose highest attainment was a bachelor's degree.⁵

A critical component of student success and college completion for Hispanic students is engagement with diverse faculty members who can serve as mentors.⁶ The impact of the characteristics, insights, and perspectives of diverse faculty has been shown to enhance the teaching, research, and service missions of institutions of higher education.⁷ Diverse faculty increase opportunities for students to encounter readings and research relevant to underrepresented groups.⁸ Increasing Latino faculty has been found to play a critical role in Latino student retention and climate.⁹ In addition, the presence of diverse faculty enhances the college experience by providing a more enriching college experience and a more supportive racial climate to ensure student success.¹⁰ Despite the many benefits of faculty diversity, in the fall of 2021, only six percent of full-time faculty at degree-granting postsecondary institutions were Hispanic,¹¹ while the enrollment rate of Hispanic undergraduate and graduate students was 33 percent.¹²

Hispanic adults are also currently underrepresented in the STEM workforce. Hispanic or Latino workers represented 15 percent of the total STEM workforce in 2021,¹³ compared to

⁴ Schak, J.O. and Nichols, A.H. (2017). Education Trust. Degree Attainment for Latino Adults: National and State Trends.

⁵ Ma, J. and Pender, M. (2023). College Board. "Education Pays 2023: The Benefits of Higher Education for Individuals and Society."

⁶ Contreras, F., and Contreras, J.G. (2015). Journal of Hispanic Higher Education. "Raising the Bar for Hispanic Serving Institutions: An Analysis of College Completion and Success Rates."

⁷ Milem, J.F. (2003). Compelling Interest. "The Educational Benefits of Diversity: Evidence from Multiple Sectors."

⁸ Ibid.

⁹ Contreras, F., and Contreras, J.G. (2015). Journal of Hispanic Higher Education. "Raising the Bar for Hispanic Serving Institutions: An Analysis of College Completion and Success Rates."

¹⁰ Milem, J.F. (2003). Compelling Interest. "The Educational Benefits of Diversity: Evidence from Multiple Sectors."

¹¹ Fast Facts (2023): Race/ethnicity of college faculty (ed.gov).

¹² National Center for Education Statistics. (2023). College Enrollment Rates. *Condition of Education*. U.S. Department of Education, Institute of Education Sciences.

¹³ Diversity and STEM: Women, Minorities, and Persons with Disabilities (2023). National Science Foundation.

¹ National Center for Education Statistics. (2023). Postbaccalaureate Enrollment. *Condition of Education*. U.S. Department of Education, Institute of Education Sciences.

² Ibid.

³ National Center for Education Statistics (2023). Fast Facts: Degrees conferred by race/ethnicity and sex. U.S. Department of Education, Institute of Education Statistics.

18 percent of the total labor workforce.¹⁴ According to labor market data from the Federal Reserve Bank of New York, students who graduate with degrees in the STEM disciplines generally are paid more than students who graduate with non-STEM degrees.¹⁵ The growth in STEM jobs is expected to outpace that of non-STEM jobs in the future.¹⁶

To this end, this competition includes an absolute priority focused on expanding the number of Hispanic and other underrepresented graduate and professional students served by the applicant institution, or the institutions that are part of the cooperative agreement application, through expanded courses and institutional resources. In responding to this absolute priority, applicants should demonstrate how they will expand academic offerings that prepare postbaccalaureate students for the workforce by developing or enhancing current course offerings in existing postgraduate degree, certificate, or credentialing programs or by establishing new postgraduate degree, certificate, or credentialing programs. Additionally, applicants are encouraged to form partnerships with other Hispanic-Serving Institutions (HSIs) and non-HSI IHEs that may assist the applicant IHE in leveraging resources and opportunities for apprenticeships, internships, workplace learning, or similar experiences for students.

This competition also includes two competitive preference priorities focused on meeting students' holistic needs and providing flexible, high-quality, and accessible learning opportunities, and three invitational priorities that support increasing the number of Hispanic doctoral candidates and graduates through collaboration, increasing the number of Hispanic educators, and increasing the number of Hispanics prepared for the STEM workforce.

Priorities: This notice contains one absolute priority, two competitive preference priorities, and three invitational priorities. In accordance with 34 CFR 75.105(b)(2)(v), the absolute priority is from allowable activities specified in the statute (see section 503(b)(14) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. 1101b). The competitive preference priorities are

from the Secretary's Supplemental Priorities and Definitions for Discretionary Grants Programs, published in the **Federal Register** on December 10, 2021 (86 FR 70612) (Supplemental Priorities).

Absolute Priority: For FY 2024 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

The priority is:

Expanding the number of Hispanic and other underrepresented graduate and professional students that can be served by the institution by expanding courses and institutional resources.

Competitive Preference Priorities: For FY 2024 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 15 points to an application, depending on how well the application meets each of these priorities. Applicants may respond to one or both priorities, for a total of up to 15 additional points.

These priorities are:

Competitive Preference Priority 1: *Meeting Student Social, Emotional, and Academic Needs* (up to 10 points).

Projects that are designed to improve students' social, emotional, academic, and career development, with a focus on underserved students, through one or both of the following areas:

(a) Creating education or work-based settings that are supportive, positive, identity-safe and inclusive with regard to race, ethnicity, culture, language, and disability status, through supporting students to engage in real-world hands-on learning that is aligned with classroom instruction and takes place in community-based settings, such as apprenticeships, pre-apprenticeships, work-based learning, and service learning, and in civic activities, that allow students to apply their knowledge and skills, strengthen their employability skills, and access career exploration opportunities. (up to 2 points)

(b) Creating a positive, inclusive, and identity-safe climate at IHEs through one or both of the following activities:

(1) Implementing evidence-based practices for advancing student success for underserved students. (up to 4 points)

(2) Providing evidence-based professional development opportunities designed to build asset-based mindsets for faculty and staff on campus and that

are inclusive with regard to race, ethnicity, culture, language, and disability status. (up to 4 points)

Competitive Preference Priority 2: *Increasing Postsecondary Education Access, Affordability, Completion, and Post-Enrollment Success* (up to 5 points).

Projects that are designed to increase postsecondary access, affordability, completion, and success for underserved students by supporting the development and implementation of high-quality and accessible learning opportunities, including learning opportunities that are accelerated or hybrid online; credit-bearing; work-based; and flexible for working students.

Invitational Priorities: For FY 2024 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are invitational priorities. Under 34 CFR 75.105(c)(1), we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications. Applicants may respond to one, two, or all priorities.

These priorities are:

Invitational Priority 1: *Improving the Hispanic Ph.D. Pipeline through Collaboration.*

Projects that are supported by a consortium of HSI, including no fewer than three HSI that award Ph.D.s, and are designed to improve the Hispanic Ph.D. pipeline and increase the number of Hispanic Ph.D.s by supporting teaching, research, and resource sharing across institutions, creating mentorship opportunities, and supporting experiential learning, as well as other high-impact practices that have demonstrated positive results for Hispanic postbaccalaureate students.

Under this priority, we are particularly interested in projects designed to address the low percentage of Hispanics who both enroll in Ph.D. programs and attain the Ph.D. degree by establishing, improving, or expanding programs that—

(a) Increase the Hispanic student pipeline for Ph.D.s;

(b) Improve the academic preparation of postbaccalaureate students through course offerings, research opportunities (including study abroad opportunities), mentorship, and learning communities;

(c) Combine traditional academic training with industry-standard specialized knowledge and skills that will improve student educational outcomes; and

(d) Evaluate the association between the consortium's activities and Ph.D. attainment by Hispanic students.

¹⁴ Labor force characteristics by race and ethnicity (2021). BLS Reports: U.S. Bureau of Labor Statistics.

¹⁵ Federal Reserve Bank of New York, February 2023.

¹⁶ Pew Research Center. (2021). "STEM Jobs See Uneven Progress in Increasing Gender, Racial and Ethnic Diversity."

Invitational Priority 2: Supporting the Hispanic Educator Pipeline.

Projects that are designed to establish or expand entry points into the educator pipeline, to increase the number of Hispanic educators, the number of Hispanic students earning postgraduate degrees in preparation for employment as an educator, or both.

Under this priority, we are particularly interested in projects designed to establish, improve, or expand programs that address one or more of the following—

(a) Recruit racially, ethnically, and linguistically diverse educators;

(b) Retain diverse educators by strengthening support networks and providing professional development; and

(c) Combine traditional academic training with specialized knowledge and skills that will prepare students for entry into the educator profession.

Invitational Priority 3: Increasing Hispanics in Science, Technology, Engineering, and Mathematics (STEM).

Projects that are designed to increase the number of Hispanic postbaccalaureate students and educators in STEM.

Under this priority, we are particularly interested in projects designed to establish, improve, or expand programs that—

(a) Identify and implement instructional strategies, systems, and structures that improve postsecondary learning and retention that leads to completion of a master's, Ph.D. or terminal degree in STEM;

(b) Combine traditional academic training with specialized knowledge and skills through research, apprenticeships, and technology applications that will prepare students for STEM fields; and

(c) Provide pathways for entry into the STEM workforce.

Definitions: The following definitions are from 34 CFR 77.1, with the exception of “educator” and “underserved student,” which are from the Supplemental Priorities. They apply to the priorities and selection criteria in this notice:

Baseline means the starting point from which performance is measured and targets are set.

Demonstrates a rationale means a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

Educator means an individual who is an early learning educator, teacher, principal or other school leader, specialized instructional support

personnel (e.g., school psychologist, counselor, school social worker, early intervention service personnel), paraprofessional, or faculty.

Evidence-based means the proposed project component is supported by promising evidence or evidence that demonstrates a rationale.

Experimental study means a study that is designed to compare outcomes between two groups of individuals (such as students) that are otherwise equivalent except for their assignment to either a treatment group receiving a project component or a control group that does not. Randomized controlled trials, regression discontinuity design studies, and single-case design studies are the specific types of experimental studies that, depending on their design and implementation (e.g., sample attrition in randomized controlled trials and regression discontinuity design studies), can meet What Works Clearinghouse (WWC) standards without reservations as described in the WWC Handbooks:

(i) A randomized controlled trial employs random assignment of, for example, students, teachers, classrooms, or schools to receive the project component being evaluated (the treatment group) or not to receive the project component (the control group).

(ii) A regression discontinuity design study assigns the project component being evaluated using a measured variable (e.g., assigning students reading below a cutoff score to tutoring or developmental education classes) and controls for that variable in the analysis of outcomes.

(iii) A single-case design study uses observations of a single case (e.g., a student eligible for a behavioral intervention) over time in the absence and presence of a controlled treatment manipulation to determine whether the outcome is systematically related to the treatment.

Logic model (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (i.e., the active “ingredients” that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

Note: In developing logic models, applicants may want to use resources such as the Regional Educational Laboratory Program's Education Logic Model Application at <https://ies.ed.gov/ncee/rel/Products/Region/pacific/Resource/100677>.

Performance measure means any quantitative indicator, statistic, or

metric used to gauge program or project performance.

Performance target means a level of performance that an applicant would seek to meet during the course of a project or as a result of a project.

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (e.g., training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Promising evidence means that there is evidence of the effectiveness of a key project component in improving a relevant outcome, based on a relevant finding from one of the following:

(i) A practice guide prepared by What Works Clearinghouse (WWC) reporting a “strong evidence base” or “moderate evidence base” for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC reporting a “positive effect” or “potentially positive effect” on a relevant outcome with no reporting of a “negative effect” or “potentially negative effect” on a relevant outcome; or

(iii) A single study assessed by the Department, as appropriate, that—

(A) Is an experimental study, a quasi-experimental design study, or a well-designed and well-implemented correlational study with statistical controls for selection bias (e.g., a study using regression methods to account for differences between a treatment group and a comparison group); and

(B) Includes at least one statistically significant and positive (i.e., favorable) effect on a relevant outcome.

Quasi-experimental design study means a study using a design that attempts to approximate an experimental study by identifying a comparison group that is similar to the treatment group in important respects. This type of study, depending on design and implementation (e.g., establishment of baseline equivalence of the groups being compared), can meet WWC standards with reservations, but cannot meet WWC standards without reservations, as described in the WWC Handbooks.

Relevant outcome means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

Underserved student means a student in postsecondary education in one or more of the following subgroups:

- (a) A student who is living in poverty.
- (b) A student of color.

(c) A pregnant, parenting, or caregiving student.

(d) A student who is the first in their family to attend postsecondary education.

What Works Clearinghouse Handbooks (WWC Handbooks) means the standards and procedures set forth in the WWC Standards Handbook, Versions 4.0 or 4.1, and WWC Procedures Handbook, Versions 4.0 or 4.1, or in the WWC Procedures and Standards Handbook, Version 3.0 or Version 2.1 (all incorporated by reference, see 34 CFR 77.2). Study findings eligible for review under WWC standards can meet WWC standards without reservations, meet WWC standards with reservations, or not meet WWC standards. WWC practice guides and intervention reports include findings from systematic reviews of evidence as described in the WWC Handbooks documentation.

Note: The What Works Clearinghouse Procedures and Standards Handbook (Version 4.1), as well as the more recent What Works Clearinghouse Handbook released in August 2022 (Version 5.0), are available at <https://ies.ed.gov/ncee/wwc/Handbooks>.

Program Authority: 20 U.S.C. 1102–1102c.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 74, 75, 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget (OMB) Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 606. (e) The Supplemental Priorities. (f) Notice of final requirements for the PPOHA Program, published in the **Federal Register** on July 27, 2010 (75 FR 44056) (NFR).

II. Award Information

Type of Award: Discretionary grants. Five-year Individual Development Grants and Cooperative Arrangement Development Grants will be awarded in FY 2024.

Note: A cooperative arrangement is an arrangement to carry out allowable grant activities between an institution eligible to receive a grant under this competition and another eligible or ineligible IHE, under which the resources of the cooperating institutions are combined and shared to better achieve the purpose of the program and avoid costly duplication of effort.

Estimated Available Funds: The Administration has requested \$28,845,000 for the PPOHA Program for FY 2024, of which we intend to use approximately \$11,257,000 for new awards. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent fiscal years from the list of unfunded applications from this competition.

Individual Development Grants:

Estimated Range of Awards:

\$500,000–\$600,000 per year.

Estimated Average Size of Awards:

\$550,000 per year.

Maximum Awards: We will not make an award exceeding \$600,000 for a single 12-month budget period.

Estimated Number of Awards: 11.

Cooperative Arrangement Development Grants:

Estimated Range of Awards:

\$600,000–\$1,500,000.

Estimated Average Size of Awards:

\$1,000,000.

Maximum Award: We will not make an award exceeding \$1,500,000 for a single 12-month budget period.

Estimated Number of Awards: 5.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information and Supplemental Requirements

1. *Eligible Applicants:* IHEs that (a) qualify as an eligible HSI and (b) offer a postbaccalaureate certificate or postbaccalaureate degree program are eligible to apply for new grants under the PPOHA Program. See section 512(b) of the HEA (20 U.S.C. 1102a(b)).

An eligible IHE for purposes of the PPOHA Program, under sections 502 and 512(b) of the HEA (20 U.S.C. 1101a and 1102a(b)), must—

(a) Have an enrollment of needy students, as defined in section 502(b) of the HEA (section 502(a)(2)(A)(i) of the HEA; 20 U.S.C. 1101a(a)(2)(A)(i));

(b) Have, except as provided in section 522(b) of the HEA, average

educational and general expenditures that are low, per full-time equivalent (FTE) undergraduate student, in comparison with the average educational and general expenditures per FTE undergraduate student of institutions that offer similar instruction (section 502(a)(2)(A)(ii) of the HEA; 20 U.S.C. 1101a(a)(2)(A)(ii));

Note 1: To demonstrate an enrollment of needy students and low average educational and general expenditures per FTE undergraduate student, an IHE must be designated as an “eligible institution” in accordance with 34 CFR 606.3 through 606.5 and the notice inviting applications for designation as an eligible institution for the fiscal year for which the grant competition is being conducted.

Note 2: Only institutions that the Department determines are eligible, or are granted a waiver, may apply for a grant in this program.

(c) Be accredited by a nationally recognized accrediting agency or association that the Secretary has determined to be a reliable authority as to the quality of education or training offered, or making reasonable progress toward accreditation, according to such an agency or association (section 502(a)(2)(A)(iv) of the HEA; 20 U.S.C. 1101a(a)(2)(A)(iv));

(d) Be legally authorized to provide, and provide within the State, an educational program for which the institution awards a bachelor's degree (section 502(a)(2)(A)(iii)(I) of the HEA; 20 U.S.C. 1101a(a)(2)(A)(iii)(I)); and

(e) Have an enrollment of undergraduate FTE students that is at least 25 percent Hispanic students at the end of the award year immediately preceding the date of application (section 502(a)(5)(B) of the HEA; 20 U.S.C. 1101a(a)(5)(B)).

Note 3: Funds for the PPOHA Program will be awarded each fiscal year; thus, for this program, the “end of the award year immediately preceding the date of application” refers to the end of the fiscal year prior to the application due date. The end of the fiscal year occurs on September 30 for any given year.

Note 4: In considering applications for grants under this program, the Department will compare the data and documentation the institution relied on in its application with data reported to the Department's Integrated Postsecondary Education Data System (IPEDS), the IHE's State-reported enrollment data, and the institutional annual report. If different percentages or data are reported in these various sources, the institution must, as part of the 25 percent assurance verification, explain the reason for the differences. If

the IPEDS data show that less than 25 percent of the institution's undergraduate FTE students are Hispanic, the burden is on the institution to show that the IPEDS data are inaccurate. If the IPEDS data indicate that the institution has an undergraduate FTE less than 25 percent, and the institution fails to demonstrate that the IPEDS data are inaccurate, the institution will be considered ineligible.

(f) A grantee under the PPOHA Program, which is authorized by title V of the HEA, may not receive a grant under any HEA, title III, part A or part B program during the period for which funds under this program are awarded (section 505 of the HEA; 20 U.S.C. 1101d). The title III, part A programs include: the Strengthening Institutions Program; the American Indian Tribally Controlled Colleges and Universities Program; the Alaska Native and Native Hawaiian-Serving Institutions Programs; the Asian American and Native American Pacific Islander-Serving Institutions Program; the Predominantly Black Institutions Program; and the Native American-Serving Non-Tribal Institutions Program. Title III, part B includes the Strengthening Historically Black Colleges and Universities Program.

(g) An eligible IHE may not submit more than one Individual Development Grant application, be the lead applicant for more than one Cooperative Arrangement Development Grant, or submit an Individual Development Grant application and be the lead applicant for a Cooperative Arrangement Development Grant application in this competition. A grantee with an Individual Development Grant or a Cooperative Arrangement Development Grant may be a partner in one or more Cooperative Arrangement Development Grants. The lead institution in a Cooperative Arrangement Development Grant must be an eligible institution.

(h) A PPOHA Program grantee may use not more than 20 percent of its total PPOHA Program grant award to provide financial support in the form of scholarships, fellowships, and other student financial assistance to low-income students (see NFR).

(i) Nothing in this notice alters a grantee's obligations to comply with Federal civil rights laws.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching unless the grantee uses a portion of its grant for establishing or improving an endowment fund. If a grantee uses a portion of its grant for endowment fund purposes, it must match or exceed those grant funds with

non-Federal funds (section 503(c)(2) of the HEA; 20 U.S.C. 1101b(c)(2)).

b. *Supplement-Not-Supplant:* This competition involves supplement-not-supplant funding requirements.

c. *Indirect Cost Rate Information:* This program uses a restricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see www2.ed.gov/about/offices/list/ocfo/intro.html.

d. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c), a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: local educational agencies; State educational agencies; IHEs; nonprofit organizations. The grantee may award subgrants to entities it has identified in an approved application or that it selects through a competition under procedures established by the grantee.

4. *Other:* This program is subject to the Build America, Buy America Act (Pub. L. 117–58). This means that, under this program, grantees and their subrecipients and contractors may not use their grant funds for infrastructure projects or activities (e.g., construction and broadband infrastructure) unless—

(a) All iron and steel used in the infrastructure project or activity are produced in the United States;

(b) All manufactured products used in the infrastructure project or activity are produced in the United States; and

(c) All construction materials are manufactured in the United States.

IV. Application and Submission Information

1. Application Submission

Instructions: Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045), and available at www.federalregister.gov/d/2022-26554, which contain requirements and information on how to submit an application.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the PPOHA Program, your application may include business information that

you consider proprietary. In 34 CFR 5.11, we define “business information” and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600 (Predisclosure Notification Procedures for Confidential Commercial Information), please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under “Other Attachments Form,” please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

4. *Funding Restrictions:* We specify unallowable costs in 34 CFR 606.10(c). We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 55 pages for an Individual Development grant and no more than 65 pages for a Cooperative Arrangement Development Grant and (2) use the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger, and no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit applies to the Project Narrative, which is your

complete response to the selection criteria and, if applicable, the competitive preference priorities. However, the page limit does not apply to the Application for Federal Assistance form (SF-424); the ED SF-424 Supplement form; the Budget Information—Non-Construction Programs form (ED 524); the assurances and certifications; or the one-page project abstract, the program profile form, and supporting budget narrative.

6. *Notice of Intent to Apply:* The Department will be able to review grant applications more efficiently if we know the approximate number of applicants that intend to apply. Therefore, we strongly encourage each potential applicant to notify us of their intent to submit an application. To do so, please email the program contact person listed under **FOR FURTHER INFORMATION CONTACT** with the subject line “Intent to Apply,” and include the applicant’s name and a contact person’s name and email address. Applicants that do not submit a notice of intent to apply may still apply for funding; applicants that do submit a notice of intent to apply are not bound to apply or bound by the information provided.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210, 606.8, and 606.22. Applicants should address each of the following selection criteria separately for each proposed activity. We will award up to 100 points to an application under the selection criteria and up to 15 additional points to an application under the competitive preference priorities, for a total score of up to 115 points. The maximum score for each criterion is noted in parentheses.

(a) *Quality of the applicant’s comprehensive development plan.* (up to 25 points)

The Secretary evaluates each application for a development grant based on the extent to which—

(1) The strengths, weaknesses, and significant problems of the institution’s academic programs, institutional management, and fiscal stability are clearly and comprehensively analyzed and result from a process that involved major constituencies of the institution (up to 5 points);

(2) The goals for the institution’s academic programs, institutional management, and fiscal stability are realistic and based on comprehensive analysis (up to 5 points);

(3) The objectives stated in the plan are measurable, related to institutional goals, and, if achieved, will contribute

to the growth and self-sufficiency of the institution (up to 5 points);

(4) The plan clearly and comprehensively describes the methods and resources the institution will use to institutionalize practice and improvements developed under the proposed project, including, in particular, how operational costs for personnel, maintenance, and upgrades of equipment will be paid with institutional resources (up to 5 points); and

(5) The 5-year plan describes how the applicant will improve its services to Hispanic and other low-income students (up to 5 points).

Note: Under 34 CFR 606.8(a), a comprehensive development plan is an institution’s strategy for achieving growth and self-sufficiency by strengthening its (1) academic programs; (2) institutional management; and (3) fiscal stability.

(b) *Quality of the project design.* (up to 15 points)

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following:

(1) The extent to which the proposed project demonstrates a rationale (as defined in this notice) (up to 10 points); and

(2) The extent to which the proposed project is supported by promising evidence (as defined in this notice) (up to 5 points).

Note: To establish that their projects “demonstrate a rationale,” applicants must use a logic model (as defined in this notice) and identify research or evaluation findings suggesting that a key project component is likely to improve relevant outcome. To establish that their projects are supported by “promising evidence,” applicants should cite the supporting study or studies that meet the conditions in the definition of “promising evidence” and attach the study or studies as part of the application attachments. In addressing “promising evidence,” applicants are encouraged to align the direct student services proposed in the application to evidence-based practices identified in the selected studies. Note that the research cited to address the “promising evidence” criterion can be the same research provided to demonstrate a rationale, but only applications that include logic models can receive full points under the “demonstrate a rationale” selection factor. In addition, applicants should also consider how the cited promising evidence studies can be incorporated into their evaluation plan

to produce evidence of project effectiveness.

(c) *Quality of activity objectives.* (up to 10 points)

The extent to which the objectives for each activity are—

(1) Realistic and defined in terms of measurable results (up to 5 points); and

(2) Directly related to the problems to be solved and to the goals of the comprehensive development plan (up to 5 points).

(d) *Quality of implementation strategy.* (up to 20 points)

The extent to which—

(1) The implementation strategy for each activity is comprehensive (up to 10 points);

(2) The rationale for the implementation strategy for each activity is clearly described and is supported by the results of relevant studies or projects (up to 5 points); and

(3) The timetable for each activity is realistic and likely to be attained (up to 5 points).

(e) *Quality of the project management plan.* (up to 8 points)

The extent to which—

(1) Procedures for managing the project are likely to ensure efficient and effective project implementation (up to 4 points); and

(2) The project coordinator and activity directors have sufficient authority to conduct the project effectively, including access to the president or chief executive officer (up to 4 points).

(f) *Quality of key personnel.* (up to 4 points)

The extent to which—

(1) The past experience and training of key professional personnel are directly related to the stated activity objectives (up to 2 points); and

(2) The time commitment of key personnel is realistic (up to 2 points).

(g) *Quality of evaluation plan.* (up to 14 points)

The extent to which—

(1) The data elements and the data collection procedures are clearly described and appropriate to measure the attainment of activity objectives and to measure the success of the project in achieving the goals of the comprehensive development plan (up to 5 points);

(2) The data analysis procedures are clearly described and are likely to produce formative and summative results on attaining activity objectives and measuring the success of the project on achieving the goals of the comprehensive development plan (up to 5 points); and

(3) The methods of evaluation will, if well implemented, produce promising

evidence (as defined in this notice) about the project's effectiveness (up to 4 points).

(h) *Budget.* (up to 4 points)

The extent to which the proposed costs are necessary and reasonable in relation to the project's objectives and scope.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

A panel of three non-Federal reviewers will review and score each application in accordance with the selection criteria in this notice, as well as the competitive preference priorities. A rank order funding slate will be made from this review. Awards will be made in rank order according to the average score received from the peer review.

In the event there are two or more applications with the same final score, and there are insufficient funds to fully support each of these applications, the Department applies the following tie-breaking factors.

To resolve ties in the reader scores of applications for development grants, the Department will award one additional point to an application from an IHE that has an endowment fund for which the current market value, per FTE enrolled student, is less than the comparable average current market value of the endowment funds, per FTE enrolled student, at comparable institutions that offer similar instruction. If a tie remains after applying the preceding tiebreaker, the Department will award one additional point to an application from an IHE that has expenditures for library materials per FTE enrolled student that are less than the comparable average expenditures for library materials per FTE enrolled student at comparable institutions that offer similar instruction. (34 CFR 606.23(b)(1) and (2)). For the purpose of these funding considerations, we will use the most

recent complete data available (e.g., for FY 2024, we will use 2021–22 data).

If a tie remains after applying the preceding tiebreaker, priority will be given for Individual Development Grants to applicants that have the lowest endowment values per FTE student. (See 34 CFR 606.23(b)(1)).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this program, the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a GAN; or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional

information on the open licensing requirements, please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case, the Secretary establishes a data collection period.

5. *Performance Measures:* For the purpose of Department reporting under 34 CFR 75.110, the Secretary has established the following key performance measures for assessing the effectiveness of the PPOHA Program:

(a) The percentage change, over the 5-year grant period, of the number of full-time degree-seeking graduate and professional students enrolled at HSIs currently receiving an award under this program.

(b) The percentage change, over the 5-year grant period, of the number of master's, doctoral, and first-professional degrees and postbaccalaureate certificates awarded at HSIs currently receiving an award under this program.

(c) The Federal cost per master's, doctoral, and first-professional degree and postbaccalaureate certificate awarded at HSIs currently receiving an award under this program.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has

made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

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.

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. 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 Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

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

Nasser H. Paydar,

Assistant Secretary for the Office of Postsecondary Education.

[FR Doc. 2024-05463 Filed 3-13-24; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Applications for New Awards; Magnet Schools Assistance Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2024 for

the Magnet Schools Assistance Program (MSAP), Assistance Listing Number 84.165A. This notice relates to the approved information collection under OMB control number 1855-0011.

DATES:

Applications Available: March 14, 2024.

Deadline for Notice of Intent to Apply: April 29, 2024.

Deadline for Transmittal of Applications: May 13, 2024.

Deadline for Intergovernmental Review: July 12, 2024.

Pre-Application Webinar Information:

No later than March 28, 2024, MSAP will begin holding webinars to provide technical assistance to interested applicants on key application-related topics. Interested applicants are strongly encouraged to participate or review the accompanying materials available online. Updated information and past application webinars can be found on the MSAP website at <https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/school-choice-improvement-programs/magnet-school-assistance-program-msap/>. Recordings of all webinars will be available on the MSAP website following the sessions.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045), and available at www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs.

FOR FURTHER INFORMATION CONTACT:

Gillian Cohen-Boyer, U.S. Department of Education, 400 Maryland Avenue SW, Room 4B212, Washington, DC 20202-5970. Telephone: (202) 365-7944. Email: msap.team@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:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: MSAP, authorized under title IV, part D of the Elementary and Secondary Education Act of 1965, as amended (ESEA), provides grants to local educational agencies (LEAs) and consortia of LEAs to create or revise magnet schools under required or voluntary desegregation plans.

Under section 4401(b) of the ESEA, 20 U.S.C. 7231, the purpose of MSAP is to assist LEAs in the desegregation of schools by providing financial assistance to eligible LEAs for: (1) the elimination, reduction, or prevention of minority group isolation (MGI) in elementary schools and secondary schools with substantial proportions of minority students, which shall include assisting in the efforts of the United States to achieve voluntary desegregation in public schools; (2) the development, implementation, and expansion of magnet school programs that will assist LEAs in achieving systemic reforms and providing all students the opportunity to meet challenging State academic standards; (3) the development, design, and expansion of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs; (4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable career, technological, and professional skills of students attending such schools; (5) improving the capacity of LEAs, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and (6) ensuring that all students enrolled in the magnet school programs have equitable access to high-quality education that will enable the students to succeed academically and continue with postsecondary education or employment.

Background: As indicated by Congress in MSAP's authorizing legislation (section 4401(a) of the ESEA, 20 U.S.C. 7231(a)), magnet schools have been a significant part of the Nation's effort over the past 40 years to achieve voluntary school desegregation. "The use of magnet schools has increased dramatically since the inception of MSAP under the ESEA, with approximately 2,500,000 students nationwide attending such schools, of whom more than 69 percent are non-white," they state. "Magnet schools offer a wide range of distinctive programs that have served as models for school improvement." Research suggests that increasing student's access to more diverse student bodies provides a range of benefits to all students, including improved leadership skills, social mobility, civic engagement, academic success, empathy, and

understanding.¹ Unfortunately, now, nearly 70 years after the *Brown v. Board of Education* decision, much of the progress toward school desegregation and equity has stalled or even reversed in many communities.² For example, demographic isolation has been exacerbated by policy choices related to school assignment, zoning, and transportation options that create inequitable access to high-quality schools. The U.S. Government Accountability Office (GAO) documented this situation in a 2022 report showing that the "student population has significantly diversified, but many schools remain divided along racial, ethnic, and economic lines."³ This finding builds on a 2016 report from the GAO which documented the increase in percentages of schools with high concentrations of students from families with low incomes and high concentrations of students of particular racial backgrounds.⁴

Since the 1980s, MSAP has supported LEAs with funding to create magnet schools, defined under section 4402 of the ESEA, 20 U.S.C. 7231a, as public elementary or secondary schools or education centers that offer "a special curriculum capable of attracting substantial numbers of students of different racial backgrounds," as part of their efforts to voluntarily desegregate their schools or meet the intended outcomes of desegregation plans required by a final order of any court of the United States, a court of any State, or any other State agency or official of competent jurisdiction (herein referred to as "required plans" or "required desegregation plans"). Proposed MSAP projects should be designed to foster high-quality educational programs in newly developed or revitalized magnet schools, as a means of attracting a diverse group of students and families in order to reduce or eliminate the isolation of a particular minority group (or prevent such isolation from occurring), as well as to provide

equitable access for all students to courses of instruction that substantially strengthen knowledge of academic subjects and the attainment of tangible skills. In accordance with section 4405 of the ESEA, 20 U.S.C. 7231d, 34 CFR 280.2 and 280.20, as described in section III, paragraph 4 of this notice, applicants must demonstrate how Federal funding of the proposed magnet schools will assist in achieving objectives related to the reduction, prevention, or elimination of MGI either in the proposed magnets or in the specific schools from which those students are coming (the magnets' feeder schools) to address the goals identified in the LEA's required or voluntary desegregation plan. (See section III, paragraph 4 for further information regarding desegregation plans). In addition, to address another goal of the MSAP program, we encourage applicants to strongly consider how the development, implementation, and expansion of magnet school programs will assist the LEA in achieving systemic reforms to provide students with the opportunity, resources and supports to meet challenging State academic standards. Finally, should LEAs wish to test new transportation options in order to widen student access to magnet programming, we note that under section 4407(a)(9) of the ESEA, 20 U.S.C. 7231f, MSAP permits applicants to support student transportation to and from magnet schools, provided the costs are sustainable beyond the grant period and do not constitute a significant portion of an LEA's grant funds.

To lead effective magnet schools and implement a MSAP project, LEAs work across several different work strands over the grant period. The Magnet School Development Framework (https://oese.ed.gov/files/2022/03/Toolkits_MSAP-Development_Framework.pdf) is one tool to help guide project development. The framework speaks to five core school-specific areas to which to attend: diversity, inclusion, and equity; enrollment and recruitment; curriculum and instruction; family engagement; and partnership development. It also identifies six key elements for school and community leaders in cultivating effective schools: leadership and management; communication; data use; theme integration; professional development; and planning for sustainability. MSAP funding provides a key lever for LEAs to collaborate across schools and districts, as well as with key stakeholders, including educators, families and students, and external

¹ Kahlenberg, R.D., Potter, H., & Quick, K. (2019). A bold agenda for school integration. The Century Foundation. <https://eric.ed.gov/?id=ED603383>.

² Logan, J.R., Minca, E., & Adar, S. (2012). The Geography of Inequality: Why Separate Means Unequal in American Public Schools. *Sociology of Education*, 85(3), 287–301. <https://doi.org/10.1177/0038040711431588>.

³ U.S. Government Accountability Office. (2022). "K–12 Education: Student Population Has Significantly Diversified, but Many Schools Remain Divided Along Racial, Ethnic, and Economic Lines." GAO–22–104737. <https://www.gao.gov/products/gao-22-104737>.

⁴ U.S. Government Accountability Office. (2016). "K–12 Education: Better Use of Information Could Help Agencies Identify Disparities and Address Racial Discrimination." GAO–16–345. <https://www.gao.gov/products/gao-16-345>.

governmental, nonprofit, business, and other community partners to improve and expand efforts in each of these areas.

To streamline and, for new applicants, enhance the accessibility of the MSAP application process, for the FY 2024 competition there are two absolute priorities under which applicants may apply: Absolute Priority 1, Applications from New Potential Grantees; and Absolute Priority 2, Applications from Grantees That Are Not New Potential Grantees. LEAs that, as of the deadline date for submission of applications, are currently operating an active MSAP grant would apply under Absolute Priority 2. The selection criteria, which are used to evaluate applications and derived from MSAP's authorizing statute and 34 CFR 280.31 and 75.210, remain similar for applications submitted under both Absolute Priority 1 and Absolute Priority 2. However, applicants under Absolute Priority 2 have an opportunity in their applications to demonstrate how the proposed project outlined in this application would allow the LEA(s) to extend and build on work currently underway using MSAP funds, particularly in their responses to the competitive preference priorities.

As with previous MSAP competitions, the FY 2024 MSAP competition includes several competitive preference and invitational priorities. Competitive Preference Priorities 1–4 were established by Congress in the reauthorization of MSAP under ESEA as specific tools for promoting educational equity and commitments to excellence within magnet schools. These competitive preference priorities address an LEA's need for MSAP funding, the evidence base undergirding the LEA's program design for new or significantly revitalized magnet schools, the means of student selection for admission including use of lotteries and other non-academic means, and attention to socioeconomic factors in promoting diversity. Applicants under both absolute priorities are encouraged to address Competitive Preference Priorities 1–4 while considering the development of strong and sustainable magnet schools and programs in their projects.

This competition also includes two additional competitive preference priorities which are targeted to only those applicants under Absolute Priority 2: Applications from Grantees That Are Not New Potential Grantees. These are: Competitive Preference Priority 5, Promoting Equity in Student Access to Educational Resources and Opportunities and Competitive

Preference Priority 6, Supporting a Diverse Educator Workforce and Professional Growth to Strengthen Student Learning. Competitive Preference Priorities 5 and 6, rooted in the Secretary's Supplemental Priorities,⁵ are designed to encourage MSAP grantees to address broader systemic, policy, and collaborative leadership challenges in the environments in which the magnet schools function to further promote their success.

Under Competitive Preference Priority 5, applicants must review sources of inequity, and as part of their MSAP project, plan to develop or implement specific strategies to address the root causes of these inequities, which include collaboration with other LEAs, other governmental or community agencies, or across district leadership to effect policy change to address barriers to student's access to equitable opportunities. Applicants should consider establishing inter-district magnet programs, consistent with a 2019 Urban Institute report finding that two-thirds of total school segregation in metropolitan areas is due to segregation between, rather than within, school districts.⁶ The Department is also interested in projects from LEAs that propose to coordinate with other relevant government entities—such as housing and transportation authorities and through similar programs such as the U.S. Department of Housing and Urban Development Rental Assistance Demonstration program—given the impact that other public policy choices may have on the composition of a school's student body. Finally, applicants could describe plans related to selection of magnet school sites or revising school boundaries, attendance zones, or feeder patterns to take into account neighboring communities; and formal merging or coordination among multiple educational jurisdictions in order to pool and more equitably allocate resources, provide transportation, expand curricula and program options, and expand high-quality public school options for students from low-income backgrounds. High-quality responses to Competitive Preference Priority 5 will identify how the specific strategies outlined are integrated components of their overall MSAP project.

⁵ 86 FR 70612.

⁶ Monarrez, T., Kisida, B., Chingos, M. When Is a School Segregated? Making Sense of Segregation 65 Years after Brown v. Board of Education (2019). Urban Institute, www.urban.org/research/publication/when-school-segregated-making-sense-segregation-65-years-after-brown-v-board-education.

In addition, to increase the overall diversity of the school settings in which students learn and to best support a diverse set of learners within proposed magnet schools, under Competitive Preference Priority 6, applicants are asked to demonstrate connections between their proposed MSAP projects and broader school or district efforts to increase students' access to a diverse group of educators who are well-prepared and supported to provide them with high-quality instruction. High-quality responses to Competitive Preference Priority 6 will specify how the applicant intends to leverage the LEA's broader human resource efforts as an integrated component in meeting the goals and objectives of the MSAP project.

This competition also includes one invitational priority for projects that propose to establish whole school magnet programs in order to promote equitable access to learning opportunities for students in ways that allow all students within a school to successfully engage in the special curriculum or program. Whole school magnets, in which all students in the school participate in the magnet programming, tend to more effectively offer diverse and equitable opportunities, where magnet programs within schools can have the effect of creating separate tracks and programs for different student populations within the school.⁷ While magnet programs within schools are permissible for MSAP, consideration should be given as to how these will not inadvertently lead to further minority group isolation across tracks as well as to how the funded programming may benefit students across the whole school.

Finally, for several years the Department has worked to promote the effective use of evidence and evaluation in program development. MSAP promotes the use of evidence in identifying practices to improve LEAs' capacity to continue effectively operating magnet schools beyond the funding period. This competition provides opportunities for applicants to address the use of evidence in several ways. First, under Selection Criterion (a)—Desegregation, outlined in section V, paragraph 1(a) of this notice, applicants are encouraged to demonstrate the conceptual framework underlying the project, for example, in the form of a logic model or similar

⁷ George, J., Darling-Hammond, L., & Plasencia, S. (2023). Advancing integration and equity through magnet schools [Policy brief]. Learning Policy Institute. <https://learningpolicyinstitute.org/product/advancing-integration-equity-magnet-schools-brief>.

graphic organizer, to demonstrate how, strategically, their proposed project activities would allow them to meet the purposes of MSAP. As described above, this competition also includes a competitive preference priority promoting the use of evidence to undergird proposed programming in new and significantly revitalized magnet schools. Finally, this competition includes a selection criterion related to the quality of the applicant's evaluation plan (see section V, paragraph 1(c)). The first two factors of this selection criterion address the applicant's plan for monitoring the implementation of their project activities, both in response to program-wide performance measures (see section IV, paragraph 5 of this notice) and the applicant's specific project objectives. The third factor applies to the applicant's plans to meet the requirement in section VI, paragraph 4(c) that grantees conduct an impact analysis of a specific project component or components in a study designed to yield results at the level of promising evidence. For those applicants applying under Absolute Priority 1, a high-quality response to section V, paragraph 1(e)(3) will outline the plans to identify the appropriate focus for this promising evidence evaluation plan and steps the applicant would take to initiate such an evaluation plan. For applicants applying under Absolute Priority 2, a high-quality response will describe the specific project components to be evaluated through the evaluation plan and the steps the applicant would take to create, at a minimum, a well-designed and implemented correlational study with statistical controls for selection bias designed to produce promising evidence. The Department is committed to supporting the use of evidence in developing an LEA's capacity for the effective implementation of magnet schools in their community, as well as to building the body of evidence supporting effective approaches to these efforts. However, we also recognize that identifying entities with appropriate expertise to help craft and implement such an impact analysis could take time and should not serve as a barrier for new potential grantees.

Priorities: This competition includes two absolute priorities, six competitive preference priorities, and one invitational priority. Absolute Priorities 1 and 2 are from the Administrative Priorities for Discretionary Grant Programs published in the **Federal Register** on March 9, 2020 (85 FR 13640) (Administrative Priorities). In accordance with 34 CFR 75.105(b)(2)(ii),

Competitive Preference Priorities 1 and 3 are from the MSAP regulations at 34 CFR 280.32. In accordance with 34 CFR 75.105(b)(2)(iv), Competitive Preference Priorities 2 and 4 are from section 4406 of the ESEA, 20 U.S.C. 7231e. Competitive Preference Priorities 5 and 6 are from the Final Priorities and Definitions—Secretary's Supplemental Priorities and Definitions for Discretionary Grants Programs, published in the **Federal Register** on December 10, 2021 (86 FR 70612) (Supplemental Priorities).

Absolute Priorities: For FY 2024 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet Absolute Priority 1 or Absolute Priority 2. Absolute Priorities 1 and 2 constitute separate funding categories and will be considered for funding under two separate ranked orders. The Secretary intends to award grants under the separately ranked orders under each of these absolute priorities provided that the applications submitted under each are of sufficient quality.

These priorities are:

Absolute Priority 1: Applications from New Potential Grantees.

(a) Under this priority, an applicant must demonstrate the applicant does not, as of the deadline date for submission of applications, have an active grant, including through membership in a group application submitted in accordance with 34 CFR 75.127–75.129, under the program from which it seeks funds.

(b) For the purpose of this priority, a grant or contract is active until the end of the grant's or contract's project or funding period, including any extensions of those periods that extend the grantee's or contractor's authority to obligate funds.

Absolute Priority 2: Applications from Grantees that are not New Potential Grantees.

(a) Under this priority, an applicant must demonstrate the applicant has, as of the deadline date for submission of applications, an active grant, including through membership in a group application submitted in accordance with 34 CFR 75.127–75.129, under the program from which it seeks funds.

(b) For the purpose of this priority, a grant or contract is active until the end of the grant's or contract's project or funding period, including any extensions of those periods that extend the grantee's or contractor's authority to obligate funds.

Competitive Preference Priorities: For FY 2024 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to 2 additional points to an application depending on how well the application meets Competitive Preference Priority 1, up to 3 additional points to an application depending on how well the application meets Competitive Preference Priority 2, up to 3 additional points to an application depending on how well the application meets Competitive Preference Priority 3, up to 5 additional points to an application depending on how well the application meets Competitive Preference Priority 4, up to 8 additional points to an application depending on how well the application meets Competitive Preference Priority 5, and up to 4 additional points to an application depending on how well the application meets Competitive Preference Priority 6. Applicants that apply under Absolute Priority 1 may choose to address one or more of Competitive Preference Priorities 1–4 for up to a total of 13 additional points, depending on how well the application meets one or more of the priorities. Applicants that apply under Absolute Priority 2 may choose to address one or more of Competitive Preference Priorities 1–6 for up to a total of 25 additional points, depending on how well the application meets one or more of the priorities.

These priorities are:

Competitive Preference Priority 1—Need for Assistance (up to 2 points).

The Secretary evaluates the applicant's need for assistance by considering—

(1) The costs of fully implementing the magnet schools project as proposed;

(2) The resources available to the applicant to carry out the project if funds under the program were not provided;

(3) The extent to which the costs of the project exceed the applicant's resources; and

(4) The difficulty of effectively carrying out the approved plan and the project for which assistance is sought, including consideration of how the design of the magnet school project—e.g., the type of program proposed, the location of the magnet school within the LEA—impacts the applicant's ability to successfully carry out the approved plan.

Competitive Preference Priority 2—New or Revised Magnet Schools Projects and Strength of Evidence to Support Proposed Projects (up to 3 points).

The Secretary determines the extent to which the applicant proposes to (1) carry out a new, evidence-based magnet school program; (2) significantly revise an existing magnet school program, using evidence-based methods and practices, as available; or (3) replicate an existing magnet school program that has a demonstrated record of success in increasing student academic achievement and reducing isolation of minority groups.

Competitive Preference Priority 3—Selection of Students (up to 3 points).

The Secretary determines the extent to which the applicant proposes to select students to attend magnet schools by methods such as lottery, rather than through academic examination.

Competitive Preference Priority 4—Socioeconomic Diversity (up to 5 points).

The Secretary determines the extent to which the applicant proposes to increase racial integration by taking into account socioeconomic diversity in designing and implementing magnet school programs.

Competitive Preference Priority 5—Promoting Equity in Student Access to Educational Resources and Opportunities (up to 8 points).

Under this priority, an applicant must demonstrate that it proposes a project designed to promote educational equity and adequacy in resources and opportunity for underserved students—

- (a) In one or more of the following educational settings:
 - (1) Early learning programs.
 - (2) Elementary school.
 - (3) Middle school.
 - (4) High school.
 - (5) Career and technical education programs.

- (b) That examines the sources of inequity and inadequacy and implements responses, and that includes increasing student racial or socioeconomic diversity, through developing or implementing evidence-based policies or strategies that may include one or more of the following:
 - (1) Inter-district coordination.
 - (2) Cross-agency collaboration, such as with housing or transportation authorities.

- (3) School assignment or admissions policies that are designed to promote socioeconomic diversity and provide equitable access to educational opportunities for students from low-income backgrounds or students residing in neighborhoods experiencing concentrated poverty.

Competitive Preference Priority 6—Supporting a Diverse Educator

Workforce and Professional Growth to Strengthen Student Learning (up to 4 points).

Projects that are designed to increase the proportion of well-prepared, diverse, and effective educators serving students, with a focus on underserved students, through building or expanding high-poverty school (as may be defined in the program statute or regulations) districts' capacity to hire, support, and retain an effective and diverse educator workforce, through one or more of the following:

- (a) Providing beginning educators with evidence-based mentoring or induction programs.

- (b) Adopting or expanding comprehensive, strategic career and compensation systems that provide competitive compensation and include opportunities for educators to serve as mentors and instructional coaches, or to take on additional leadership roles and responsibilities for which educators are compensated.

- (c) Developing data systems, timelines, and action plans for promoting inclusive and bias-free human resources practices that promote and support development of educator diversity.

- (d) Providing opportunities for educators to be involved in the design and implementation of local and district wide initiatives that advance systemic changes.

Invitational Priority: For FY 2024 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an invitational priority. All applicants may address the invitational priority. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Whole School Magnet Programs.

Projects that propose to implement “whole school magnet” schools in which all students enrolled in the school participate in the magnet school program, rather than schools that implement magnet programs within schools that are offered to less than the entire school population.

Definitions: The definition of “evidence-based” is from 20 U.S.C. 7801. The definitions of “desegregation,” “feeder school,” “magnet school,” and “minority group” are from 34 CFR 280.4. The definitions of “demonstrates a rationale,” “experimental study,” “logic model,” “project component,” “promising evidence,” “quasi-experimental design study,” “relevant outcome,” and “What

Works Clearinghouse Handbooks” are from 34 CFR 77.1(c). The definitions of “children or students with disabilities,” “disconnected youth,” “educator,” “English learner,” “military- or veteran-connected student,” and “underserved student” are from the Supplemental Priorities.

Children or students with disabilities means children with disabilities as defined in section 602(3) of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1401(3)) and 34 CFR 300.8, or students with disabilities, as defined in the Rehabilitation Act of 1973 (29 U.S.C. 705(37), 705(202)(B)).

Demonstrates a rationale means a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

Desegregation, in reference to a plan, means a plan for the reassignment of children or faculty to remedy the illegal separation of minority group children or faculty in the schools of an LEA or a plan for the reduction, elimination, or prevention of minority group isolation in one or more of the schools of an LEA.

Disconnected youth means an individual, between the ages 14 and 24, who may be from a low-income background, experiences homelessness, is in foster care, is involved in the justice system, or is not working or not enrolled in (or at risk of dropping out of) an educational institution.

Educator means an individual who is an early learning (as defined in the Supplemental Priorities) educator, teacher, principal or other school leader, specialized instructional support personnel (e.g., school psychologist, counselor, school social worker, early intervention service personnel), paraprofessional, or faculty.

English learner means an individual who is an English learner as defined in section 8101(20) of the ESEA, or an individual who is an English language learner as defined in section 203(7) of the Workforce Innovation and Opportunity Act.

Evidence-based means an activity, strategy, or intervention that—

- (i) Demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—

- (A) Strong evidence from at least one well-designed and well-implemented experimental study;

- (B) Moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or

- (C) Promising evidence from at least one well-designed and well-

implemented correlational study with statistical controls for selection bias; or

(ii)(A) Demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and

(B) Includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

Experimental study means a study that is designed to compare outcomes between two groups of individuals (such as students) that are otherwise equivalent except for their assignment to either a treatment group receiving a project component or a control group that does not. Randomized controlled trials, regression discontinuity design studies, and single-case design studies are the specific types of experimental studies that, depending on their design and implementation (e.g., sample attrition in randomized controlled trials and regression discontinuity design studies), can meet What Works Clearinghouse (WWC) standards without reservations as described in the WWC Handbooks:

(i) A randomized controlled trial employs random assignment of, for example, students, teachers, classrooms, or schools to receive the project component being evaluated (the treatment group) or not to receive the project component (the control group).

(ii) A regression discontinuity design study assigns the project component being evaluated using a measured variable (e.g., assigning students reading below a cutoff score to tutoring or developmental education classes) and controls for that variable in the analysis of outcomes.

(iii) A single-case design study uses observations of a single case (e.g., a student eligible for a behavioral intervention) over time in the absence and presence of a controlled treatment manipulation to determine whether the outcome is systematically related to the treatment.

Feeder school means a school from which students are drawn to attend a magnet school.

Logic model (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (i.e., the active “ingredients” that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

Magnet school means a public elementary school, public secondary school, public elementary education

center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

Military- or veteran-connected student means a child participating in an early learning (as defined in the Supplemental Priorities) program, a student enrolled in preschool through grade 12, or a student enrolled in career and technical education or postsecondary education who has a parent or guardian who is a veteran of the uniformed services (as defined by 37 U.S.C. 101), in the Army, Navy, Air Force, Marine Corps, Coast Guard, Space Force, National Guard, Reserves, National Oceanic and Atmospheric Administration, or Public Health Service or is a veteran of the uniformed services with an honorable discharge (as defined by 38 U.S.C. 3311).

Minority group means the following:

(1) American Indian or Alaskan Native. A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

(2) Asian or Pacific Islander. A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.

(3) Black (Not of Hispanic Origin). A person having origins in any of the black racial groups of Africa.

(4) Hispanic. A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (e.g., training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Promising evidence means that there is evidence of the effectiveness of a key project component in improving a relevant outcome, based on a relevant finding from one of the following:

(i) A practice guide prepared by WWC reporting a “strong evidence base” or “moderate evidence base” for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC reporting a “positive effect” or “potentially positive effect” on a relevant outcome with no reporting of a “negative effect” or “potentially

negative effect” on a relevant outcome; or

(iii) A single study assessed by the Department, as appropriate, that—

(A) Is an experimental study, a quasi-experimental design study, or a well-designed and well-implemented correlational study with statistical controls for selection bias (e.g., a study using regression methods to account for differences between a treatment group and a comparison group); and

(B) Includes at least one statistically significant and positive (i.e., favorable) effect on a relevant outcome.

Quasi-experimental design study means a study using a design that attempts to approximate an experimental study by identifying a comparison group that is similar to the treatment group in important respects. This type of study, depending on design and implementation (e.g., establishment of baseline equivalence of the groups being compared), can meet WWC standards with reservations, but cannot meet WWC standards without reservations, as described in the WWC Handbooks.

Relevant outcome means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

Underserved student means a student (which includes students in K–12 programs) in one or more of the following student groups:

(a) A student who is living in poverty or is served by schools with high concentrations of students living in poverty.

(b) A student of color.

(c) A student who is a member of a federally recognized Indian Tribe.

(d) An English learner.

(e) A child or student with a disability.

(f) A disconnected youth.

(g) A technologically unconnected youth.

(h) A migrant student.

(i) A student experiencing homelessness or housing insecurity.

(j) A lesbian, gay, bisexual, transgender, queer or questioning, or intersex (LGBTQI+) student.

(k) A student who is in foster care.

(l) A student without documentation of immigration status.

(m) A pregnant, parenting, or caregiving student.

(n) A student impacted by the justice system, including a formerly incarcerated student.

(o) A student performing significantly below grade level.

(p) A military- or veteran- connected student.

What Works Clearinghouse (WWC) Handbooks means the standards and procedures set forth in the WWC Standards Handbook, Versions 4.0 or 4.1, and WWC Procedures Handbook, Versions 4.0 or 4.1, or in the WWC Procedures and Standards Handbook, Version 3.0 or Version 2.1 (all incorporated by reference, see § 77.2). Study findings eligible for review under WWC standards can meet WWC standards without reservations, meet WWC standards with reservations, or not meet WWC standards. WWC practice guides and intervention reports include findings from systematic reviews of evidence as described in the WWC Handbooks documentation.

Note: The WWC Procedures and Standards Handbook (Version 4.1), as well as the more recent WWC Handbooks released in August 2022 (Version 5.0), are available at <https://ies.ed.gov/ncee/wwc/Handbooks>.

Program Authority: 20 U.S.C. 7231–7231j.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 280. (e) Administrative Priorities. (f) Supplemental Priorities.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds:

The Administration has requested \$149,000,000 for the MSAP program for FY 2024, of which we intend to use an estimated \$84,000,000 for awards under this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY

2025 from the list of unfunded applications from this competition.

Estimated Range of Awards:

\$1,500,000–\$3,500,000 per budget year.

Maximum Award: Under section 4408(c) of the ESEA, 20 U.S.C. 7231h(3), awards to an LEA or a consortium of LEAs must not exceed \$15,000,000 for the project period. Under section 4408(b) of the ESEA, 20 U.S.C. 7231h(2), grantees may not expend more than 50 percent of year one grant funds and not more than 15 percent of years two and three grant funds on planning activities. Professional development is not considered to be a planning activity.

Note: Yearly award amounts may vary.

Estimated Number of Awards: 9–11.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* LEAs or consortia of LEAs implementing a desegregation plan as specified in section III, paragraph 4 of this notice.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see www2.ed.gov/about/offices/list/ocfo/intro.html.

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

4. *Other—Desegregation Plans:* Under section 4404 of the ESEA, 20 U.S.C. 7231c, and 34 CFR 280.20(e) and (f), to establish eligibility to receive MSAP assistance, applicants must submit with their applications one of the following types of desegregation plans: (i) a desegregation plan required by a final court order; (ii) a desegregation plan required by a State agency or an official of competent jurisdiction; (iii) a desegregation plan required by the Department's Office for Civil Rights (OCR) under Title VI of the Civil Rights Act of 1964 (Title VI); or (iv) a voluntary desegregation plan adopted by the applicant and submitted to the Department for approval as part of the

application. Under the MSAP regulations, applicants are required to provide all of the information outlined in 34 CFR 280.20(a) through (g) in order to satisfy the eligibility requirements in 34 CFR 280.2(a)(2) and (b).

Required information for submission under each type of desegregation plan is as follows:

Required Desegregation Plans

1. *Desegregation plans required by a final court order.* An applicant submitting a desegregation plan required by a final court order must submit complete and signed copies of all court documents demonstrating that the magnet schools are a part of the approved desegregation plan. Examples of the types of documents that would meet this requirement include a Federal or State court order that establishes specific magnet schools, amends a previous order or orders by establishing additional or different specific magnet schools, requires or approves the establishment of one or more unspecified magnet schools, or authorizes the inclusion of magnet schools at the discretion of the applicant.

2. *Desegregation plans required by a State agency or official of competent jurisdiction.* An applicant submitting a desegregation plan ordered by a State agency or official of competent jurisdiction must provide documentation that shows that the desegregation plan was ordered based upon a determination that State law was violated. In the absence of this documentation, the applicant should consider its desegregation plan to be a voluntary plan and submit the data and information necessary for voluntary desegregation plans.

3. *Desegregation plans required by OCR under Title VI.* An applicant that submits a desegregation plan required by OCR under Title VI must submit a complete copy of the desegregation plan demonstrating that magnet schools are part of the approved plan or that the plan otherwise permits the inclusion of magnet schools.

4. *Modifications to required desegregation plans.* A previously approved desegregation plan that does not include the magnet school or program for which the applicant is now seeking assistance must be modified to include the development of magnet schools as outlined in the proposed project. The modification to the desegregation plan must be approved by the court, agency, or official that originally approved the plan. An applicant that wishes to modify a previously approved OCR Title VI desegregation plan to include different

or additional magnet schools must submit the proposed modification for review and approval to the OCR regional office that approved its original plan. Proof of approval for plan modifications should be emailed to Gillian Cohen-Boyer at msap.team@ed.gov or mailed to: U.S. Department of Education, 400 Maryland Avenue SW, Room 4B212, Washington, DC 20202–5970. Telephone: (202) 365–7944.

Voluntary Desegregation Plans

Applicants proposing MSAP projects under voluntary desegregation plans must submit with their application a copy of the plan documenting the applicant's or consortia's intention to use magnet schools as a strategy to reduce, eliminate or prevent MGI, either in the proposed magnet schools or in the schools to which the magnet school students would otherwise attend had the magnet schools not been available, the "feeder" schools, as well as documentation of school board approval (or documentation of other official adoption of the plan by a governing authority for the LEA (or consortium of LEAs) as required under 34 CFR 280.20(f)(2)).

Under 34 CFR 280.2(b), the Secretary approves a voluntary desegregation plan only if it is determined that for each magnet school for which funding is sought, the magnet school will reduce, eliminate, or prevent MGI within the period of the grant award, either in the magnet school or in a feeder school, as appropriate. A voluntary desegregation plan must be approved by the Department each time an application is considered for funding.

Please note that while applicants with voluntary desegregation plans must provide evidence of *school board approval* as a part of the required application materials for consideration in this competition, these plans do not require *Department approval* prior to application submission. Under section 4404 of the ESEA, 20 U.S.C. 7231c, and 34 CFR 280.2(b), as part of the eligibility review, the Department will review applicants' voluntary desegregation plans and determine on a case-by-case basis, consistent with 20 U.S.C. 7231(b)(1), whether, for each magnet school for which funding is sought, the magnet school will reduce, eliminate, or prevent MGI within the project period, either in the magnet school or in a feeder school, as appropriate. The Department's case-by-case review will include an examination of the factual basis for any proposed increases in enrollment of students from minority groups at district schools. For example, the Department will consider whether a plan to reduce, eliminate, or prevent

MGI at a magnet school or at a feeder school would significantly increase MGI at any other magnet or feeder school in the LEA at the grade levels served by the magnet school. LEAs that were previously subject to a required desegregation plan but have achieved unitary status are considered voluntary desegregation plan applicants and should provide the documentation discussed in this section.

To assist the Department in conducting this review and applicants in submitting succinct and comprehensive information, the application package for this competition includes a Desegregation Plan Form OMB–1855–0011 for applicants to summarize the specific goals and objectives of their desegregation plan and explain how MSAP funding will assist in achieving their objectives related to the reduction, prevention, or elimination of MGI either in the proposed magnet schools or feeder schools. Applicants are encouraged to review the Desegregation Plan Form for the full set of instructions. In addition to confirming applicants' eligibility for an award, this form is used to inform the review of applicants' project narratives against the selection criteria in section V, paragraph 1 of this notice.

5. *Single-Sex Programs*: An applicant proposing to operate a single-sex magnet school or a coeducational magnet school that offers single-sex classes or extracurricular activities will undergo a review of its proposed single-sex educational program to determine compliance with applicable nondiscrimination laws, including the Equal Protection Clause of the U.S. Constitution (as interpreted in *United States v. Virginia*, 518 U.S. 515 (1996), and other cases) and Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, *et seq.*) and its regulations—including 34 CFR 106.34. This review may require the applicant to provide additional fact-specific information about the single-sex program.

IV. Application and Submission Information

1. Application Submission

Instructions: Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs, which contain

requirements and information on how to submit an application.

2. Submission of Proprietary

Information: Given the types of projects that may be proposed in applications for the MSAP, your application may include business information that you consider proprietary. In 34 CFR 5.11, we define "business information" and describe the process we use in determining whether any of that information is proprietary, and thus protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under "Other Attachments Form," please list the page number or numbers on which we can find this information. For additional information, please see 34 CFR 5.11(c).

3. *Intergovernmental Review*: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

4. *Funding Restrictions*: Unallowable costs are specified in section 4407 of the ESEA, 20 U.S.C. 7231f. We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit*: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to 125 pages and (2) use the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances, certifications, desegregation plan and related information; or the one-page abstract, the resumes, or letters of support. The recommended page limit applies only to the application narrative. Please note that the Guidance for Applicants available on the MSAP website competition page specifically identifies how language for competitive priorities and selection criteria can be cross-referenced to reduce redundancies and streamline responses.

6. *Notice of Intent To Apply:* The Department will be able to review grant applications more efficiently if we know the approximate number of applicants that intend to apply. Therefore, we strongly encourage each potential applicant to notify the Department of their intent to submit an application. To do so, please submit your intent to apply, preferably by April 15, 2024 by emailing msap.team@ed.gov with the subject line, “[LEA Name(s)] Intent to Apply.” Applicants that do not notify the Department of their intent to apply may still apply for funding.

V. Application Review Information

1. *Selection Criteria:* The selection criteria are from 34 CFR 75.210, 280.31, and sections 4401 and 4405 of the ESEA, 20 U.S.C. 7231 and 7231d.

The maximum score for all of the selection criteria is 100 points. The maximum score for each criterion is included in parentheses following the title of the specific selection criterion. Each criterion also includes the factors that reviewers will consider in determining the extent to which an applicant meets the criterion.

(a) *Desegregation (up to 25 points).*

The Secretary reviews each application to determine the quality of the desegregation-related activities, including:

(1) The effectiveness of the applicant’s proposed desegregation strategies for the elimination, reduction, or prevention of MGI in elementary schools and secondary schools with substantial proportions of minority students. (section 4401(b)(1) of the ESEA, 20 U.S.C. 7231) (up to 10 points)

(2) The effectiveness of its plan to recruit students from different social, economic, ethnic, and racial backgrounds into the magnet schools. (34 CFR 280.31(a)(2)(v)) (up to 5 points)

(3) How it will foster interaction among students of different social, economic, ethnic, and racial backgrounds in classroom activities, extracurricular activities, or other

activities in the magnet schools (or, if appropriate, in the schools in which the magnet school programs operate). (34 CFR 280.31(c)(2)(i)) (up to 5 points)

(4) The extent to which there is a conceptual framework underlying the proposed research or demonstration activities and the quality of that framework. (34 CFR 75.210(c)(2)(iii)) (up to 5 points)

(b) *Quality of the project design (up to 30 points).*

The Secretary reviews each application to determine the quality of the project design. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The manner and extent to which the magnet school program will increase student academic achievement in the instructional area or areas offered by the school, including any evidence, or if such evidence is not available, a rationale based on current research findings, to support such description. (section 4405(b)(1)(B) of the ESEA, 20 U.S.C. 7231d(b)(1)(B)) (up to 6 points)

(2) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services. (34 CFR 75.210(d)(3)(v)) (up to 6 points)

(3) The extent to which each magnet school for which funding is sought will encourage greater parental decision making and involvement. (34 CFR 280.31(c)(2)(iv)) (up to 6 points)

(4) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services. (34 CFR 75.210(d)(3)(ix)) (up to 6 points)

(5) The potential for the incorporation of project purposes, activities, or benefits into the ongoing program of the agency or organization at the end of Federal funding. (34 CFR 75.210(f)(2)(vii)) (up to 6 points)

(c) *Quality of the management plan (up to 10 points).*

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks. (34 CFR 75.210(g)(2)(i)) (up to 5 points)

(2) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits. (34 CFR 75.210(f)(2)(v)) (up to 5 points)

(d) *Quality of personnel (up to 20 points).*

(1) The Secretary determines the extent to which—

(i) The project director (if one is used) is qualified to manage the project; (34 CFR 280.31(b)(2)(i))

(ii) Other key personnel are qualified to manage the project; (34 CFR 280.31(b)(2)(ii)) and

(iii) Teachers who will provide instruction in participating magnet schools are qualified to implement the special curriculum of the magnet schools. (34 CFR 280.31(b)(2)(iii)) (up to 15 points)

(2) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, including the key personnel’s knowledge of and experience in curriculum development and desegregation strategies. (34 CFR 280.31(b)(3)) (up to 5 points)

(e) *Quality of the project evaluation (up to 15 points).*

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

For applications under Absolute Priority 1:

(1) How the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student achievement and integration. (section 4405(b)(1)(D) of the ESEA, 20 U.S.C. 7231d (b)(1)(D)) (up to 5 points)

(2) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible. (34 CFR 75.210(h)(2)(iv)) (up to 5 points)

(3) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies. (34 CFR 75.210(h)(2)(iii)) (up to 5 points).

For applications under Absolute Priority 2:

(1) How the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student achievement and integration. (section 4405(b)(1)(D) of the ESEA, 20 U.S.C. 7231d (b)(1)(D)) (up to 5 points)

(2) The extent to which the methods of evaluation include the use of objective performance measures that are

clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible. (34 CFR 75.210(h)(2)(iv)) (up to 5 points)

(3) The extent to which the methods of evaluation will, if well implemented, produce promising evidence (as defined in 34 CFR 77.1(c)) about the project's effectiveness. (34 CFR 75.210) (up to 5 points)

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000) under 2 CFR 200.206(a)(2), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS), accessible through the System for Award

Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN) (or we may send you an email containing a link to access an electronic version of your GAN). We may notify you informally as well.

If your application is not evaluated or not selected for funding, we will notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in

the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements, please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if the applicant has an exception under 2 CFR 170.110(b).

(b) At the end of the project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award recipient, grantees must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

(c) If awarded a grant, applicants must also submit a final report with the results of a study designed to yield results at the level of promising evidence or higher, undertaken during the grant to assist the LEA in building capacity to continue operating magnet schools at a high performance level after Federal funding ends. The plans for this study, which may be narrowly tailored to a specific project component(s), are specifically what is being assessed under selection criterion factor (e)(3).

5. *Performance Measures*: For the purposes of reporting under 34 CFR 75.110, the following six performance measures have been established for the MSAP:

(a) The number and percentage of magnet schools receiving assistance whose student enrollment eliminates, reduces, or prevents MGI.

(b) The percentage increase of students for all students, disaggregated for each racial and ethnic group, in magnet schools receiving assistance who score proficient or above on State assessments in reading/language arts as compared to the previous year.

(c) The percentage increase of students for all students across each racial and ethnic group in magnet schools receiving assistance who score proficient or above on State assessments in mathematics as compared to the previous year.

(d) The percentage of MSAP-funded magnet schools still operating magnet school programs 3 years after Federal funding ends.

(e) The percentage increase of students for all students across each racial and ethnic group in MSAP-funded magnet schools still operating magnet school programs who score proficient or above on State assessments in reading/language arts 3 years after Federal funding ends as compared to the final project year.

(f) The percentage increase of students for all students across each racial and ethnic group in MSAP-funded magnet schools still operating magnet school programs who score proficient or above on State assessments in mathematics 3 years after Federal funding ends as compared to the final project year.

6. *Continuation Awards*: In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things, whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

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.

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. 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 Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

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

Adam Schott,

*Principal Deputy Assistant Secretary,
Delegated the Authority to Perform the
Functions and Duties of the Assistant
Secretary, Office of Elementary and
Secondary Education.*

[FR Doc. 2024-05420 Filed 3-13-24; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

[GDO Docket No. PP-502]

Application for Presidential Permit; Caribbean Transmission Development Co., LLC

AGENCY: Grid Deployment Office,
Department of Energy.

ACTION: Notice of application.

SUMMARY: Caribbean Transmission Development Co., LLC (the Applicant or CTDC) has filed an application requesting a new Presidential permit to allow for the construction, connection, operation, and maintenance of facilities for transmission of electric energy at the international border between the United States Commonwealth of Puerto Rico (Puerto Rico) and the Dominican Republic.

DATES: Comments, protests, or motions to intervene must be submitted on or before April 15, 2024.

ADDRESSES: Comments, protests, or motions to intervene should be addressed by electronic mail to Electricity.Exports@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Christina Gomer, (240) 474-2403, Electricity.Exports@hq.doe.gov.

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued by the Secretary of Energy pursuant to Executive Order (E.O.) 10485, as amended by E.O. 12038. On April 10, 2023, the authority to issue such permits was delegated to the DOE's Grid Deployment Office by Delegation Order No. S1-DEL-S3-2023 and Redelegation Order No. S3-DEL-GD1-2023.

On September 14, 2023, CTDC filed an application (Application or App.) with the Department of Energy (DOE) for a Presidential Permit to construct a bi-directional 320-kV, high voltage direct current (HVDC) subsea transmission line (Project Hostos) to connect the westernmost part of Puerto Rico to the easternmost part of the Dominican Republic.¹

CTDC is a wholly-owned subsidiary of Atabey Capital, LLC and is headquartered in Dorado, Puerto Rico. App. at 4. CTDC's proposed Project Hostos would include a subsea transmission cable system consisting of "two crosslinked polyethylene (XLPE) HVDC cable runs, each rated at a voltage on +/- 320 kV" that will be "separately laid, spanning approximately 91 miles (147 kilometers), depending on which route alternative is selected." *Id.* at 6. The prospective project landfall (transition from nearshore to onshore) is proposed at the municipality of Mayagüez, Puerto Rico. *Id.* at 9. From the landfall location, the onshore cable route in Puerto Rico would consist of two segments. *Id.* at 6. The "from landfall to converter station" segment would consist of "two XLPE HVDC cable runs, each rated at a voltage of +/- 320 kV," and the "from converter station to point of interconnection" segment would consist of "two parallel three-phase XLPE HVDC cable runs,

¹ On September 26, November 20, and November 27, 2023, CTDC also filed revisions to its Application in response to DOE feedback on its September filing. The references to the Application in this notice reflect the latest revisions submitted by CTDC.

each rated at 230 kV[.]” *Id.* at 7. CTDC’s Project Hostos does not incorporate any overhead transmission lines in Puerto Rico. *Id.* at 6.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at Electricity.Exports@hq.doe.gov. Protests should be filed in accordance with Rule 211 of Federal Energy Regulatory Commission’s (FERC’s) Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at Electricity.Exports@hq.doe.gov in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning CTDC’s Application should be clearly marked with Docket No. PP–502. Additional copies are to be provided directly to Tirso Selman, Project Director, Caribbean Transmission Development Co., LLC, info@caribbeantransmission.com.

Before a Presidential permit may be issued, DOE must determine that the proposed action is in the public interest. In making that determination, DOE will consider the environmental impacts of the proposed action (*i.e.*, granting the Presidential permit, with any conditions and limitations, or denying the permit), which will be analyzed, disclosed, and available for public review, pursuant to DOE’s National Environmental Policy Act Implementing Procedures (10 CFR part 1021); determine the Applicant’s proposed project’s impact on electric reliability by ascertaining whether the proposed project would adversely affect the operation of the U.S. electric power supply system under normal and contingency conditions; and weigh any other factors that DOE may also consider relevant to the public interest. DOE also must obtain the favorable recommendation of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

CTDC’s Application may be reviewed or downloaded electronically at www.energy.gov/gdo/pending-applications-0 or by emailing Electricity.Exports@hq.doe.gov.

Signing Authority: This document of the Department of Energy was signed on March 8, 2024, by Maria Robinson, Director, Grid Deployment Office, 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 March 11, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–05413 Filed 3–13–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Availability of Guidance and Application for Hydroelectric Production Incentives

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of availability of guidance and open application period.

SUMMARY: The U.S. Department of Energy (DOE) gives notice of updated guidance for the Energy Policy Act of 2005 Hydroelectric Production Incentives. The guidance describes the hydroelectric production incentive payment requirements and explains the type of information that owners or authorized operators of qualified hydroelectric facilities must provide DOE when applying for hydroelectric production incentive payments. The hydroelectric production incentive payments are a benefit available for electric energy generated and sold for a specified 10-year period as authorized under the Energy Policy Act of 2005. In the Infrastructure Investment and Jobs Act, DOE received \$125 million to support this hydroelectric production incentive. At this time, DOE is only accepting applications from owners and authorized operators of qualified hydroelectric facilities for hydroelectricity generated and sold in calendar year 2023.

DATES: DOE is currently accepting applications from March 14, 2024, through April 23, 2024. Applications must be submitted to the Clean Energy Infrastructure Funding Opportunity Exchange, <https://infrastructure-exchange.energy.gov> by no later than 5 p.m. ET, April 23, 2024, or they will not be considered timely filed for calendar year 2023 incentive payments.

ADDRESSES: Interested parties are to submit applications electronically to the Clean Energy Infrastructure Funding Opportunity Exchange, <https://infrastructure-exchange.energy.gov>. The guidance accompanying this solicitation

is available at: www.energy.gov/gdo/section-242-hydroelectric-production-incentive-program.

FOR FURTHER INFORMATION CONTACT:

Questions may be addressed to Madden Sciubba, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585, (240) 798–1195 or by email at hydroelectricincentives@hq.doe.gov. Additional information can be found in the guidance posted at www.energy.gov/gdo/section-242-hydroelectric-production-incentive-program. Electronic communications are recommended for correspondence.

SUPPLEMENTARY INFORMATION: In section 242 of the Energy Policy Act of 2005 (EPA 2005; Pub. L. 109–58), as amended, Congress established a program to support the expansion of hydropower energy development at existing dams and impoundments through an incentive payment procedure for eligible facilities (section 242), codified at 42 U.S.C. 15881. Congress amended section 242 in the Energy Act of 2020 (Pub. L. 116–260) by expanding the eligibility window and amending the definition of a qualified hydroelectric facility. The Infrastructure Investment and Jobs Act of 2021 (Pub. L. 117–58) made further amendments to section 242. For this solicitation, DOE is accepting applications for payments resulting from hydroelectricity generated and sold in calendar year 2023.

Section 242 directs the Secretary to provide incentive payments to the owners or authorized operators of hydroelectric generation facilities in accordance with specific statutory instructions. The Secretary is directed to issue incentive payments, subject to the availability of appropriations, for hydroelectric energy generated and sold by a qualified hydroelectric facility during the incentive period. Incentive payments may only be made upon receipt by the Secretary of an incentive payment application that demonstrates that the applicant is eligible to receive such payment and satisfies other requirements as the Secretary deems necessary.¹ In the Infrastructure Investment and Jobs Act, Congress provided \$125 million, to remain available until expended, for this purpose.

The Secretary may only issue payments for the electric energy generated and sold by a qualified hydroelectric facility that began operations during the period of 22 fiscal years beginning after the first fiscal year occurring after the program’s enactment,

¹ 42 U.S.C. 15881(a).

August 8, 2005.² A qualified hydroelectric facility may receive payments for a period of 10 consecutive fiscal years, known as the incentive period, which begins with the fiscal year that electric energy generated from the facility is first eligible for such payments.³ Payments made by the Secretary are based on the number of kilowatt hours of hydroelectric energy generated by the facility during the incentive period. The amount of such payment shall be 1.8 cents per kilowatt hour (as adjusted by the Internal Revenue Code of 1986), subject to the availability of appropriations, except that no facility may receive more than \$1,000,000 in one calendar year.⁴ No payments will be made after the expiration of the period of 32 fiscal years beginning with the first full fiscal year occurring after August 8, 2005, and no payment may be made under this section to any such facility after a payment has been made with respect to such facility for a period of 10 fiscal years.⁵ The Secretary is authorized to carry out the purposes of this program for each of the fiscal years of 2021 through 2036.⁶

In section 242, Congress defines a qualified hydroelectric facility to mean “a turbine or other generating device owned or solely operated by a non-Federal entity—(A) that generates hydroelectric energy for sale; and (B)(i) that is added to an existing dam or conduit; or (ii)(I) that has generating capacity of not more than 20 megawatts; (II) for which the non-Federal entity has received a construction authorization from the Federal Energy Regulatory Commission [(FERC)], if applicable; and (III) that is constructed in an area in which there is inadequate electric service, as determined by the Secretary, including by taking into consideration—(aa) access to the electric grid; (bb) the frequency of electric outages; or (cc) the affordability of electricity.”⁷

Additionally, Congress defined an existing dam or conduit to mean any dam or conduit constructed and completed before November 15, 2021, and “which does not require any construction or enlargement of impoundment or diversion structures (other than repair or reconstruction) in connection with the installation of a turbine or other generating device.”⁸ The term conduit maintains the same

meaning here as when used in section 30(a)(2) of the Federal Power Act (16 U.S.C. 823a(a)(3)(A)).⁹

Further, these defined terms apply without regard to the hydroelectric kilowatt capacity of the facility, without regard to whether the facility uses a dam owned by a governmental or nongovernmental entity, and without regard to whether the facility begins operation on or after the date August 8, 2005.¹⁰

This guidance applies to generation in calendar year 2023 and is available at: www.energy.gov/gdo/section-242-hydroelectric-production-incentive-program. Each application will be reviewed based on the contents of the guidance.

DOE notes that applicants that received incentive payments for prior calendar years must submit a new and complete application addressing all eligibility requirements for hydroelectricity generated and sold in calendar year 2023. DOE will not consider previously submitted application materials. Applications that refer to previous application materials or statements in lieu of submitting current information will not be considered. As authorized under section 242 of EPCA 2005, and as explained in the guidance, DOE also notes that it will only accept applications from qualified hydroelectric facilities that began operations at an existing dam or conduit between October 1, 2005, and September 30, 2027.

When submitting information to DOE for the section 242 incentive, it is recommended that applicants carefully read and review the completed content of the guidance for this process. When reviewing applications, DOE may corroborate the information provided with information that DOE finds through FERC e-filings, contact with power off-taker, and other due diligence measure carried out by reviewing officials. DOE may require the applicant to conduct and submit an independent audit at its own expense, or DOE may conduct an audit to verify the number of kilowatt-hours claimed to have been generated and sold by the qualified hydroelectric facility and for which an incentive payment has been requested or made.

Signing Authority

This document of the Department of Energy was signed on February 28, 2024, by Maria D. Robinson, Director, Grid Deployment Office, 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 March 6, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–05096 Filed 3–13–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Intent Regarding Launching a Voluntary Carbon Dioxide Removal Purchasing Challenge; DOE Carbon Dioxide Removal Purchasing (CO₂RP) Challenge

AGENCY: Office of Fossil Energy and Carbon Management, Department of Energy.

ACTION: Notice of intent.

SUMMARY: The Department of Energy (DOE or the Department), Office of Fossil Energy and Carbon Management (FECM) is issuing this Notice of Intent (NOI) to notify interested parties of its intent to launch a Voluntary Carbon Dioxide (CO₂) Removal Purchasing (CO₂RP) Challenge. The CO₂RP Challenge will call on other organizations to purchase small and growing quantities of high-quality, permanent CO₂ Removal (CDR) credits. The CO₂RP Challenge will operate in coordination with DOE’s Carbon Dioxide Removal Purchase Pilot Prize (CDR Purchase Prize), through which the Department will award up to \$30,000,000 across ten prize winners that successfully deliver their committed CDR credits. In addition, the Challenge will invite CDR suppliers that were *not* selected for or did not apply to the DOE CDR Purchase Prize to seek designation as a “next wave” supplier that demonstrates promise for other future DOE or private sector CDR credit purchasing efforts. CDR credit suppliers participating in the CO₂RP Challenge through pursuit of designation within DOE’s list of “next wave” CDR credit providers will submit CDR credit proposals to DOE for review.

² 42 U.S.C. 15881(c).

³ 42 U.S.C. 15881(d).

⁴ 42 U.S.C. 15881(e).

⁵ 42 U.S.C. 15881(f).

⁶ 42 U.S.C. 15881(g).

⁷ 42 U.S.C. 15881(b)(1).

⁸ 42 U.S.C. 15881(b)(2).

⁹ 42 U.S.C. 15881(b)(3).

¹⁰ 42 U.S.C. 15881(b).

DATES: Written comments are requested by May 15, 2024.

ADDRESSES: Interested parties may submit comments electronically to VoluntaryCDRchallenge@hq.doe.gov and include “Voluntary CDR Purchasing Challenge” in the subject line. Responses must be provided as attachments to an email. Only electronic responses will be accepted.

FOR FURTHER INFORMATION CONTACT: Questions may be directed to Rory Jacobson, Acting Division Director for Carbon Dioxide Removal, rory.jacobson@hq.doe.gov or (202)–586–1650.

SUPPLEMENTARY INFORMATION:

I. Background

Large-scale carbon dioxide removal (“CDR”) is critical to reach net-zero targets by 2050 and is anticipated to serve an important role as a counterbalance for hard to abate sectors and a mechanism to reduce atmospheric carbon dioxide. The US Long Term Strategy¹ expects that at least 100 million tonnes of technological CDR (in addition to land use, land use change, and forestry (LULUCF) approaches) will be required for the US to achieve net-zero by 2050. Leading analyses by scientific bodies like the Intergovernmental Panel on Climate Change (IPCC) and the National Academies of Sciences (NAS) anticipate that CDR will be needed at least at the gigatonne scale by mid-century to deliver on the Paris Agreement goals.² While these analyses collectively make clear that reducing emissions directly (*i.e.*, without carbon credit purchases) is the primary long-term strategy for climate mitigation, in the vast majority of cases, CDR is essential as a complement to these efforts to avoid exceeding committed emissions targets and accelerate the pace of mitigation.

Currently, CDR pathways across the DOE portfolio are at varying levels of technical maturity and few pathways have been commercially demonstrated. Further, while a diverse portfolio of CDR approaches holds significant promise towards delivering on the United States’ Long-Term Strategy, these pathways face common challenges to achieve scale, including factors like (1) cost, (2) measurement, reporting, and

verification (“MRV”), and (3) resource constraints. For this reason, DOE announced a “Carbon Negative Shot” initiative at the 2021 United Nations Climate Change Conference (commonly referred to as COP26), aimed at catalyzing innovation across a portfolio of approaches to enable gigatonne-scale CDR at less than \$100 per tonne CO₂e net removed for at minimum 100 years, inclusive of MRV, within a decade.³ In addition to piloting an extensive portfolio of CDR pathways, advancing and establishing MRV best practices and guidance, and investing in research and development to support supply (“push”), DOE is exploring opportunities to establish workable demand (“pull”) incentive mechanisms.

On August 10, 2023, the DOE and the National Energy Technology Laboratory (NETL) published a Notice of Intent (DE-FOA-0003081) to issue Funding Opportunity Announcement No. DE-FOA-0003082, titled Carbon Negative Shot Pilots, and Other Funding Opportunities.⁴ These intended funding opportunities included a Carbon Negative Shot Pilots FOA (DE-FOA-0003082), a Direct Air Capture (DAC) Commercial Pilot Prize, and a CDR Purchase Prize.

Launched on September 29, 2023, the CDR Purchase Prize is a historic, first-of-a-kind government purchasing program for permanent CDR credit purchasing.⁵ The CDR Purchase Prize follows in the footsteps of private businesses and coalitions that have shown how relatively small-scale purchases of CDR credits can have an outsized impact on catalyzing technology innovation and the advancement of standards for robust MRV and carbon accounting.

The CDR Purchase Prize will award up to \$35M of CDR credit purchases, across four CDR areas of interest: (1) direct air capture (DAC), (2) enhanced CO₂ mineralization, (3) biomass carbon removal with storage (BiCRS), and 4)

other planned and managed carbon sinks with secure geological storage or equivalent. The first-round application for the program closed on December 14, 2023. In spring 2024, DOE will announce up to 25 semifinalists that have submitted the highest quality CDR Credit Concept Proposals for how they plan to deliver independently verified, high-quality CDR credits to the US government with secure geological or equivalent storage. DOE will then release the final rules for how semifinalists will be evaluated and selected to secure one of the 10 finalists awards, which will provide finalists up to \$3M upon delivery of their verified CDR credits. DOE’s CDR Purchase Prize is designed to catalyze further voluntary CDR credit purchases in several ways, including:

- *Supplier transparency for prospective CDR credit purchasers:* DOE and the National Labs will conduct rigorous technical diligence on all applicants, and our pool of semifinalists will offer a portfolio of CDR project developers with a high chance of delivering robust CDR credits in the near future.

- *Purchase contract norms:* DOE will set norms for what qualifies as high-quality CDR credits, and what MRV methods and broader delivery terms are appropriate for CDR credit purchasing, including efforts such as publishing model CDR credit purchasing templates and term sheets for private buyers to use as a starting point for their own purchases.

- *Motivation for further action:* DOE’s initiative is designed to show the importance and urgency of purchasing CDR credits today, so that governments and businesses alike invest more resources in CDR now. In addition, the CDR Purchase Prize is designed to challenge CDR suppliers to sign up as many new private purchasers as they can by including the number of external purchase commitments as part of the selection criteria for from the semifinals to the finals. This will simultaneously enable DOE to amplify the demand for high-quality CDR credits with the greatest scalability and demand, while also providing potential CDR credit purchasers in the private sector with a short list of projects that have successfully undergone initial DOE assessment.

- *Enhancing CDR credit demand integrity:* DOE will model how CDR credit purchasing organizations can account for credit purchases and retirements transparently and with the

³ On September 29, 2023, the U.S. Department of Energy’s (DOE) Office of Fossil Energy and Carbon Management (FECM) announced up to \$35 million to advance technologies that permanently remove carbon dioxide from the atmosphere. See, Carbon Dioxide Removal Purchase Pilot Prize, Office of Fossil Energy and Carbon Management, (September 29, 2023), <https://www.energy.gov/fecm/carbon-dioxide-removal-purchase-pilot-prize>.

⁴ Notice of Intent to Issue Funding Opportunity: Carbon Negative Shot Pilots, Office of Fossil Energy and Carbon Management, (August 11, 2023), <https://www.energy.gov/fecm/notice-intent-issue-funding-opportunity-carbon-negative-shot-pilots>.

⁵ DOE Announces \$35 Million to Accelerate Carbon Dioxide Removal, Office of Fossil Energy and Carbon Management, (September 29, 2023), <https://www.energy.gov/fecm/articles/doe-announces-35-million-accelerate-carbon-dioxide-removal>.

¹ *The Long-Term Strategy of the United States: Pathways to Net-Zero Greenhouse Gas Emissions by 2050*, US Department of State and Executive Office of the President, (November 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/10/US-Long-Term-Strategy.pdf>.

² *Negative Emissions Technologies and Reliable Sequestration: A Research Agenda (2019)*, National Academies of Sciences, Engineering, and Medicine, <https://doi.org/10.17226/25259>.

care needed to ensure that credits do not substitute for emissions reductions.⁶

DOE recognizes that the CDR Purchase Prize alone is insufficient to catalyze the marketplace for CDR credits. Even with the selection criteria encouraging semifinalists to secure as many purchases as possible, DOE recognizes that the pool of CDR credit purchasers must be significantly larger than at present for the industry to scale successfully. CDR is likely to be essential for many organizations to meet net-zero goals, yet only a few dozen organizations have purchased permanent CDR credits to date. This means that potentially thousands of additional organizations that have committed to net-zero climate targets will need to start buying permanent CDR credits at small and growing scales today. If organizations fail to begin purchasing CDR today, the field will fail to scale CDR supply as quickly as needed, and CDR solutions will not be available at the cost, scale, or with the necessary MRV standards and community safeguards needed to achieve net zero targets. Furthermore, regulators and civil society groups have indicated that permanent CDR can represent an especially high integrity approach for carbon credits to meet disclosures or other regulations around carbon credit and net-zero claims. Organizations that build out permanent CDR portfolios today may attain advantages in the context of any future carbon-related regulatory compliance regimes.

Yet despite the imperative for voluntary CDR credit purchases today, several factors are inhibiting the growth of voluntary CDR credit markets, including:

1. *Insufficient incentives:* Companies have no requirement to purchase CDR credits as part of their climate plans, which is compounded by a lack of clear and consistent direction by civil society groups working on corporate climate disclosure and action on the appropriate role for these credits in near-term decarbonization activities. Government subsidies for CDR projects have grown in recent years but remain far below levels needed to catalyze widespread adoption.

2. *High prices:* CDR credits are more expensive than emission reduction credits, with engineered CDR credits selling for between \$200–1,000 per tonne CO₂e net removed. These prices

can represent an approximately 50–250x premium of average emissions reductions credits. Existing subsidies are insufficient to close the gap between the prices buyers are willing to pay, and the funding needed to scale CDR technologies.

3. *Complicated procurement:* There is currently limited expertise among most corporate carbon credit purchasers on how to evaluate carbon removal companies and MRV protocols, and to design procurement agreements that are fair for all parties and bankable for suppliers.

4. *Voluntary carbon markets (VCMs) challenges:* VCMs remain relatively small and face challenges related to market transparency and credit integrity. However, high-integrity VCMs represent potentially important channels for unlocking significant capital for climate-impactful investments that can help limit the increase in the global average temperature to 1.5 °C. Additional action is needed by civil society, the private sector, and governments to address relevant challenges and enable conditions for high-integrity VCMs to grow.

II. Voluntary Carbon Dioxide Removal Purchasing Challenge

To further support the CDR credit purchasing market, DOE intends to launch a two-pronged CO₂ Removal Purchasers Challenge (“CO₂RP Challenge”). By engaging with both CDR credit buyers and suppliers, the DOE CO₂RP Challenge will enhance market transparency and bolster the quality and integrity of CDR credit supply, to accelerate, improve, and scale the CDR credit market.

a. Credit Buyers

DOE will ask for any organization or government that discloses its GHG inventory to join the “CO₂RP Challenge” by purchasing a small and growing volume of permanent CDR. To join the Challenge, an organization will be required to:

- Purchase and retire permanent CDR annually, aligned with the requirements and assessment criteria of DOE’s purchases, starting no later than 2025.
- Disclose to DOE every associated CDR purchase, which will maintain a public inventory of:
 - CDR credit purchasing entity;
 - CDR credit supplier entity;
 - CDR project delivering credits;
 - CDR crediting methodology, protocol, or standard (inclusive of MRV); and
 - Date verified of CDR credit volume delivered and retired.

- Require but kept private:
 - price paid per tonne of CDR.
- Disclose to the public:
 - Transparent accounting of CDR and any other forms of carbon credits separately from activities that directly reduce emissions in their supply chains in any annual climate related disclosures.

Participation in the CO₂RP Challenge will not preclude CDR buyers from participating in other buyer coalitions or coordinated funding initiatives. The Challenge is intended to consolidate CDR credit purchasing efforts across private organizations that align with DOE’s Carbon Negative Shot implementation strategy. The Challenge will not require CDR credit buyers to purchase a minimum volume; however, it is anticipated DOE may issue guidance or resources to help organizations incorporate CDR appropriately into their greenhouse gas inventories and net-zero strategies.⁷

b. CDR Credit Suppliers

DOE will encourage additional CDR credit suppliers to join the CO₂RP Challenge by offering to evaluate a new round of credits using the process implemented in Phase 1 of the CDR Purchase Prize. This component of the CO₂RP Challenge is intended to identify CDR credit suppliers that may have been too early to apply to the CDR Purchase Prize but are likely to have strong technical and commercial viability. While no new funding will be available for this effort to suppliers, DOE will and publish a list of “next wave” applications across the four area⁸ of interest categories outlined in the CDR Purchase Prize from:

- Organizations that were not selected to participate in the semifinalist pool for the CDR Purchase Prize but have significantly updated and advanced their credit offering with new project design, MRV, or project offerings.
- Organizations offering credits from projects that did not apply or were not eligible for the CDR Purchase Prize but

⁷ DOE anticipates issuing more detailed guidance regarding eligible and appropriate Scope 1–3 greenhouse gas accounting and attribution of CDR credit purchases, as well as clear guidelines prioritizing direct emissions reductions at the greatest pace and scale feasible. For more information on Scope 1–3 greenhouse gas accounting, please see EPA Greenhouse Gas Inventory Guidance for Scope 1 and 2, and (<https://www.epa.gov/climateleadership/scope-1-and-scope-2-inventory-guidance>) Scope 3 (<https://www.epa.gov/climateleadership/scope-3-inventory-guidance>).

⁸ Please consult the Official Rules document for the CDR Purchase Pilot prize for detailed descriptions of eligible CDR pathways. See: <https://www.herox.com/DAC-commercial>.

⁶ All CO₂RP Challenge participants will be encouraged to adopt the position—consistent with DOE’s position—that CDR is best viewed as part of a decarbonization portfolio that first achieves maximum emissions reductions from existing sources.

anticipate selling voluntary credits within the next calendar year.

Response Guidelines

NOI responses shall include:

1. NOI/RFI title and reference number;
2. Name(s), phone number(s), and email address(es) for the principal point(s) of contact;
3. Institution or organization affiliation and postal address; and
4. Comments and recommendations regarding the intended structure, objectives, and implementation of the DOE Carbon Dioxide Removal Purchasing (CO₂RP) Challenge as proposed within this NOI.

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. Submit these documents via email. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Signing Authority

This document of the Department of Energy was signed on March 7, 2024, by Dr. Jennifer Wilcox, Acting Assistant Secretary, Office of Fossil Energy and Carbon Management, 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 March 7, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–05269 Filed 3–13–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

International Energy Agency Meetings

AGENCY: Department of Energy.

ACTION: Notice of meetings.

SUMMARY: The Industry Advisory Board (IAB) to the International Energy Agency (IEA) will meet on March 21, 22, 2024, as a hybrid meeting via webinar and in person, in connection with a joint meeting of the IEA’s Standing Group on Emergency Questions (SEQ) and the IEA’s Standing Group on the Oil Market (SOM) which is scheduled at the same time via webinar.

DATES: March 21–22, 2024.

ADDRESSES: The location details of the SEQ and SOM webinar meeting are under the control of the IEA Secretariat, located at 9 rue de la Fédération, 75015 Paris, France. The in person meeting will take place at IEA Headquarters, 9 rue de la Fédération, 75015 Paris, France.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Reilly, Assistant General Counsel for International and National Security Programs, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–5000.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)) (EPCA), the following notice of meetings is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held in person and via webinar at the IEA Headquarters, 9 rue de la Fédération, 75015 Paris, commencing at 9:30 a.m., Paris time, on March 21, 2024. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a joint meeting of the IEA’s Standing Group on Emergency Questions (SEQ) and the IEA’s Standing Group on the Oil Market (SOM), which is scheduled to be held at the same location in person and via webinar at the same time.

The agenda of the meeting is under the control of the SEQ and the SOM. It is expected that the SEQ and the SOM will adopt the following agenda:

Welcome by the Chair

1. Adoption of the Agenda
2. Approval of Summary Record of meeting of 16 November 2023
3. Update on the Current Oil Market Situation
Update on the Current Gas Market

Situation

4. Reports on Recent Oil Market and Policy Developments in IEA member countries
5. Update on IEA–OPEC–IEF Joint Work Program
6. India Oil Market Report—Outlook to 2030
7. Update on Global Biofuel Developments
IEA Ministerial Outcomes

Roundtable: Upstream Investment Trends and Implications for Field Decline

8. IEA perspectives
9. Service company perspective
10. Oil company perspective
11. Moderated roundtable discussion
13. Any other business:
Date of next SOM/SEQ meetings: 19–20 June 2024
Close of meeting

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held in person and via webinar at the IEA Headquarters, 9 rue de la Fédération, 75015 Paris, commencing at 9:30 a.m., Paris time, on March 22, 2024. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA’s Standing Group on Emergency Questions (SEQ), which is scheduled to be held at the same location in person and via webinar at the same time. The IAB will also hold a preparatory meeting among company representatives. The agenda for this preparatory meeting is to review the agenda for the SEQ meeting.

The agenda of the SEQ meeting is under the control of the SEQ. It is expected that the SEQ will adopt the following agenda:

Closed SEQ Session—IEA Member Countries Only

1. Adoption of the Agenda
2. Approval of the Summary Record of the 177th SEQ meeting
3. Stockholding Levels of IEA Member Countries
4. Review of the 2022 IEA Collective Action

Open SEQ Session—Open to Association Countries

5. Data Reporting for Dedicated Emergency Stocks
6. Emergency Response Review of Slovak Republic
7. Critical Minerals Security
8. Mid-term Review of France
9. Industry Advisory Board Update
10. Mid-term Review of Canada
11. Emergency Response Review of United States

12. Future of the ERRs
 13. Any Other Business
 Schedule of ERRs for 2024
 Schedule of SEQ & SOM Meetings for
 2024: 18–19 June 2024 (tentative);
 19–21 November 2024 (tentative)

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), the meetings of the IAB are open to representatives of members of the IAB and their counsel; representatives of members of the IEA's Standing Group on Emergency Questions and the IEA's Standing Group on the Oil Markets; representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of Congress, the IEA, and the European Commission; and invitees of the IAB, the SEQ, the SOM, or the IEA.

Signing Authority: This document of the Department of Energy was signed on March 8, 2024, by Thomas Reilly, Assistant General Counsel for International and National Security Programs, 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, March 11, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–05412 Filed 3–13–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Proposed Extension; Withdrawal

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Notice; withdrawal.

SUMMARY: On February 9, 2024, EIA published a 60-day notice of an information collection proposed extension; request for comment in the **Federal Register**. EIA is withdrawing

the February 9, 2024, notice of the information collection proposed extension. Accordingly, this notice supersedes the February 9, 2024, notice.

FOR FURTHER INFORMATION CONTACT:

Kenneth Pick, EI–21, U.S. Energy Information Administration, telephone: (202) 586–5562, email: *Kenneth.Pick@eia.gov*.

SUPPLEMENTARY INFORMATION: The EIA is withdrawing the notice published in the **Federal Register** on February 9, 2024, at 89 FR 9140 (FR Doc. 2024–02727).

Signed in Washington, DC, on March 7, 2024.

Samson A. Adeshiyan,

Director, Office of Statistical Methods and Research, U. S. Energy Information Administration.

[FR Doc. 2024–05411 Filed 3–13–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: CP24–78–000.

Applicants: Kern River Gas Transmission Company.

Description: Kern River Gas Transmission Company submits Petition for Amendment of the July 26, 2001, Order Issuing Certificate.

Filed Date: 2/29/24.

Accession Number: 20240229–5344.

Comment Date: 5 p.m. ET 3/21/24.

Docket Numbers: CP24–79–000.

Applicants: Sabine Pipe Line LLC, Bridgeline Holdings, L.P.

Description: Sabine Pipe Line LLC, et al. submits Joint Abbreviated Application for Amendment to Certificate of Public Convenience and Necessity and Limited Jurisdiction Certificate.

Filed Date: 3/4/24.

Accession Number: 20240304–5197.

Comment Date: 5 p.m. ET 3/25/24.

Docket Numbers: RP24–517–000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Agreements Filing—to be effective 4/1/2024.

Filed Date: 3/8/24.

Accession Number: 20240308–5068.

Comment Date: 5 p.m. ET 3/20/24.

Docket Numbers: RP24–518–000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Filing—Vitol Inc. to be effective 4/2/2024.

Filed Date: 3/8/24.

Accession Number: 20240308–5071.

Comment Date: 5 p.m. ET 3/20/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov*.

Dated: March 8, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–05419 Filed 3–13–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4113–067]

Oswego Hydro Partners, LP; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed

with the Commission and is available for public inspection.

a. *Type of Application*: New Major License.

b. *Project No.*: 4113–067.

c. *Date Filed*: February 27, 2024.

d. *Applicant*: Oswego Hydro Partners, LP.

e. *Name of Project*: Phoenix Hydroelectric Project.

f. *Location*: On the Oswego, Oneida, and Seneca Rivers in Onondaga and Oswego counties, New York.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact*: Jody Smet, Vice President Regulatory Affairs, Eagle Creek Renewable Energy, LLC, 7315 Wisconsin Avenue, Suite 1100W, Bethesda, MD 20814; telephone at (240) 482–2700; email at Jody.smet@eaglecreekre.com.

i. *FERC Contact*: Joshua Dub, Project Coordinator, Great Lakes Branch, Division of Hydropower Licensing; telephone at (202) 502–8138; email at Joshua.Dub@ferc.gov.

j. *Cooperating agencies*: Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status*: April 27, 2024.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at <https://ferconline.ferc.gov/FERCONline.aspx>. For assistance, please contact FERC Online Support at

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: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Phoenix Hydroelectric Project (P–4113–067).

m. The application is not ready for environmental analysis at this time.

n. *Project Description*: The Phoenix Project includes a concrete dam, known as the Phoenix Dam, that includes: (1) a 107-foot-long section with two 41.5-foot-long Tainter gates; (2) a 390-foot-long ogee spillway with 1-foot-high flashboards that have a crest elevation of 364.0 feet Barge Canal Datum (BCD); (3) a 206.1-foot-long section with a 32.4-foot-long Tainter gate and three 46.5-foot-long Tainter gates; (4) a 163-foot-long ogee spillway with 1-foot-high flashboards that have a crest elevation of 364.0 feet BCD; (5) a 44-foot-long section with a 10-foot-long debris sluice gate and a 7-foot-long timber sluice gate; and (6) an 80-foot-long, 45-foot-wide concrete and steel powerhouse that includes two 55-foot-long trashracks with 1-inch clear bar spacing, two intake openings, and two 1.590-megawatt (MW) vertical Kaplan turbine-generator units, for a total installed capacity of 3.180 MW.

The Phoenix Dam and a non-project lock, known as the Phoenix Lock, comprise Lock and Dam No. 1, which creates an impoundment that has a surface area of approximately 1,400 acres at an elevation of 364.0 BCD. From the impoundment, water flows through powerhouse and is discharged through draft tubes to an approximately 120-foot-long tailrace that discharges to the Oswego River.

The project generators are connected to the regional electric grid by: (1) a 90-foot-long, 4.16-kilovolt (kV) underground generator lead line; (2) a 4.16/34.5-kV step-up transformer located approximately 10 feet south of the powerhouse; and (3) a 230-foot-long, 34.5-kV underground transmission line that connects to a switchyard located approximately 150 feet northwest of the powerhouse.

The project includes an upstream American eel passage facility that consists of a trap and truck facility that consists of: (1) a 20-foot-long, 1.7-foot-wide metal and wood eel ramp; and (2) a 2.5-foot-wide, 2-foot-long plastic eel collection box located approximately 160 feet downstream of the project dam on the east shore of the Oswego River. The project also includes a downstream fishway that consists of the 7-foot-long sluice gate and a 7-foot-wide, 14-foot-long concrete plunge pool. Additionally, the project includes a 274.6-foot-long, 5.4-foot-wide aluminum walkway that provides access to the 206.1-foot-long section of the dam. There are no project recreation facilities.

The minimum and maximum hydraulic capacities of the powerhouse are 500 and 4,580 cubic feet per second (cfs), respectively. The average annual energy production of the Phoenix Project from 2016 through 2023 was 10,518 megawatt-hours.

The current license requires Oswego Hydro to minimize impoundment fluctuations by operating the project in a run-of-river mode, such that project outflow approximates inflow, and maintaining a maximum impoundment surface elevation of 364.0 feet BCD. Oswego Hydro currently maintains the surface elevation of the impoundment between 363.5 feet and 364.0 feet BCD, with a normal impoundment elevation of 363.8 feet BCD. The current license also requires Oswego Hydro to: (1) release a year-round minimum flow of 300 cfs or inflow, whichever is less, to the Oswego River downstream of the project, including flows over the spillway sections and/or through the Tainter gates; and (2) when inflow is less than 1,900 cfs from June 1 through October 31, implement water quality monitoring and, if average tailwater dissolved oxygen drops below 5 milligrams per liter, provide mitigative flow releases for the protection of downstream water quality.

Oswego Hydro proposes to continue operating the project in a manner that is consistent with current operation, except that Oswego Hydro does not propose to continue water quality monitoring and mitigative flow releases when inflow is less than 1,900 cfs from June 1 through October 31. In addition, Oswego Hydro proposes to develop a fish passage operation and maintenance plan, implement a draft Bat and Bald Eagle Protection Plan, and maintain an existing interpretative display and fencing for the protection of historic properties.

o. In addition to publishing the full text of this notice in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this notice, as well as other documents in the proceeding (e.g., license application) via the internet through the Commission's Home Page (<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 (P-4113). For assistance, contact FERC at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

You may also register online at <https://ferconline.ferc.gov/FERCOnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

q. *Procedural Schedule*: The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter and Request Additional Information April 2024

Issue Scoping Document 1 for comments July 2024

Request Additional Information (if necessary) August 2024

Issue Acceptance Letter August 2024

Issue Scoping Document 2 (if necessary) September 2024

Issue Notice of Ready for Environmental Analysis September 2024

r. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: March 8, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-05414 Filed 3-13-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2392-040]

Ampersand Gilman Hydro, LP; Notice Soliciting Scoping Comments

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

a. *Type of Application*: New Major License.

b. *Project No.*: P-2392-040.

c. *Date Filed*: March 29, 2022.

d. *Applicant*: Ampersand Gilman Hydro, LP.

e. *Name of Project*: Gilman Hydroelectric Project.

f. *Location*: The project is located on the Connecticut River and straddles the Village of Gilman, within the Town of Lunenburg, Essex County, Vermont, and the Town of Dalton, Coos County, New Hampshire.

g. *Filed Pursuant to*: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact*: Mr. Sayad Moudachirou, Licensing Manager, 717 Atlantic Avenue, Suite 1A, Boston, MA 02111; (617) 933-7206 or sayad@ampersandenergy.com.

i. *FERC Contact*: Ousmane Sidibe, (202) 502-6245 or ousmane.sidibe@ferc.gov.

j. *Deadline for filing scoping comments*: April 8, 2024.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at <https://ferconline.ferc.gov/FERCOnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/>. 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, (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: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the following on the first page: Gilman Hydroelectric Project (P-2392-040).

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener 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. The application is not ready for environmental analysis at this time.

l. The existing Gilman Hydroelectric Project consists of: (1) a 38.3-foot-high, 324.5-foot-wide concrete gravity dam with a crest elevation of 826.8 feet (NGVD29) that includes: (a) a 5-foot-high, 108-foot-long rubber bladder along an overflow spillway on the New Hampshire side of the dam; (b) a 6.5-foot-high, 109-foot-long rubber bladder along the overflow spillway on the Vermont side of the dam; and (c) an 18-foot-high, 27-foot-wide hydraulically operated crest gate; (2) a 130-acre project reservoir with a storage capacity of 705 acre-feet at a normal maximum surface elevation of 833.3 feet; (3) a brick and steel/timber-framed powerhouse integral to the dam on the Vermont side that contains four generating turbine units with a total generating capacity of 4.95 megawatts; (4) a 242-foot-long, 23.75-foot-wide trash rack with approximately 2-inch spacing and 11 wooden or steel head gates that span 117 feet across the upstream face of the powerhouse; (5) a downstream fish passage facility that diverts and guides fish to a 5-foot-wide bypass at the dam controlled by a tilting gate that releases water a 5-foot-deep plunge pool immediately downstream of the dam; (6) a tailrace channel; (7) a 34.5-kilovolt, 200-foot-long transmission line connecting to the grid; and (8) appurtenant facilities.

Ampersand Gilman Hydro, LP proposes to continue to operate the project in a run-of-river mode with no storage or flood control capacity. In accordance with Condition A of the Vermont Department of Environmental Conservation's water quality certification issued for the project, the project adheres to the following downstream minimum flow release requirements: (1) from June 1 through October 15, whenever inflow to the project is 1,000 cubic feet per second (cfs) or less, maintain a continuous downstream minimum flow of 210 cfs or inflow to the project, whichever is less; (2) when inflow falls below 600 cfs, conduct dissolved oxygen sampling downstream of the dam to determine whether additional flow release is

necessary; and (3) in instances of operational issues or should the need to refill the impoundment, maintain a minimum instantaneous flow of 757 cfs until normal operations can be restored. The project can operate in most of the extreme conditions of the Connecticut River and generate electricity from flows of 130 cfs up to high flood conditions of 35,000 cfs. The estimated average annual generation of the project from 2008 to 2018 is 25,000 megawatt-hours.

m. Copies of the application can be viewed on the Commission's website at <https://www.ferc.gov> using the "eLibrary" link. Enter the project's docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov.

You may also register at <https://ferc.online.ferc.gov/FEROnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov.

n. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

o. Scoping Process.

Pursuant to the National Environmental Policy Act (NEPA), Commission staff intends to prepare either an environmental assessment (EA) or an environmental impact statement (EIS) (collectively referred to as the "NEPA document") that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if any, of the proposed action and alternatives. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission issues an EA or an EIS. At this time, we do not anticipate holding an on-site scoping meeting. Instead, we are soliciting written comments and suggestions on the preliminary list of issues and alternatives to be addressed in the NEPA document, as described in scoping document 1 (SD1), issued March 8, 2024.

Copies of the SD1 outlining the subject areas to be addressed in the NEPA document were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of SD1 may be viewed on the web 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. For assistance, call 1-866-208-3676 or for TTY, (202) 502-8659.

Dated: March 8, 2024.

Debbie-Anne A. Reese

Acting Secretary.

[FR Doc. 2024-05415 Filed 3-13-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP23-375-000]

Elba Liquefaction Company, LLC and Southern LNG Company, LLC; Notice of Availability of the Environmental Assessment for the Proposed Elba Liquefaction Optimization Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Elba Liquefaction Project (Project), in Elba Island, Chatham County, Georgia, proposed by Elba Liquefaction Company, LLC (ELC) and Southern LNG Company, LLC (SLNG) in the above-referenced docket.

On April 28, 2023, ELC and SLNG filed a joint application requesting Authorization under Section 3 of the Natural Gas Act to amend existing authorizations under CP14-103-000, originally approved by the Commission on June 1, 2016,¹ to modify certain Movable Modular Liquefaction System (MMLS) Dehydration and Heavies Removal units within the existing liquefied natural gas terminal. The modifications would reduce the fouling rate in the liquefaction units, reduce flaring events, and allow the MMLS units to operate in an optimized condition for longer periods of time.

Specifically, ELC and SLNG request authorization to make modifications to ten (10) MMLS units; construct and operate a new condensate plant; install three (3) new liquid nitrogen vaporizers; and increase the total liquefaction capacity of the MMLS units up to approximately 2.9 million tonnes per annum (MTPA) from 2.5.

¹ Elba Liquefaction Company, L.L.C., 155 FERC ¶ 61,219, (2016).

The EA assesses the potential environmental effects of the construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The U.S. Department of Energy, the U.S. Coast Guard, and the U.S. Department of Transportation participated as cooperating agencies in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis.

The Commission mailed a copy of the *Notice of Availability of the Environmental Assessment for the Elba Liquefaction Optimization Project* to Federal, State, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (www.ferc.gov), on the natural gas environmental documents page (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). In addition, the EA may be accessed by using the eLibrary link on FERC's website. Click on the eLibrary link (<https://elibrary.ferc.gov/eLibrary/search>), select "General Search" and enter the docket number in the "Docket Number" field, (*i.e.*, CP23-375). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Any person wishing to comment on the EA may do so. Your comments should focus on the EA's disclosure and discussion of potential environmental effects, measures to avoid or lessen environmental impacts, the completeness of the submitted alternatives, and information and analyses. The more specific your comments, the more useful they will be.

To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before 5 p.m. eastern time on April 8, 2024.

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208-3676 or FercOnlineSupport@ferc.gov. Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (www.ferc.gov) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature on the Commission's website (www.ferc.gov) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." If you are filing a comment on a particular project, please select "Comment on a Filing" as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP23-375-000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to

intervene are more fully described at <https://www.ferc.gov/how-intervene>.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website (www.ferc.gov) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

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In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

Dated: March 8, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024-05416 Filed 3-13-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG24-128-000.

Applicants: Revolution Wind, LLC.

Description: Revolution Wind, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 3/8/24.

Accession Number: 20240308-5116.

Comment Date: 5 p.m. ET 3/29/24.

Docket Numbers: EG24-129-000.

Applicants: South Fork Wind, LLC.

Description: South Fork Wind, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 3/8/24.

Accession Number: 20240308-5117.

Comment Date: 5 p.m. ET 3/29/24.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL24-84-000.

Applicants: SER Capital Partners, LLC.

Description: Petition for Declaratory Order of SER Capital Partners, LLC.

Filed Date: 3/7/24.

Accession Number: 20240307-5264.

Comment Date: 5 p.m. ET 4/8/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER24-1188-001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment of Amended WMPA, Service Agreement No. 6023; AE1-109 to be effective 4/3/2024.

Filed Date: 3/8/24.

Accession Number: 20240308-5053.

Comment Date: 5 p.m. ET 3/29/24.

Docket Numbers: ER24-1426-000.

Applicants: MidAmerican Energy Company.

Description: § 205(d) Rate Filing: MidAmerican-Mean Transmission Revenue Credits Agmt to be effective 6/1/2024.

Filed Date: 3/7/24.

Accession Number: 20240307-5234.

Comment Date: 5 p.m. ET 3/28/24.

Docket Numbers: ER24-1427-000.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2024-03-08_SA 3534 Termination of Sch A-1 of Ameren-SIPC EAAS Agmt to be effective 2/23/2024.

Filed Date: 3/8/24.

Accession Number: 20240308-5013.

Comment Date: 5 p.m. ET 3/29/24.

Docket Numbers: ER24-1428-000.

Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.

Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2024-03-08_SA 4202 ATC-WEPCo 1st Rev PCA #2023-08 to be effective 3/9/2024.

Filed Date: 3/8/24.

Accession Number: 0240308-5019.

Comment Date: 5 p.m. ET 3/29/24.

Docket Numbers: ER24-1429-000.

Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.

Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2024–03–08 SA 4249 ATC-Vista Sands Solar E&P (J2185 J2107 J2099) to be effective 5/8/2024.

Filed Date: 3/8/24.

Accession Number: 20240308–5025.

Comment Date: 5 p.m. ET 3/29/24.

Docket Numbers: ER24–1430–000.

Applicants: 2569848 Alberta ULC.

Description: § 205(d) Rate Filing: Notice of Succession to Algonquin Hydro Holdings Corp. to be effective 2/16/2024.

Filed Date: 3/8/24.

Accession Number: 20240308–5038.

Comment Date: 5 p.m. ET 3/29/24.

Docket Numbers: ER24–1431–000.

Applicants: Southwestern Public Service Company.

Description: § 205(d) Rate Filing: 2024.03.08—SPS Production Depreciation and Template Modifications to be effective 5/8/2024.

Filed Date: 3/8/24.

Accession Number: 20240308–5043.

Comment Date: 5 p.m. ET 3/29/24.

Docket Numbers: ER24–1432–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: OG&E Formula Rate Revisions to Incorporate Changes Accepted in ER24–718 to be effective 2/19/2024.

Filed Date: 3/8/24.

Accession Number: 20240308–5054.

Comment Date: 5 p.m. ET 3/29/24.

Docket Numbers: ER24–1433–000.

Applicants: PacifiCorp.

Description: Tariff Amendment: Const Agmt Idaho Fall/Sugarmill 46 kV Differential—Notice of Termination to be effective 5/6/2024.

Filed Date: 3/8/24.

Accession Number: 20240308–5082.

Comment Date: 5 p.m. ET 3/29/24.

Docket Numbers: ER24–1434–000.

Applicants: Central Hudson Gas & Electric Corporation, New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: Central Hudson Gas & Electric Corporation submits tariff filing per 35.13(a)(2)(iii): Central Hudson 205 re: Proposed Rate Schedule 21 to be effective 5/8/2024.

Filed Date: 3/8/24.

Accession Number: 20240308–5086.

Comment Date: 5 p.m. ET 3/29/24.

Docket Numbers: ER24–1435–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 2360; AD2–133/Q36 to be effective 5/8/2024.

Filed Date: 3/8/24.

Accession Number: 20240308–5127.

Comment Date: 5 p.m. ET 3/29/24.

Docket Numbers: TX24–3–000.

Applicants: Energia Sierra Juarez, S. de R.L. de C.V.

Description: Application for Order Directing Transmission Service and Interconnection of Facilities of Energia Sierra Juarez, S. de R.L. de C.V.

Filed Date: 3/6/24.

Accession Number: 20240306–5193.

Comment Date: 5 p.m. ET 3/27/24.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

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Dated: March 8, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–05417 Filed 3–13–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD24–3–000]

Review of Cost Submittals by Other Federal Agencies for Administering Part I of the Federal Power Act; Notice of Technical Conference

In an order issued on October 8, 2004, the Commission set forth a guideline for Other Federal Agencies (OFAs) to submit their costs related to Administering Part I of the Federal Power Act. *Order On Rehearing Consolidating Administrative Annual Charges Bill Appeals And Modifying Annual Charges Billing Procedures*, 109 FERC ¶ 61,040 (2004) (October 8 Order). The Commission required OFAs to submit their costs using the OFA Cost Submission Form. The October 8 Order also announced that a technical conference would be held for the purpose of reviewing the submitted cost forms and detailed supporting documentation.

The Commission will hold a technical conference, via conference call, at the time identified below. The technical conference will address the accepted costs submitted by the OFAs. The purpose of the conference will be for OFAs and licensees to discuss costs reported in the forms and any other supporting documentation or analyses.

The technical conference will also be transcribed. Those interested in obtaining a copy of the transcript immediately for a fee should contact the Ace-Federal Reporters, Inc., at 202–347–3700, or 1–800–336–6646. Two weeks after the post-forum meeting, the transcript will be available for free on the Commission's e-library system. Anyone without access to the Commission's website or who has questions about the technical conference should contact Raven A. Rodriguez at (202) 502–6276 or via email at annualcharges@ferc.gov.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to accessibility@ferc.gov or call toll free (866) 208–3372 (voice), (202) 208–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

The Technical Conference call will be held on Thursday, March 21, 2024, at 2 p.m.–3:30 p.m. (EST).

Technical Conference Call

Microsoft Teams Meeting

Join on your computer, mobile app or room device.

Click here to join the meeting, *Meeting ID: 273 155 835 906, Passcode: pS5urB*, Download Teams | Join on the web, Or call in (audio only), +1 202-984-3352, 783964930# United States, Washington, DC, Phone Conference ID: 783 964 930#.

Dated: March 8, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-05418 Filed 3-13-24; 8:45 am]

BILLING CODE 6717-01-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than April 15, 2024.

A. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521. Comments can also be sent electronically to Comments.applications@phil.frb.org:

1. *Princeton Bancorp, Inc., Princeton, New Jersey*; to acquire Cornerstone Financial Corporation, Mount Laurel,

New Jersey, and thereby indirectly acquire Cornerstone Bank, Moorestown, New Jersey.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024-05450 Filed 3-13-24; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0010; Docket No. 2024-0053; Sequence No. 6]

Information Collection; Progress Payments, SF 1443

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning progress payments. DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through August 31, 2024. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by May 13, 2024.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through <https://www.regulations.gov> and follow the instructions on the site. This website provides the ability to type short

comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202-501-4755 or GSARegSec@gsa.gov.

Instructions: All items submitted must cite OMB Control No. 9000-0010, Progress Payments, SF 1443. Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check www.regulations.gov, approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT:

Benjamin Collins, Procurement Analyst, at telephone 850-826-0058, or benjamin.collins@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and any Associated Form(s)

9000-0010; Progress Payments, SF 1443; Standard Form (SF) 1443, Contractor's Request for Progress Payment.

B. Need and Uses

This clearance covers the information that contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

FAR 52.232-16, Progress Payments, and SF 1443, Contractor's Request for Progress Payment. Paragraph (g) of this FAR clause requires contractors to furnish reports, certificates, financial statements, and other pertinent information (including estimates to complete) reasonably requested by contracting officers for the administration of fixed-price contracts under which the Government will provide progress payments based on costs. Each request for progress payment shall be submitted on an SF 1443.

Contracting officers use this information to administer progress payments under a contract. This collection of information is necessary for protection of the Government against financial loss through making of progress payments.

C. Annual Burden

Respondents: 6,169.

Total Annual Responses: 197,408.

Total Burden Hours: 82,911.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202-501-4755 or emailing GSARegSec@gsa.gov. Please cite OMB

Control No. 9000–0010, Progress Payments, SF 1443.

Janet Fry,

Director, Federal Acquisition Policy Division,
Office of Governmentwide Acquisition Policy,
Office of Acquisition Policy, Office of
Governmentwide Policy.

[FR Doc. 2024–05443 Filed 3–13–24; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–24–1385]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “Characteristics of Cases of Priority Fungal Diseases” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on December 11, 2023 to obtain comments from the public and affected agencies. CDC received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Characteristics of Cases of Priority Fungal Diseases (OMB Control No. 0920–1385, Exp. 3/31/2026)—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Fungal diseases cause substantial illness, ranging from mild infection to severe or life-threatening invasive disease. They also constitute a considerable financial burden on patients and healthcare systems. Awareness of fungal diseases is low, and data collection has historically been limited in size, scope, and coordination, which has hindered our understanding of these diseases. Detailed epidemiologic and clinical data are

critical to inform appropriate public health responses. We plan to enhance surveillance of high priority fungal diseases across the United States to better characterize factors such as disease burden, geographic scope, patient risk factors, health disparities, healthcare utilization, outcomes, and emerging trends. This project will serve as a Revision of the information collections project: Triazole-resistant *Aspergillus fumigatus* Case Report Form (CRF). The Revision will expand the number of fungal diseases for which data may be collected.

CDC requests to change the name of this information collection project from Triazole-resistant *Aspergillus fumigatus* Case Report Form to Characteristics of Cases of Priority Fungal Diseases. In addition to triazole-resistant *A. fumigatus* infections, CRFs have also been developed for coccidioidomycosis, histoplasmosis, blastomycosis, *C. auris*, and antifungal-resistant dermatophytosis. We plan to use standardized CRFs to collect public health surveillance data for cases of these diseases regarding demographics (*e.g.*, age, sex, race/ethnicity, location of residence), underlying medical conditions, diagnosis (*e.g.*, clinical presentation, laboratory testing), treatments, and outcomes (*e.g.*, hospitalization, vital status). The corresponding CRF would be filled out voluntarily by State and local health departments and contains a section for medical chart review and an optional supplemental interview (including data on potential occupational or environmental exposures) of the patient or their representative. Findings can help identify populations at higher risk of these diseases, detect emerging epidemiologic trends, and guide prevention and response efforts. They can also help better focus public and healthcare provider outreach, inform efforts to contain or mitigate spread, and influence health policy and research on prevention and treatment.

CDC requests OMB approval for an estimated 1,138 annual burden hours. There is no cost to respondents other than their time to participate.

Estimated Annualized Burden Hours

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
State and Local Health Departments	Triazole-resistant <i>Aspergillus fumigatus</i> Case Report Form.	15	15	0.5
State and Local Health Departments	Coccidioidomycosis Case Report Form	10	25	1.0
State and Local Health Departments	Histoplasmosis Case Report Form	10	25	1.0
State and Local Health Departments	Blastomycosis Case Report Form	10	25	1.0
State and Local Health Departments	<i>Candida auris</i> Case Report Form	15	20	45/60

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
State and Local Health Departments	Antifungal-resistant dermatophytosis case report form.	10	10	0.5

Jeffrey M. Zirger,

*Lead, Information Collection Review Office,
Office of Public Health Ethics and
Regulations, Office of Science, Centers for
Disease Control and Prevention.*

[FR Doc. 2024-05387 Filed 3-13-24; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC-2024-0019, NIOSH-352]

National Institute for Occupational Safety and Health; Outdoor Workers Exposed to Wildland Fire Smoke; Request for Information

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for information.

SUMMARY: The Centers for Disease Control and Prevention's (CDC) National Institute for Occupational Safety and Health (NIOSH), in the Department of Health and Human Services, announces an opportunity for the public to provide information about approaches to assess and control the hazards of wildland fire smoke to outdoor workers. Wildland fire smoke is a complex mixture of potentially toxic gases and particles that can vary depending on factors in the wildland or wildland urban interface environment, such as weather, fire behavior, and the type of materials or vegetation burning. Because of this, outdoor workers may be exposed to varying types and amounts of compounds in wildland fire smoke throughout their work shift or during different fire events and job tasks. NIOSH is seeking information to develop a hazard review document that summarizes the scientific literature about the health effects from exposures to wildland fire smoke and provides recommendations to protect outdoor workers.

DATES: Comments must be received by May 13, 2024.

ADDRESSES: Comments may be submitted through either of the following two methods:

• *Federal eRulemaking Portal:* <http://www.regulations.gov> (follow the instructions for submitting comments), or

• *By Mail:* NIOSH Docket Office, Robert A. Taft Laboratories, MS C-34, 1090 Tusculum Avenue, Cincinnati, Ohio 45226-1998.

Instructions: All written submissions received in response to this notice must include the agency name (Centers for Disease Control and Prevention, HHS) and docket number (CDC-2024-0019, NIOSH-352) for this action. All relevant comments, including any personal information provided, will be posted without change to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: R. Todd Niemeier, 1090 Tusculum Ave., MS C-15, Cincinnati, OH 45226; Telephone (513) 533-8166 (this is not a toll-free number); Email NIOSHregs@cdc.gov.

SUPPLEMENTARY INFORMATION: The hazard review development process will involve review and assessment of the scientific literature about exposures to wildland fire smoke, potential health effects, outdoor worker populations at risk, and development or updating of recommendations to protect outdoor workers. The purpose of the hazard review document is to provide an overview of the relevant health effects literature and develop evidence-based recommendations to protect outdoor workers, including farm workers, construction workers, oil and gas workers, park rangers, emergency responders, and others, from the adverse health effects of occupational exposure to wildland fire smoke. Scientific information related to wildland fire smoke is requested on the following topics:

- Properties and characteristics of wildland fire smoke mixtures
- Potential for occupational exposures to outdoor workers
- Health effects of exposures
- Outdoor worker populations at risk
- Exposure monitoring
- Risk management and control
- Research needs

Wildland fire smoke is a complex mixture of gases and particles from burning vegetation and other materials. In some cases, this can include wildland

urban interface environments, which are areas or zones where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels. Wildland fires can include wildfires and prescribed or controlled burns. As a wildland fire burns, different compounds are released in the smoke, such as particulate matter, carbon monoxide, benzene, formaldehyde, acrolein, polycyclic aromatic hydrocarbons, and other compounds. While exposure to wildland fire smoke has been of interest to researchers and public health professionals for decades, the hazards from wildland fire smoke are not fully understood. This is primarily due to the complexity of wildland fire smoke, as the smoke is made up of many different types and amounts of potentially toxic compounds and can change very quickly depending on factors in the environment, such as weather, fire behavior, and the type of vegetation burning. Because of this, workers may be exposed to varying types and amounts of compounds in wildland fire smoke, even in areas where smoke has migrated, throughout their work shift or during different fire events. Exposure also varies by the type of job task being performed.

There is very limited published information about how exposure to wildland fire smoke impacts outdoor workers. However, taken together with research studies examining exposure to smoke from wildland fires among the public, along with assessments of the health effects of exposures to specific components of wildland fire smoke, there is clear potential for such exposures to result in adverse health outcomes. The risk of experiencing symptoms and adverse health effects due to smoke exposure varies from person to person. The variability of health effects and symptoms can also be impacted by variability in exposure based on distance from the fire, wind speed and direction, and local environmental factors. Workers can have different individual risk factors such as age and health conditions (e.g., pre-existing heart or lung disease) that make them more likely to be affected by wildland fire smoke. Some health effects known or suspected to be caused

by wildland fire smoke include [NIOSH 2023]:

- Symptoms such as eye irritation, sore throat, wheeze, and cough
- Asthma and chronic obstructive pulmonary disease (COPD) exacerbations
- Bronchitis and pneumonia
- Adverse birth outcomes
- Cardiovascular (heart and blood vessel) outcomes

Long work shifts and physical demands of the work performed (resulting in higher breathing rates) may impact a worker's exposures and health response to wildland fire smoke. Still, the scientific community does not fully understand how long-term, repeated exposures, or other exposures to wildland fire smoke may affect a worker's health. Additionally, very little is known about how exposure to many different compounds at the same time, including compounds released from the burning of man-made materials (such as those found in the wildland-urban interface), may affect a worker's health.

NIOSH plans to review and assess the available scientific evidence to support the development of recommendations to protect outdoor workers from wildland fire smoke. NIOSH currently recommends that employers be aware that exposure to wildland fire smoke may adversely affect the health of their workforce and be prepared to take action to limit their workers' exposures when a wildfire has emitted smoke in and around their work environment [NIOSH 2023].

It is also currently recommended that employers and workers prepare for and plan to implement procedures to reduce exposures to smoke when necessary [NIOSH 2023]. As NIOSH continues to review and assess the scientific literature, recommendations will be developed and updated as necessary. Additional information and recommendations are available on the NIOSH Safety and Health Topic Page on Outdoor Workers Exposed to Wildfire Smoke (<https://www.cdc.gov/niosh/topics/firefighting/wffsmoke.html>). NIOSH will update this Topic Page and recommendations as necessary to be consistent with the assessment of the information obtained from this RFI and the development of the hazard review.

To reiterate, this RFI is intended to announce the opportunity for the public to provide NIOSH with information about approaches to assess and control the hazards of wildland fire smoke to outdoor workers to inform the development of a hazard review document. Scientific information related to wildland fire smoke is requested on the following topics:

- Properties and characteristics of wildland fire smoke mixtures
- Potential for occupational exposures to outdoor workers
- Health effects of exposures
- Outdoor worker populations at risk
- Exposure monitoring
- Risk management and control
- Research needs.

Reference

NIOSH [2023]. Outdoor workers exposed to wildfire smoke. Cincinnati, OH: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, <https://www.cdc.gov/niosh/topics/firefighting/wffsmoke.html>.

John J. Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services.

[FR Doc. 2024-05403 Filed 3-13-24; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-24-0953; Docket No. CDC-2024-0016]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery. The information collection activities provide a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Federal Government's commitment to improving service delivery.

DATES: CDC must receive written comments on or before May 13, 2024.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2024-0016 by either of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. Follow the instructions for submitting comments.
- **Mail:** Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to www.regulations.gov.

Please note: Submit all comments through the Federal eRulemaking portal (www.regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329; Telephone: 404-639-7570; Email: omb@cdc.gov.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected;

4. Minimize the burden of the collection of information on those who

are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses; and

5. Assess information collection costs.

Proposed Project

Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (OMB Control No. 0920-0953, Exp. 10/31/2024)—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The information collection activities associated with this collection serve to provide a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Federal Government’s commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency’s services will be unavailable. CDC will only submit a collection for approval under these generic clearances if they meet the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based) on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are noncontroversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency (if released, the agency must indicate the qualitative nature of the information);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.
- Feedback collected under CDC generic clearances provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made; the sampling frame; the sample design (including stratification and clustering); the precision requirements or power calculations that justify the proposed sample size; the expected response rate; methods for assessing potential nonresponse bias; the protocols for data collection; and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results. As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.
- CDC requests OMB approval for an estimated 13,075 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Type of collections	Number of respondents	Annual frequency per response	Hours per response	Total hours
Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.	Print Surveys	50,000	1	15/60	12,500
	Focus Groups	100	1	2	200
	Online Surveys	1500	1	15/60	375
Total .....	.....	.....	.....	.....	13,075

Jeffrey M. Zirger,

Lead, Information Collection Review Office,
Office of Public Health Ethics and
Regulations, Office of Science, Centers for
Disease Control and Prevention.

[FR Doc. 2024-05386 Filed 3-13-24; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to 5 U.S.C. 1009(d), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92-463. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—PAR 18-812, NIOSH Member Conflict Review.

Date: June 13, 2024.

Time: 1 p.m.–4 p.m., EDT.

Place: Teleconference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Michael Goldcamp, Ph.D., Scientific Review Officer, Office of Extramural Programs, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 1095 Willowdale Road, Morgantown, West Virginia 26505. Telephone: (304) 285-5951; Email: MGoldcamp@cdc.gov.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business
Initiatives, Office of the Chief Operating
Officer, Centers for Disease Control and
Prevention.

[FR Doc. 2024-05458 Filed 3-13-24; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2023-N-5323]

Hoffmann-La Roche, Inc., et al.; Withdrawal of Approval of Two New Drug Applications; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** on December 18, 2023. The document announced the withdrawal of approval of two new drug applications (NDA), withdrawn as of January 17, 2024. The document indicated that FDA was withdrawing approval of NDA 022424, FLOWTUSS (guaifenesin 200 milligrams (mg)/5 milliliters (mL) and hydrocodone bitartrate 2.5 mg/5 mL) Oral Solution held by Chartwell RX Sciences, LLC, 77 Brenner Dr., Congers, NY 10920. Before FDA withdrew the approval of this NDA, Chartwell RX Sciences, LLC informed FDA that it did not want the approval of the NDA withdrawn. Because Chartwell RX Sciences, LLC timely requested that approval of NDA 022424 not be withdrawn, the approval is still in effect. This notice corrects that error.

FOR FURTHER INFORMATION CONTACT: Kimberly Lehrfeld, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6226, Silver Spring, MD 20993-0002, 301-796-3137, Kimberly.Lehrfeld@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of Monday, December 18, 2023 (88 FR 87433), appearing on page 87433 in FR Doc. 2023-27661, the following correction is made:

On page 87433, in the table, the entry for NDA 022424 is removed.

Dated: March 11, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024-05426 Filed 3-13-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA-2023-E-1620 and FDA-2023-E-1597]

Determination of Regulatory Review Period for Purposes of Patent Extension; PYRUKYND

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for PYRUKYND and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of patents which claim that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect must submit either electronic or written comments and ask for a redetermination by May 13, 2024. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by September 10, 2024. See “Petitions” in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 13, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any

confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier* (for written/paper submissions): Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket Nos. FDA-2023-E-1620 and FDA-2023-E-1597 for "Determination of Regulatory Review Period for Purposes of Patent Extension; PYRUKYND." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management

Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301-796-3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the

actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product PYRUKYND (mitapivat hemisulfate sesquihydrate). PYRUKYND is indicated for the treatment of hemolytic anemia in adults with pyruvate kinase deficiency. Subsequent to this approval, the USPTO received a patent term restoration application for PYRUKYND (U.S. Patent Nos. 9,193,701 and RE49,582) from Agios Pharmaceuticals, Inc., and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated October 19, 2023, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of PYRUKYND represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for PYRUKYND is 2,885 days. Of this time, 2,639 days occurred during the testing phase of the regulatory review period, while 246 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* March 28, 2014. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on March 28, 2014.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* June 17, 2021. FDA has verified the applicant's claim that the new drug application (NDA) for PYRUKYND (NDA 216196) was initially submitted on June 17, 2021.

3. *The date the application was approved:* February 17, 2022. FDA has verified the applicant's claim that NDA 216196 was approved on February 17, 2022.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several

statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 1,209 days or 1,507 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to <https://www.regulations.gov> at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: March 11, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–05407 Filed 3–13–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2023–E–1662; FDA–2023–E–1663]

Determination of Regulatory Review Period for Purposes of Patent Extension; CIBINQO

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for CIBINQO and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the

Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by May 13, 2024. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by September 10, 2024. See “Petitions” in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 13, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket Nos. FDA–2023–E–1662; FDA–2023–E–1663 for “Determination of Regulatory Review Period for Purposes of Patent Extension; CIBINQO.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the

heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT:

Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301-796-3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product’s regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA’s determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, CIBINQO (abrocitinib) indicated for the treatment of adults with refractory, moderate-to-severe atopic dermatitis whose disease is not adequately controlled with other systemic drug products, including biologics, or when use of those therapies is inadvisable. Subsequent to this approval, the USPTO received patent term restoration applications for CIBINQO (U.S. Patent Nos. 9,035,074; 9,545,405) from PFIZER Inc. and the

USPTO requested FDA’s assistance in determining the patent’s eligibility for patent term restoration. In a letter dated September 28, 2023, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of CIBINQO represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product’s regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for CIBINQO is 3,173 days. Of this time, 2,665 days occurred during the testing phase of the regulatory review period, while 508 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* May 10, 2013. The applicant claims October 31, 2014, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was May 10, 2013, which was 30 days after FDA receipt of the earliest IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* August 25, 2020. FDA has verified the applicant’s claim that the new drug application (NDA) for CIBINQO (NDA 213871) was initially submitted on August 25, 2020.

3. *The date the application was approved:* January 14, 2022. FDA has verified the applicant’s claim that NDA 213871 was approved on January 14, 2022.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 695 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To

meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to <https://www.regulations.gov> at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: March 11, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–05421 Filed 3–13–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–D–0803]

E2D(R1) Post-Approval Safety Data: Definitions and Standards for Management and Reporting of Individual Case Safety Reports; International Council for Harmonisation; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled “E2D(R1) Post-Approval Safety Data: Definitions and Standards for Management and Reporting of Individual Case Safety Reports.” The draft guidance was prepared under the auspices of the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use (ICH). The draft guidance updates the existing E2D guidance entitled “E2D Post-Approval Safety Data Management: Definitions and Standards for Expedited Reporting,” published in 2003. The draft guidance is intended to clarify the use of new or increasingly used data sources (e.g., social media, market research programs, patient support programs) and update terminology and

standards for postmarket adverse event reporting.

DATES: Submit either electronic or written comments on the draft guidance by May 13, 2024, to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked, and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2024-D-0803 for "E2D(R1) Post-Approval Safety Data: Definitions and Standards for Management and Reporting of Individual Case Safety Reports." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at

<https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002, or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your

requests. The guidance may also be obtained by mail by calling Center for Biologics Evaluation and Research at 1-800-835-4709 or 240-402-8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: Robert Ball, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 4300, Silver Spring, MD 20993-0002, 301-796-2000, OSE.PMKTREGS@fda.hhs.gov; or James Myers, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 240-402-7911.

Regarding the ICH: Jill Adleberg, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6364, Silver Spring, MD 20993-0002, 301-796-5259, Jill.Adleberg@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled "Post-Approval Safety Data: Definitions and Standards for Management and Reporting of Individual Case Safety Reports." The draft guidance was prepared under the auspices of ICH. ICH seeks to achieve greater regulatory harmonization worldwide to ensure that safe, effective, high-quality medicines are developed, registered, and maintained in the most resource-efficient manner.

By harmonizing the regulatory requirements in regions around the world, ICH guidelines enhance global drug development, improve manufacturing standards, and increase the availability of medications. For example, ICH guidelines have substantially reduced duplicative clinical studies, prevented unnecessary animal studies, standardized the reporting of important safety information, and standardized marketing application submissions.

The six Founding Members of the ICH are FDA; the Pharmaceutical Research and Manufacturers of America; the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labour, and Welfare; and the Japanese Pharmaceutical Manufacturers Association. The Standing Members of the ICH Association include Health Canada and Swissmedic. ICH membership continues to expand to

include other regulatory authorities and industry associations from around the world (refer to <https://www.ich.org>).

ICH works by engaging global regulatory and industry experts in a detailed, science-based, and consensus-driven process that results in the development of ICH guidelines. The regulators around the world are committed to consistently adopting these consensus-based guidelines, realizing the benefits for patients and for industry.

As a Founding Regulatory Member of ICH, FDA plays a major role in the development of each of the ICH guidelines, which FDA then adopts and issues as guidance for industry. FDA's guidance documents do not establish legally enforceable responsibilities. Instead, they describe the Agency's current thinking on a topic and should be viewed only as recommendations, unless specific regulatory or statutory requirements are cited.

On February 7, 2024, the ICH Assembly endorsed the draft guideline entitled "E2D(R1) Post-Approval Safety Data: Definitions and Standards for Management and Reporting of Individual Case Safety Reports" and agreed that the guideline should be made available for public comment. The draft guideline is the product of the Efficacy Expert Working Group of the ICH. Comments about this draft will be considered by FDA and the Efficacy Expert Working Group.

The draft guidance aims to improve the quality of postapproval safety information by revising the 2003 guidance entitled "E2D Post-Approval Safety Data Management: Definitions and Standards for Expedited Reporting," which introduced an internationally standardized procedure for gathering and reporting postapproval safety data. Building on the standardized recommendations from the 2003 guidance, this draft guidance aims to clarify the use of new or more frequently applied postapproval safety sources and update terminology and standards for postmarket adverse event reporting.

This draft guidance has been left in the original ICH format. The final guidance will be reformatted and edited to conform with FDA's good guidance practices regulation (21 CFR 10.115) and style before publication. The draft guidance, when finalized, will represent the current thinking of FDA on "E2D(R1) Post-Approval Safety Data: Definitions and Standards for Management and Reporting of Individual Case Safety Reports." It does not establish any rights for any person and is not binding on FDA or the public.

You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information pertaining to postmarketing adverse drug experience reporting have been approved under OMB control number 0910–0230. The collection of information for FDA adverse event reporting and electronic submissions using the Electronic Submission Gateway and the Safety Reporting Portal has been approved under OMB control number 0910–0291. The collections of information pertaining to the issuance of "Dear Health Care Provider Letters: Improving Communication of Important Safety Information" have been approved under OMB control number 0910–0754.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at <https://www.regulations.gov>, <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances>, or <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>.

Dated: March 8, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–05381 Filed 3–13–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–E–1551]

Determination of Regulatory Review Period for Purposes of Patent Extension; VTAMA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for VTAMA and is publishing this notice of that determination as required by law. FDA has made the

determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by May 13, 2024. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by September 10, 2024. See "Petitions" in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 13, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

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- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2023-E-1551 for “Determination of Regulatory Review Period for Purposes of Patent Extension; VTAMA.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the

electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT:

Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301-796-3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product’s regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA’s determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, VTAMA (tapinarof) is indicated for the topical treatment of plaque psoriasis in adults. Subsequent to this approval, the USPTO received a patent term restoration application for VTAMA (U.S. Patent No. 10,195,160) from Dermavant Sciences, GmbH and the USPTO requested FDA’s

assistance in determining the patent’s eligibility for patent term restoration. In a letter dated September 28, 2023, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of VTAMA represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product’s regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for VTAMA is 3,134 days. Of this time, 2,771 days occurred during the testing phase of the regulatory review period, while 363 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* October 25, 2013. FDA has verified the applicant’s claim that the date the investigational new drug application became effective was on October 25, 2013.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* May 26, 2021. FDA has verified the applicant’s claim that the new drug application (NDA) for VTAMA (NDA 215272) was initially submitted on May 26, 2021.

3. *The date the application was approved:* May 23, 2022. FDA has verified the applicant’s claim that NDA 215272 was approved on May 23, 2022.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 4 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must

contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to <https://www.regulations.gov> at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: March 11, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–05408 Filed 3–13–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–new]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment, Improving Customer Experience (OMB Circular A–11, Section 280 Implementation).

DATES: Comments on the ICR must be received on or before April 15, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Sherrette Funn, Sherrette.Funn@hhs.gov

or (202) 264–0041, or PRA@HHS.GOV. When submitting comments or requesting information, please include the document identifier 0990–New–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency’s functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

OMB Circular A–11 Section 280 established government-wide standards for mature customer experience organizations in government and measurement. To enable Federal programs to deliver the experience taxpayers deserve, they must undertake three general categories of activities: conduct ongoing customer research, gather and share customer feedback, and test services and digital products.

These data collection efforts may be either qualitative or quantitative in nature or may consist of mixed methods. Additionally, data may be collected via a variety of means, including but not limited to electronic or social media, direct or indirect observation (*i.e.*, in person, video and audio collections), interviews, questionnaires, surveys, and focus groups. HHS will limit its inquiries to data collections that solicit strictly voluntary opinions or responses. Steps will be taken to ensure anonymity of respondents in each activity covered by this request.

The results of the data collected will be used to improve the delivery of Federal services and programs. It will include the creation of personas, customer journey maps, and reports and summaries of customer feedback data and user insights. It will also provide government-wide data on customer experience that can be displayed on performance.gov to help build

transparency and accountability of Federal programs to the customers they serve.

Title of the Collection: Improving Customer Experience (OMB Circular A–11, Section 280).

Type of Collection: Father Generic ICR.

OMB No. 0990–NEW Office of the Secretary, Assistant Secretary Administration.

Abstract: The Department of Health and Human Services, Office of the Secretary, Assistant Secretary Administration is requesting approval by OMB on a new Father Generic Information Collection Request. OMB Circular A–11 Section 280 established government-wide standards for mature customer experience organizations in government and measurement. To enable Federal programs to deliver the experience taxpayers deserve, they must undertake three general categories of activities: conduct ongoing customer research, gather and share customer feedback, and test services and digital products.

These data collection efforts may be either qualitative or quantitative in nature or may consist of mixed methods. Additionally, data may be collected via a variety of means, including but not limited to electronic or social media, direct or indirect observation (*i.e.*, in person, video and audio collections), interviews, questionnaires, surveys, and focus groups. HHS will limit its inquiries to data collections that solicit strictly voluntary opinions or responses. Steps will be taken to ensure anonymity of respondents in each activity covered by this request.

The results of the data collected will be used to improve the delivery of Federal services and programs. It will include the creation of personas, customer journey maps, and reports and summaries of customer feedback data and user insights. It will also provide government-wide data on customer experience that can be displayed on performance.gov to help build transparency and accountability of Federal programs to the customers they serve (Implementation).

ESTIMATED ANNUALIZED BURDEN TABLE

Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden hours per response	Total burden hours
Participants in customer interviews	500	1	1	500
Participants in focus groups	450	1	90/60	675
Participants of feedback surveys	2,000,000	1	3/60	100,000

ESTIMATED ANNUALIZED BURDEN TABLE—Continued

Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden hours per response	Total burden hours
Participants in user testing (rapid)	400	1	15/60	100
Participants in user testing (deep dive)	200	1	30/60	100
Total	2,001,550	.....	.....	101,375

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2024–05348 Filed 3–13–24; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Microbial Diagnostics, Detection and Decontamination.

Date: April 8–9, 2024.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shinako Takada, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–5997, shinako.takada@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA: OD–24–003 Down Syndrome Cohort Research Sites for the Down Syndrome Cohort Study Program Review.

Date: April 9, 2024.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Katherine M. Malinda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, (301) 435–0912, malindakm@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics on HIV Molecular Virology, Therapies, Coinfections and Cancers.

Date: April 9, 2024.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Raul Rojas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6185, Bethesda, MD 20892, (301) 451–6319, rojasr@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 11, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–05437 Filed 3–13–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Digestive Diseases and Nutrition C Study Section, March 13, 2024, 05:00 p.m. to March 15, 2024, 05:00 p.m., National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892 which was published in the **Federal Register** on February 09, 2024, 89 FR 9164.

This meeting was amended to change the start and end date from March 13–15, 2024 to March 27–28, 2024. The meeting is closed to the public.

Dated: March 11, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–05440 Filed 3–13–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Secretary; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Interagency Autism Coordinating Committee.

This will be a hybrid meeting held in-person and virtually and will be open to the public as indicated below.

Individuals who plan to attend in-person or view the virtual meeting and need special assistance or other reasonable accommodations, should notify the Contact Person listed below at least seven (7) business days prior to the meeting. The meeting can be accessed from the NIH Videocasting at the following link: <https://videocast.nih.gov/>.

Name of Committee: Interagency Autism Coordinating Committee.

Date: April 17, 2024.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To discuss committee business, updates, and issues related to autism research and services activities.

Place: National Institute of Mental Health (NIMH), Neuroscience Center (NSC), 6001 Executive Boulevard, First Floor Conference Room, Rockville, MD 20852.

Cost: The meeting is free and open to the public.

Registration: A registration web link will be posted on the IACC website (www.iacc.hhs.gov) prior to the meeting. Pre-registration is recommended.

Deadlines: Public Comment Due Date: Wednesday, April 3, by 5:00 p.m. ET, Public Comment Guidelines, For public comment instructions, see below.

Contact Person: Ms. Rebecca Martin, Office of National Autism Coordination, National Institute of Mental Health, NIH, Phone: 301-435-0886, Email: IACCPublicInquiries@mail.nih.gov.

Public Comments: The IACC welcomes written and oral/virtual public comments from members of the autism community and asks the community to review and adhere to its Public Comment Guidelines. In the 2021–2023 IACC Strategic Plan, the IACC lists the “Spirit of Collaboration” as one of its core values, stating that, “We will treat others with respect, listen with open minds to the diverse lived experiences of people on the autism spectrum and their families, consider multiple solutions, and foster discussions where participants can comfortably share different opinions.” In keeping with this core value, the IACC and the NIMH Office of National Autism Coordination (ONAC) ask that members of the public who provide public comments or participate in meetings of the IACC also adhere to this core value.

A limited number of slots are available for individuals to provide a 3-minute summary or excerpt of their written comment to the IACC during the meeting. For those interested in that opportunity, please indicate “Interested in providing oral comment” in your written submission, along with your name, address, email address, phone number, and professional/organizational affiliation so that ONAC staff can contact you if a slot is available.

For any given meeting, priority for comment slots will be given to individuals and organizations that have not previously provided comments in the current calendar year. This will help ensure that as many individuals and organizations as possible have an opportunity to share comments. Commenters going over their allotted 3-minute slot may be asked to conclude immediately in order to allow other comments and the rest of the meeting to proceed on schedule.

Public comment submissions received by 5:00 p.m. ET on Wednesday, April 3, 2024, will be provided to the IACC prior to the meeting for their consideration. Any written comments received after 5:00 p.m. ET, Wednesday, April 3, 2024, may be provided to the IACC either before or after the meeting, depending on the volume of comments received and the time required to process them in accordance with privacy regulations and other applicable Federal policies.

The IACC is not able to respond individually to comments. All public comments become part of the public record. Attachments of copyrighted publications are not permitted, but web links or citations for any copyrighted works cited may be provided. For public comment guidelines, see: <https://iacc.hhs.gov/meetings/public-comments/guidelines/>.

Technical issues: If you experience any technical problems with the videocast, please email IACCPublicInquiries@mail.nih.gov.

Disability Accommodations: All IACC Full Committee Meetings provide Closed Captioning through the NIH Videocasting website. Individuals whose full participation in the meeting will require special accommodations (e.g., sign language or interpreting services, etc.) must submit a request to the Contact Person listed on the notice at least seven (7) business days prior to the meeting. Such requests should include a detailed description of the accommodation needed and a way for the IACC to contact the requester if more information is needed to fill the request. Special requests should be made at least seven (7) business days prior to the meeting; last-minute requests may be made but may not be possible to accommodate.

Security: In the interest of security, NIH has procedures at <https://www.nih.gov/about-nih/visitor-information/campus-access-security> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit. Pre-registration is recommended. Seats will be on a first come, first served basis, with expedited check-in for those who are pre-registered.

Meeting schedule subject to change.

More Information: Information about the IACC is available on the website: <http://www.iacc.hhs.gov>.

Dated: March 11, 2024.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-05438 Filed 3-13-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Data and Specimen Hub (DASH) (Eunice Kennedy Shriver National Institute of Child Health and Human Development)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD), the National Institutes of Health will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Rebecca F. Rosen, Ph.D., Director of the Office of Data Science and Sharing, Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD), National Institutes of Health, 6710B Rockledge Drive, Bethesda, MD 20817, or call non-toll-free number 301-827-4602, or email your request, including your address to: NICHD.DASH@mail.nih.gov. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and

clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: Data and Specimen Hub (DASH)—0925–0744 expiration date 06/30/2024, REVISION, Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD), National Institutes of Health (NIH).

Need and Use of Information Collection: This is a request to revise the previously approved submission (OMB number: 0925–0744) to add the collection of additional information from Users who wish to extend their data access beyond the standard three-year period, remove a Biospecimen Annual Report form that is no longer in use, extend the information collection in Institutional Certifications to cover both data and biospecimen submissions, and implement minor revisions on previously approved forms, including additional field options and language revisions that do not impact the nature of information being collected or its associated burden.

DASH has been established by NICHD as a data sharing mechanism for biomedical research investigators. It serves as a centralized resource for investigators to share and access de-identified study data from studies funded by NICHD. DASH also serves as a portal for requesting biospecimens from select DASH studies.

NICHD also supports other public archives, data collections, and resources, such as Data Sharing for Demographic Research (DSDR), NICHD/DIPHR Biospecimen Repository Access and Data Sharing (BRADS), the Down Syndrome Registry (DS-Connect), Zebrafish Information Network (ZFIN), etc. In addition to these NICHD-funded public archives, many collaborative studies funded through NICHD are dispersed across other NIH designated archives, including the National Heart, Lung, and Blood Institute (NHLBI) Biologic Specimen and Data Repository Information Coordinating Center (BioLINCC), and other NIH-wide repositories, such as the Database of Genotypes and Phenotypes (dbGaP).

In an effort to link these data resources and increase the visibility of NICHD-funded studies and data collections, DASH enables Users to catalog studies and data collections stored in other external archives to facilitate their discovery through DASH. Users submitting studies or external resources for cataloging in DASH will provide descriptive information about the study required to populate the Study Overview Page in DASH. This cataloging process closely mirrors the existing study data submission process in DASH; however, no study documentation or data will be uploaded to DASH. Requesters will be directed to the external archive via a URL link to obtain access to the data stored in the external archives and resources.

The potential for public benefit to be achieved through sharing study data and/or biospecimen inventories through DASH for secondary analysis is significant. Additionally, the ability to centralize information regarding where to find, and how to access, studies, and data collections funded by NICHD stored across various public archives (*i.e.*, cataloged studies and data collections) further helps to promote information discovery and reuse of data. NICHD DASH supports NICHD's mission to lead research and training to understand human development, improve reproductive health, enhance the lives of children and adolescents, and optimize abilities for all. Study data and biospecimen sharing and reuse will promote testing of new hypotheses from data and biospecimens already collected, facilitate trans-disciplinary collaboration, accelerate scientific findings, and enable NICHD to maximize the return on its investments in research.

Anyone can access NICHD DASH to browse and view descriptive information about the studies and data collections without creating an account. Users who wish to submit studies or request data (stored in DASH) and/or biospecimens (stored in NICHD contracted Biorepository) must register for an account. Users who wish to submit a study catalog and/or external resource catalog must also register for an account.

Information will be collected from those wishing to create an account, sufficient to identify them as unique

Users. Those submitting or requesting data and/or biospecimens will be required to provide additional supporting information to ensure proper use and security of NICHD DASH study data and biospecimens. For data and/or biospecimen requests, information is collected both for initial data and/or biospecimen access and then throughout the request duration to maintain access. This includes research objectives and analysis plans, research teams, and institution information, as well as significant findings details for annual progress reports or extension justification for data request renewals.

The information collected throughout these processes is limited to the essential data required to ensure the management of Users in NICHD DASH is efficient and the sharing of data and biospecimens among investigators is effective and aligns with DASH data sharing policies. The primary uses of the information collected from Uses by NICHD will be to:

- Communicate with the Users regarding data submission, study catalog submission, external resource catalog submission, data requests, and biospecimen requests;
- Monitor data submissions, study catalog submission, external resource catalog submission, data requests, and biospecimen requests;
- Notify interested Users of updates to data and biospecimens available through NICHD DASH; and
- Help NICHD understand the use of NICHD DASH study data and biospecimens by the research community.

All the data collected from use of NICHD DASH are for the purposes of internal administrative management of NICHD DASH, with the exception of the Recipient's approved use of DASH data and/or biospecimens, Recipient name and institution, and significant findings reporting in the Data Request Annual Use Report, which may be shared on the DASH website or in publications describing the performance and value of the DASH system for the broader scientific community.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 433.

ESTIMATED ANNUALIZED BURDEN HOURS

Annual burden hours estimate				
Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hour
User Registration	900	1	5/60	75
Data and Biospecimen Catalog Submission	36	1	2	72
Institutional Certification Template	36	1	5/60	3
Data Request	150	1	1	150
Biospecimen Request	4	1	1	4
Data Request Annual Progress Report	240	1	30/60	120
Study Catalog Submission	2	1	30/60	1
External Resource Catalog Submission	4	1	15/60	1
Data Request Renewal	42	1	10/60	7
Total	1,414	1,414	.....	433

Dated: March 6, 2024.

Jennifer M. Guimond,

Project Clearance Liaison, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health.

[FR Doc. 2024-05404 Filed 3-13-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory General Medical Sciences Council.

The meeting will be open to the public as indicated below, with a short public comment period at the end. Attendance is limited by the space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should submit a request using the NIGMS contact us form <https://www.nigms.nih.gov/Pages/ContactUs.aspx> at least 5 days prior to the event. The open session will also be videocast, closed captioned, and can be accessed from the NIH Videocasting and Podcasting website (<http://videocast.nih.gov>).

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory General Medical Sciences Council.

Date: May 16, 2024.

Open: 9:30 a.m. to 12:10 p.m.

Agenda: For the discussion of program policies and issues; opening remarks; report of the Director, NIGMS; and other business of the Council.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Closed: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Erica L. Brown, Ph.D., Director, Division of Extramural Activities, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 2AN24C, Bethesda, MD 20892, 301-594-4499, erica.brown@nih.gov.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Electronic copies are requested for the record.

In the interest of security, NIH has procedures at <https://www.nih.gov/about-nih/visitor-information/campus-access-security> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://www.nigms.nih.gov/About/Council>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program No. 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: March 11, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-05439 Filed 3-13-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RC2—NIDDK High Impact, Interdisciplinary Science Review.

Date: March 27, 2024.

Time: 10:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Charlene J. Repique, Ph.D., Scientific Review Officer, Review Branch, Division of Extramural Activities, NIDDK, National Institutes Of Health, Room 7347, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 451-3638, charlene.repique@nih.gov.

This notice is being published less than 15 days prior to the meeting due to scheduling difficulties.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 11, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-05435 Filed 3-13-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276-0361.

Proposed Project: New: The Center for Substance Abuse Prevention Online Reporting Tool and Grant Programmatic Progress Report To Replace Division of State Programs—Management Reporting Tool (DSP—MRT) (OMB No. 0930-0354)

The Substance Abuse and Mental Health Services Administration's (SAMHSA), Center for Substance Abuse Prevention (CSAP) is requesting approval from the Office of Management and Budget (OMB) to monitor CSAP discretionary grant programs through administration of a suite of data collection instruments for grant compliance and programmatic performance monitoring. This package describes the data collection activities and proposed instruments. Grant compliance monitoring will be conducted via a single data collection instrument to be completed by all CSAP discretionary grant recipients. Programmatic performance monitoring

will be conducted via a suite of data collection instruments with each instrument tailored to a specific CSAP discretionary program. This request for data collection will replace OMB No. 0930-0354: Division of State Programs—Management Reporting Tool.

CSAP intends to monitor six grant programs through this data collection effort:

- **Strategic Prevention Framework—Partnerships for Success (SPF-PFS):** The purpose of the SPF-PFS program is to help reduce the onset and progression of substance misuse and its related problems by supporting the development and delivery of state and community substance misuse prevention and mental health promotion services. This program is intended to promote substance use prevention throughout a state jurisdiction for individuals and families by building and expanding the capacity of local community prevention providers to implement evidence-based programs. In addition, the program is intended to expand and strengthen the capacity of local community prevention providers to implement evidence-based prevention programs. With this program, SAMHSA aims to strengthen state and community level prevention capacity to identify and address local substance use prevention concerns, such as underage drinking, marijuana, tobacco, electronic cigarettes, opioids, methamphetamine, and heroin.

- **Sober Truth on Preventing Underage Drinking (STOP Act):** The purpose of this program is to prevent and reduce alcohol use among youth and young adults ages 12–20 in communities throughout the United States through evidence-based screening, programs and curricula, brief intervention strategies, consistent policy enforcement, and environmental changes that limit underage access to alcohol as authorized by 942 U.S.C. 290bb–25b. The program aims to: (1) address norms regarding alcohol use by youth, (2) reduce opportunities for underage drinking, (3) create changes in underage drinking enforcement efforts, (4) address penalties for underage use, and/or (5) reduce negative consequences associated with underage drinking.

- **Strategic Prevention Framework for Prescription Drugs (SPF Rx):** The purpose of the SPF Rx grant program is to provide resources to help prevent and address prescription drug misuse within a State or locality. The program is designed to raise awareness about the dangers of sharing medications as well as the risks of fake or counterfeit pills purchased over social media or other unknown sources, and work with

pharmaceutical and medical communities on the risks of overprescribing. Whether addressed at the state level or by an informed community-based organization, the SPF Rx program will raise community awareness and bring prescription substance misuse prevention activities and education to schools, communities, parents, prescribers, and their patients. In addition, grant recipients will be required to track reductions in opioid related overdoses and incorporate relevant prescription and overdose data into strategic planning and future programming.

- **First Responders—Comprehensive Addiction and Recovery Act (FR CARA):** The purpose of this program is to allow first responders and members of other key community sectors to administer a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose.

- **Grants to Prevent Prescription Drug/Opioid Overdose-Related Deaths (PDO):** The purpose of this program is to support first responders and members of other key community sectors to administer a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act (FD&C Act) for emergency reversal of known or suspected opioid overdose. Recipients will train and provide resources to first responders and members of other key community sectors at the state, tribal, and local levels on carrying and administering a drug or device approved or cleared under the FD&C Act for emergency treatment of known or suspected opioid overdose.

- **Improving Access to Overdose Treatment (ODTA):** The purpose of this program is to expand access to naloxone and other Food and Drug Administration (FDA) approved overdose reversal medications for emergency treatment of known or suspected opioid overdose. The recipients will collaborate with other prescribers at the community level to implement trainings on policies, procedures, and models of care for prescribing, co-prescribing, and expanding access to naloxone and other FDA-approved overdose reversal medications to the specified population of focus (*i.e.*, rural or urban). With this program SAMHSA aims to expand access to naloxone and other FDA approved overdose reversal medications for emergency treatment of known or suspected opioid overdose.

Grant compliance monitoring: All SAMHSA awards require grantees to submit performance and progress reports through the electronic Research

Administration (eRA) Commons, an end-to-end Grants Management system. The frequency and program-specific instructions for preparation and submission of these reports are identified in the terms and conditions found in the Notice of Award. CSAP discretionary grant compliance monitoring will be conducted through the submission of the Programmatic Progress Report (PPR). The PPR contains fields for grantees to enter information on activities and accomplishments that occurred during the reporting period based on identified goals and objectives. It also contains fields for grantees to

share evaluation updates and outcomes as well as planned activities for the upcoming reporting period as well as any challenges that grantees have experienced.

The Center for Substance Abuse Prevention Online Reporting Tool (CORT) is comprised of two components. The first provides fields for grantees to enter annual goals for key programmatic measures. The second provides fields for reporting quarterly progress toward achieving these goals. CSAP intends to have grantees report progress on a quarterly basis to allow for consistent, periodic analyses which will

allow for the administration of technical assistance supports when grantees are falling behind in achieving these goals. Quarterly reporting will also allow the Center to review the overall progress of grant programs. Program specific instruments have been developed to ensure optimal alignment with individual grant requirements. These instruments were developed based on instruments approved in OMB 0930–0391: Harm Reduction Grant Program Annual Targets and Quarterly Progress Reports.

Annualized Data Collection Burden

TABLE 1—BURDEN TABLE: ANNUALIZED BURDEN—ANNUAL TARGETS

Instrument	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours	Average hourly wage ¹	Total respondent cost
STOP Act	202	1	202	0.5	101	\$48.35	\$4,883.35
SPF-PFS	315	1	315	0.5	157.5	48.35	7,615.125
FR CARA	87	1	87	0.5	43.5	48.35	2,103.225
PDO	18	1	18	0.5	9	48.35	435.15
ODTA	8	1	8	0.5	4	48.35	193.4
SPF-Rx	27	1	27	0.5	13.5	48.35	652.725
Total (Annual)	657	.....	657	.....	328.5	.....	15,882.98

TABLE 2—BURDEN TABLE: CENTER FOR SUBSTANCE ABUSE PREVENTION ON-LINE REPORT TOOL (CORT)—QUARTERLY PERFORMANCE ANNUALIZED BURDEN

Instrument	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours	Average hourly wage ¹	Total respondent cost
STOP Act	202	4	808	0.5	404	\$48.35	\$19,533.40
SPF-PFS	315	4	1,260	0.5	630	48.35	30,460.50
FR CARA	87	4	348	0.5	174	48.35	8,412.90
PDO	18	4	72	0.5	36	48.35	1,740.60
ODTA	8	4	32	0.5	16	48.35	773.60
SPF-Rx	27	4	108	0.5	54	48.35	2,610.90
Total (Annual)	657	.....	2,628	.....	1,314	.....	63,531.90

¹ Grantee Project Director or Evaluator hourly wage is based on the mean hourly wage for state government managers, as reported in the 2022 Occupational Employment (OES) by the Bureau of Labor Statistics (BLS) found at https://www.bls.gov/oes/current/naics4_999200.htm#11-0000 Accessed on December 13, 2023.

TABLE 3—ANNUALIZED BURDEN TABLE: CSAP'S GRANT PROGRAMMATIC PROGRESS REPORT

CSAP grant program	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours	Average hourly wage ¹	Total respondent cost
SPF-PFS	315	1	315	3	945.0	\$48.35	\$45,690.75
STOP Act	202	1	202	3	606.0	48.35	29,300.10
SPF Rx	27	1	27	3	81.0	48.35	3,916.35
FR CARA	87	1	87	3	261.0	48.35	12,619.35
PDO	18	1	18	3	54.0	48.35	2,610.90
ODTA	8	1	8	3	24.0	48.35	1,160.40
Total (Annual)	657	.....	.....	.....	1,971.00	.....	95,297.85

Send comments to Carlos Graham, SAMHSA Reports Clearance Officer, 5600 Fisher Lane, Room 15E57A, Rockville, MD 20852 OR email him a copy at carlos.graham@samhsa.hhs.gov. Written comments should be received by May 13, 2024.

Alicia Broadus,
Public Health Advisor.

[FR Doc. 2024-05444 Filed 3-13-24; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer at (240) 276-0361.

Comments are invited on: (a) whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Drug and Alcohol Warning Network (DAWN) (OMB No. 0930-0078)—Reinstatement With Change

Under the Public Health Service Act (42 U.S.C. 290aa-4), SAMHSA is authorized to collect data on the number of individuals admitted to the emergency rooms of hospitals as a result of the abuse of alcohol or other drugs. DAWN is a nationwide public health surveillance system to improve hospital emergency department (ED) monitoring of substance use-related visits. It captures data on ED visits related to recent substance use and misuse

directly from the electronic health records (EHR) of participating hospitals. The new DAWN helps SAMHSA and public health professionals, clinicians, and policymakers respond effectively to the opioid and substance misuse crisis in the United States.

SAMHSA is requesting OMB approval of reinstatement with change of the DAWN data collections, to include following changes:

- Revise the data collection title to “Drug and Alcohol Warning Network”, replacing existing ‘abuse’ term and including “alcohol” in the title.
- Remove drug-related death investigation records review component administered by state medical examiners (MEs) and individual medical examiners/coroners (ME/Cs).
- Revise data collection procedures where participating hospitals can choose the direct chart review option (at the contractor's operation center, home-based abstraction or on site at the hospital). Hospitals will also have the opportunity to select the machine learning with natural language processing (ML with NLP) option. The option for hospitals to use their own staff to abstract DAWN data as they did in the legacy DAWN is no longer offered.

- Revise the hospital selection design of the ED component to a hybrid system that combines sentinel hospitals and probability-based selection of hospitals from high priority suburban/rural areas and from the remaining areas in the United States.

- Change the reporting and publication schedule to further increase the timeliness of the new DAWN data availability and delivery to SAMHSA. The new DAWN data are collected on an ongoing basis and could be available to SAMHSA on demand. The new DAWN data are delivered to SAMHSA and available for analysis at a more frequent intervals than the legacy DAWN.

- Propose following changes to the ED Case Report Form:

- Add “Center for Behavioral Health Statistics and Quality” to specify the center responsible for DAWN data collection.

- Revise the data collection title to “Drug and Alcohol Warning Network” from “Drug Abuse Warning Network.”

- Replace prior “Facility” data field title with “Hospital Emergency Department ID” to provide more precise description and ID number of the DAWN participating hospitals.

- Q3 “Age”: replace prior option of “less than 1 year” with two detailed options of “4 weeks (28 days) or younger” and “Between 4 weeks and

one year old (>4 weeks, <1 year)” to enable new identification of neonatal substance issues.

- Q4 “County of Residence”: revise data field title from prior “patient's home zip code” and add more accurate description on what data to be collected and clarify the purpose of data collection. Add new “Unable to determine county” option to improve data accuracy and account for geographical variation.

- Q6 “Gender Identity” and Q7 “Sexual Orientation”: added to provide inclusive measures and to align with SAMHSA's efforts in enhancing behavioral health equities among diverse populations.

- Q8 “Ethnicity” and Q9 “Race”: revise prior data field “Race/Ethnicity” to align with OMB 1997 Standards for Maintaining, Collecting, And Presenting Federal Data on Race and Ethnicity (Statistical Policy Directive No. 15) and to improve data accuracy and comprehensiveness.

- Q10 “Case Description”: replace the word “drug(s)” with “substance(s)” to clarify that the DAWN collects data on all substances including alcohol. Add new instruction language of “Do not include information that could identify the patient or hospital” to provide clear instruction and specify the importance of patient and hospital privacy protection.

- Q11 “Substance(s) Involved and Route of Administration”: add two new options of “transdermal” and “vaped” to improve the comprehensiveness of the list on how substance is administered by the patient. Remove “Mark if confirmed by toxicology test” and “alcohol involved?”

- Q12 “Diagnosis”: change the question order and move the data field after Q11. Revise prior instruction of “list up to 4 diagnoses” to “list all diagnoses” to enhance new DAWN's ability to identify novel drug, drug trends, and drug outbreaks.

- Q13 “Type of Case”: remove instruction language of “using the decision tree.” Revise the existing option of “seeking detox” to “seeking detox and/or substance abuse treatment only” and remove age restriction for “Alcohol only” option to include cases involving alcohol as the only substance of all ages.

- Q14, Q15, and Q16 “Was naloxone/buprenorphine/Methadone administered to the patient in the ED”: added to capture new data on the implementation of medication-assisted treatment for opioid use disorder in the emergency department setting and understand why buprenorphine and methadone is administered.

○ Q17 “Disposition”: add new options and re-categorize disposition to improve data accuracy and comprehensiveness and better understand where the patient went after their ED visit.

• Proposes a new Activity Report From to be submitted by the abstractors to collect information on the date of ED visits the abstractor has reviewed, counts of ED visits for that date, number of records reviewed, and number of left

without being seen (LWBS) visits for the ED visit date if participating hospitals choose the direct chart review option.

The estimated annual burden for the DAWN data collection is as follows:

Information collection activities	Number of respondents	Responses per respondent	Total responses	Hours per response (in hours)	Total burden hours	Average hourly wage	Total annual cost
Setting Up Activities *							
Initial outreach and recruitment (all hospitals)	143	1	143	81.50	11,655	\$48.72	\$567,807
ED record provision setting up (direct chart review)	58	1	58	5.25	305	26.71	8,133
ED record provision setting up (ML with NLP)	85	1	85	36.00	3,060	26.71	81,733
Ongoing Maintenance Activities							
Ongoing Maintenance (direct chart review)	58	1	58	1.50	87	26.71	2,324
Ongoing Maintenance (ML with NLP)	85	1	85	6.00	510	26.71	13,622
Totals					15,616		673,619

* Setting up activities will be conducted once.

Send comments to Carlos Graham, SAMHSA Reports Clearance Officer, 5600 Fisher Lane, Room 15E57A, Rockville, MD 20852 OR email him a copy at Carlos.Graham@samhsa.hhs.gov. Written comments should be received by May 13, 2024.

Alicia Broadus,
Public Health Advisor.

[FR Doc. 2024-05446 Filed 3-13-24; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2024-0002; Internal Agency Docket No. FEMA-B-2417]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of

new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbibit@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean

that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA

Map Service Center at <https://msc.fema.gov> for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Nicholas A. Shufro,

Deputy Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona: Pinal	City of Maricopa (23-09-0166P).	The Honorable Nancy Smith, Mayor, City of Maricopa, 39700 West Civic Center Plaza, Maricopa, AZ 85138.	City Hall, 39700 West Civic Center Plaza, Maricopa, AZ 85138.	https://msc.fema.gov/portal/advanceSearch .	Jun. 14, 2024	040052
California: Fresno	City of Clovis (22-09-1501P).	The Honorable Lynne Ashbeck, Mayor, City of Clovis, 1033 5th Street, Clovis, CA 93612.	City Clerk's Office, Civic Center, 1033 5th Street, Clovis, CA 93612.	https://msc.fema.gov/portal/advanceSearch .	May 20, 2024	060044
Riverside	City of Jurupa Valley (22-09-1654P).	The Honorable Chris Barajas, Mayor, City of Jurupa Valley, 8930 Limonite Avenue, Jurupa Valley, CA 92509.	City Hall, 8930 Limonite Avenue, Jurupa Valley, CA 92509.	https://msc.fema.gov/portal/advanceSearch .	Jun. 12, 2024	060286
Riverside	City of Perris (23-09-0343P).	The Honorable Michael Vargas, Mayor, City of Perris, 101 North D Street, Perris, CA 92570.	Engineering Department, 24 South D Street, Suite 100, Perris, CA 92570.	https://msc.fema.gov/portal/advanceSearch .	May 20, 2024	060258
Sacramento	Unincorporated Areas of Sacramento County (23-09-0304P).	The Honorable Patrick Kennedy, Chair, Board of Supervisors, Sacramento County, 700 H Street, Suite 2450, Sacramento, CA 95814.	Sacramento County, Department of Water Resources, 827 7th Street, Suite 301, Sacramento, CA 95814.	https://msc.fema.gov/portal/advanceSearch .	Jun. 19, 2024	060262
San Diego	City of Santee (22-09-1269P).	The Honorable John Minto, Mayor, City of Santee, 10601 Magnolia Avenue, Santee, CA 92071.	City Hall, 10601 Magnolia Drive, Santee, CA 92071.	https://msc.fema.gov/portal/advanceSearch .	Jun. 10, 2024	060703
San Luis Obispo.	City of San Luis Obispo (22-09-0998P).	The Honorable Erica A. Stewart, Mayor, City of San Luis Obispo, 990 Palm Street, San Luis Obispo, CA 93401.	Community Development, Public Works Department, 990 Palm Street, San Luis Obispo, CA 93401.	https://msc.fema.gov/portal/advanceSearch .	Jun. 24, 2024	060310
Yuba	Unincorporated Areas of Yuba County (23-09-0313P).	The Honorable Don Blaser, Chair, Board of Supervisors, Yuba County, 915 8th Street, Suite 109, Marysville, CA 95901.	Yuba County, Public Works Department, 915 8th Street, Suite 125, Marysville, CA 95901.	https://msc.fema.gov/portal/advanceSearch .	Jun. 6, 2024	060427
Florida: Clay	Unincorporated Areas of Clay County (23-04-0524P).	Howard Wanamaker, Manager, Clay County, P.O. Box 1366, Green Cove Springs, FL 32043.	Clay County, Public Works Department, 5 Esplanade Avenue, Green Cove Springs, FL 32043.	https://msc.fema.gov/portal/advanceSearch .	Jun. 14, 2024	120064
Duval	City of Jacksonville (23-04-0524P).	The Honorable Donna Deegan, Mayor, City of Jacksonville, 117 West Duval Street Suite 400, Jacksonville, FL 32202.	Edward Ball Building Development Services, 214 North Hogan Street, Room 2100, Jacksonville, FL 32202.	https://msc.fema.gov/portal/advanceSearch .	Jun. 14, 2024	120077
Duval	City of Jacksonville (23-04-3892P).	The Honorable Donna Deegan, Mayor, City of Jacksonville, 117 West Duval Street Suite 400, Jacksonville, FL 32202.	Edward Ball Building Development Services, 214 North Hogan Street, Room 2100, Jacksonville, FL 32202.	https://msc.fema.gov/portal/advanceSearch .	Jun. 21, 2024	120077
Idaho: Lincoln	City of Shoshone (23-10-0335P).	The Honorable Dan Pierson, Mayor, City of Shoshone, 207 South Rail Street West, Shoshone, ID 83352.	Lincoln County Courthouse, 111 West B Street #C, Shoshone, ID 83352.	https://msc.fema.gov/portal/advanceSearch .	May 23, 2024	160096

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Lincoln	Unincorporated Areas of Lincoln County (23-10-0335P).	Rebecca Wood, County Commissioner, Lincoln County, 111 West B Street #C, Shoshone, ID 83352.	Lincoln County Courthouse, 111 West B Street #C, Shoshone, ID 83352.	https://msc.fema.gov/portal/advanceSearch .	May 23, 2024	160216
Indiana: Hamilton ..	City of Westfield (22-05-3141P).	The Honorable Andy Cook, Mayor, City of Westfield, 2728 East 171st Street, Westfield, IN 46074.	Town Hall, 130 Penn Street, Westfield, IN 46074.	https://msc.fema.gov/portal/advanceSearch .	May 28, 2024	180083
Iowa: Warren	City of Norwalk (23-07-0588P).	The Honorable Tom Phillips, Mayor, City of Norwalk, City Hall, 705 North Avenue, Norwalk, IA 50211.	Community Development and Planner's Office, 705 North Avenue, Norwalk, IA 50211.	https://msc.fema.gov/portal/advanceSearch .	May 24, 2024	190631
Kansas: Sedgwick	City of Wichita (23-07-0427P).	The Honorable Brandon Whipple, Mayor, City of Wichita, 455 North Main, 1st Floor, Wichita, KS 67202.	Office of Storm Water Management, 455 North Main Street 8th Floor, Wichita, KS 67202.	https://msc.fema.gov/portal/advanceSearch .	Jun. 3, 2024	200328
Michigan: Macomb	Charter Township of Shelby (22-05-2880P).	Richard Stathakis, Supervisor, Board of Trustees, Charter Township of Shelby, 52700 Van Dyke Avenue, Shelby Township, MI 48316.	Municipal Offices, 52700 Van Dyke Avenue, Shelby Township, MI 48316.	https://msc.fema.gov/portal/advanceSearch .	May 6, 2024	260126
Macomb	City of Utica (22-05-2880P).	The Honorable Gus Calandrino, Mayor, City of Utica, 7550 Auburn Road, Utica, MI 48087.	City Hall, 7550 Auburn Road, Utica, MI 48087.	https://msc.fema.gov/portal/advanceSearch .	May 6, 2024	260608
Oakland	City of Southfield (23-05-1231P).	The Honorable Kenson J. Siver, Mayor, City of Southfield, 26000 Evergreen Road, Southfield, MI 48037.	City Hall, 26000 Evergreen Road, Southfield, MI 48037.	https://msc.fema.gov/portal/advanceSearch .	Jun. 21, 2024	260179
Minnesota: Lyon	City of Ghent (22-05-2884P).	The Honorable Doug Anderson, Mayor, City of Ghent, P.O. Box 97, Ghent, MN 56239.	City Hall, 107 North Chapman Street, Ghent, MN 56239.	https://msc.fema.gov/portal/advanceSearch .	May 24, 2024	270257
Lyon	Unincorporated Areas of Lyon County (22-05-2884P).	Rick Anderson, Chair, Lyon County Board of Commissioners, 2332 140th Street, Balaton, MN 56115.	Lyon County Planning and Zoning Department, 1424 East College Drive, #600, Marshall, MN 56258.	https://msc.fema.gov/portal/advanceSearch .	May 24, 2024	270256
Missouri: St. Louis	City of Ladue (23-07-0790P).	The Honorable Nancy Spewak, Mayor, City of Ladue, 9345 Clayton Road, Ladue, MO 63141.	Public Works Department, 9345 Clayton Road, Ladue, MO 63141.	https://msc.fema.gov/portal/advanceSearch .	May 20, 2024	290363
St. Louis	City of Rock Hill (23-07-0790P).	The Honorable Edward Mahan, Mayor, City of Rock Hill, 827 North Rock Hill Road, Rock Hill, MO 63119.	City Hall, 320 West Thornton Avenue, Rock Hill, MO 63119.	https://msc.fema.gov/portal/advanceSearch .	May 20, 2024	290382
Nevada: Clark	City of Henderson (23-09-1206P).	The Honorable Michelle Romero, Mayor, City of Henderson, City Hall, 240 South Water Street, Henderson, NV 89015.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	https://msc.fema.gov/portal/advanceSearch .	Jun. 10, 2024	320005
New Jersey: Mercer.	Borough of Hightstown (23-02-0254P).	The Honorable Susan Bluth, Mayor, Borough of Hightstown, 156 Bank Street, Hightstown, NJ 08520.	Clerk's Office, 156 Bank Street, Hightstown, NJ 08520.	https://msc.fema.gov/portal/advanceSearch .	May 24, 2024	340247
New York: Clinton	Town of Black Brook (23-02-0675P).	Jon Douglass, Supervisor, Town of Black Brook, 18 North Main Street, AuSable Forks, NY 12912.	Town Hall, 18 North Main Street, AuSable, NY 12912.	https://msc.fema.gov/portal/advanceSearch .	Jun. 20, 2024	361309
Clinton.	Town of Schuyler Falls (23-02-0675P).	Kevin Randall, Supervisor, Town of Schuyler Falls, Town Hall, P.O. Box 99, Morrisonville, NY 12962.	Town Office, 997 Mason Street, Schuyler Falls, NY 12962.	https://msc.fema.gov/portal/advanceSearch .	Jun. 20, 2024	360172
Ohio:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Delaware	Unincorporated Areas of Delaware County (23-05-2724P).	Jeff Benton, Chair, Delaware County Board of Commissioners, 91 North Sandusky Street, Delaware, OH 43015.	Delaware County Building Regulations, 50 Channing Street South Wing, Delaware, OH 43015.	https://msc.fema.gov/portal/advanceSearch .	May 9, 2024	390146
Montgomery ...	City of Centerville (23-05-1144P).	The Honorable Brooks Compton, Mayor, City of Centerville, City Offices, 350 Roselake Drive, Centerville, OH 45458.	Municipal Government Center, 100 West Spring Valley Road, Centerville, OH 45458.	https://msc.fema.gov/portal/advanceSearch .	Jun. 21, 2024	390408
Oregon: Multnomah.	City of Portland (23-10-0473P).	The Honorable Ted Wheeler, Mayor, City of Portland, 1221 Southwest 4th Avenue, Room 340 Portland, OR 97204.	Bureau of Environmental Services, 1221 Southwest 4th Avenue, Room 230, Portland, OR 97204.	https://msc.fema.gov/portal/advanceSearch .	May 24, 2024	410183

[FR Doc. 2024-05355 Filed 3-13-24; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2024-0002; Internal Agency Docket No. FEMA-B-2418]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and

revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbabit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbabit@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood

hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA

Map Service Center at <https://msc.fema.gov> for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Nicholas A. Shufro,
Deputy Assistant Administrator for Risk
Management, Federal Emergency
Management Agency, Department of
Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Alabama: Walker ...	Unincorporated areas of Walker County (23-04-3571P).	Steve Miller, Chair, Walker County Commission, 1801 3rd Avenue South, Suite 113, Jasper, AL 35501.	Walker County Commission, 1801 3rd Avenue South, Suite 113, Jasper, AL 35501.	https://msc.fema.gov/portal/advanceSearch .	Apr. 19, 2024	010301
Colorado: Boulder	Unincorporated areas of Boulder County (22-08-0605P).	Claire Levy, Chair, Boulder County Board of Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Department of Public Works, 1739 Broadway, Suite 300, Boulder, CO 80306.	https://msc.fema.gov/portal/advanceSearch .	Apr. 29, 2024	080023
Douglas	Town of Parker (23-08-0472P).	The Honorable Jeff Toborg, Mayor, Town of Parker, 20120 East Main Street, Parker, CO 80138.	Town Hall, 20120 East Main Street, Parker, CO 80138.	https://msc.fema.gov/portal/advanceSearch .	May 10, 2024	080310
Florida: Lake	City of Mascotte (24-04-0461P).	The Honorable Steven Sheffield, Mayor, City of Mascotte, 100 East Myers Boulevard, Mascotte, FL 34753.	City Hall, 100 East Myers Boulevard, Mascotte, FL 34753.	https://msc.fema.gov/portal/advanceSearch .	May 3, 2024	120591
Lake	Unincorporated areas of Lake County (24-04-0461P).	Jennifer Barker, Lake County Manager, 315 West Main Street, Tavares, FL 32778.	Lake County Public Works Department, 323 North Sinclair Avenue, Tavares, FL 32778.	https://msc.fema.gov/portal/advanceSearch .	May 3, 2024	120421
Monroe	City of Marathon (23-04-4681P).	The Honorable Robyn Still, Mayor, City of Marathon, 9805 Overseas Highway, Marathon, FL 33050.	City Hall, 9805 Overseas Highway, Marathon, FL 33050.	https://msc.fema.gov/portal/advanceSearch .	May 31, 2024	120681
Osceola	Unincorporated areas of Osceola County (23-04-5105P).	Donald Fisher, Osceola County Manager, 1 Courthouse Square, Suite 4700, Kissimmee, FL 34741.	Osceola County Public Works Department, 1 Courthouse Square, Suite 3100, Kissimmee, FL 34741.	https://msc.fema.gov/portal/advanceSearch .	Jun. 14, 2024	120189
Palm Beach ...	Town of Palm Beach (23-04-4383P).	Kirk Blouin, Manager, Town of Palm Beach, 360 South County Road, Palm Beach, FL 33480.	Building Department, 360 South County Road, Palm Beach, FL 33480.	https://msc.fema.gov/portal/advanceSearch .	Jun. 17, 2024	120220
Palm Beach ...	Unincorporated areas of Palm Beach County (23-04-3795P).	Verdenia C. Baker, Palm Beach County Administrator, 301 North Olive Avenue, Suite 1101, West Palm Beach, FL 33401.	Palm Beach County Building Division, 2300 North Jog Road, West Palm Beach, FL 33411.	https://msc.fema.gov/portal/advanceSearch .	Jun. 10, 2024	120192
Palm Beach ...	Unincorporated areas of Palm Beach County (23-04-4383P).	Verdenia C. Baker, Palm Beach County Administrator, 301 North Olive Avenue, Suite 1101, West Palm Beach, FL 33401.	Palm Beach County Building Division, 2300 North Jog Road, West Palm Beach, FL 33411.	https://msc.fema.gov/portal/advanceSearch .	Jun. 17, 2024	120192
Polk	Unincorporated areas of Polk County (23-04-5421P).	Bill Beasley, Polk County Manager, 330 West Church Street, Bartow, FL 33831.	Polk County Land Development Division, 330 West Church Street, Bartow, FL 33831.	https://msc.fema.gov/portal/advanceSearch .	Jun. 13, 2024	120261
Polk	Unincorporated areas of Polk County (23-04-5503P).	Bill Beasley, Polk County Manager, 330 West Church Street, Bartow, FL 33831.	Polk County Land Development Division, 330 West Church Street, Bartow, FL 33831.	https://msc.fema.gov/portal/advanceSearch .	May 16, 2024	120261
Georgia: Gwinnett	City of Grayson (23-04-5076P).	The Honorable Allison Wilkerson, Mayor, City of Grayson, 475 Grayson Parkway, Grayson, GA 30017.	City Hall, 475 Grayson Parkway, Grayson, GA 30017.	https://msc.fema.gov/portal/advanceSearch .	May 3, 2024	130325
Nevada: Douglas	Unincorporated areas of Douglas County (23-09-0124P).	Mark Gardner, Chair, Douglas County Board of Commissioners, 1594 Esmeralda Avenue, Minden, NV 89423.	Douglas County Administration, 1594 Esmeralda Avenue, Minden, NV 89423.	https://msc.fema.gov/portal/advanceSearch .	May 6, 2024	320008

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Independent City.	City of Carson City (23–09–0124P).	The Honorable Lori Bagwell, Mayor, City of Carson City, 201 North Carson Street, Carson City, NV 89701.	City Hall, 201 North Carson Street, Carson City, NV 89701.	https://msc.fema.gov/portal/advanceSearch .	May 6, 2024	320001
Oregon: Clackamas	City of Canby (23–10–0589P).	The Honorable Brian Hodson, Mayor, City of Canby, P.O. Box 930, Canby, OR 97013.	Public Works Department, 1470 Northeast Territorial Road, Canby, OR 97013.	https://msc.fema.gov/portal/advanceSearch .	May 2, 2024	410014
Clackamas	Unincorporated areas of Clackamas County (23–10–0589P).	Gary Schmidt, Clackamas County Administrator, 2051 Kaen Road, Oregon City, OR 97045.	Clackamas County Planning and Zoning Division, 150 Beaver Creek Road, Oregon City, OR 97045.	https://msc.fema.gov/portal/advanceSearch .	May 2, 2024	415588
Pennsylvania: Monroe.	Township of Pocono (24–03–0116P).	Richard Wielebinski, President, Township of Pocono Board of Commissioners, 112 Township Drive, Tannersville, PA 18372.	Township Hall, 112 Township Drive, Tannersville, PA 18372.	https://msc.fema.gov/portal/advanceSearch .	Jun. 10, 2024	421892
South Dakota: Minnehaha	City of Sioux Falls (23–08–0268P).	The Honorable Paul TenHaken, Mayor, City of Sioux Falls, 224 West 9th Street, Sioux Falls, SD 57104.	City Hall, 231 North Dakota Avenue, Sioux Falls, SD 57104.	https://msc.fema.gov/portal/advanceSearch .	May 3, 2024	460060
Minnehaha	Unincorporated areas of Minnehaha County (23–08–0268P).	Jean Bender, Chair, Minnehaha County Board of Commissioners, 415 North Dakota Avenue, Sioux Falls, SD 57104.	Minnehaha County Department of Planning and Zoning, 415 North Dakota Avenue, Sioux Falls, SD 57104.	https://msc.fema.gov/portal/advanceSearch .	May 3, 2024	460057
Texas: Collin	City of McKinney (23–06–2261P).	The Honorable George Fuller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	City Hall, 221 North Tennessee Street, McKinney, TX 75069.	https://msc.fema.gov/portal/advanceSearch .	May 20, 2024	480135
Collin	Unincorporated areas of Collin County (23–06–1047P).	The Honorable Chris Hill, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County Engineering Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	https://msc.fema.gov/portal/advanceSearch .	May 6, 2024	480130
Denton	City of Fort Worth (23–06–1671P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, Engineering Vault and Map Repository, 200 Texas Street, Fort Worth, TX 76102.	https://msc.fema.gov/portal/advanceSearch .	Jun. 10, 2024	480596
Denton	Town of Bartonville (23–06–1473P).	The Honorable Jaclyn Carrington, Mayor, Town of Bartonville, 1941 East Jeter Road, Bartonville, TX 76226.	Town Hall, 1941 East Jeter Road, Bartonville, TX 76226.	https://msc.fema.gov/portal/advanceSearch .	May 20, 2024	481501
Denton	Town of Flower Mound (23–06–1473P).	The Honorable Derek France, Mayor, Town of Flower Mound, 2121 Cross Timbers Road, Flower Mound, TX 75028.	Town Hall, 2121 Cross Timbers Road, Flower Mound, TX 75028.	https://msc.fema.gov/portal/advanceSearch .	May 20, 2024	480777
Denton	Unincorporated areas of Denton County (23–06–1671P).	The Honorable Andy Eads, Denton County Judge, 1 Courthouse Drive, Suite 3100, Denton, TX 76208.	Denton County Development Services Department, 3900 Morse Street, Denton, TX 76208.	https://msc.fema.gov/portal/advanceSearch .	Jun. 10, 2024	480774
Ellis	Unincorporated areas of Ellis County (23–06–1679P).	The Honorable Todd Little, Ellis County Judge, 101 West Main Street, Waxahachie, TX 75165.	Ellis County Courts and Administration, 109 South Jackson Street, Waxahachie, TX 75165.	https://msc.fema.gov/portal/advanceSearch .	Jun. 3, 2024	480798
Hale	City of Plainview (23–06–0515P).	Jeffrey Snyder, City of Plainview Manager, 202 West 5th Street, Plainview, TX 79072.	City Hall, 202 West 5th Street, Plainview, TX 79072.	https://msc.fema.gov/portal/advanceSearch .	Apr. 29, 2024	480275
Hale	Unincorporated areas of Hale County (23–06–0515P).	The Honorable David Mull, Hale County Judge, 500 Broadway, Plainview, TX 79072.	Hale County Courthouse, 500 Broadway, Plainview, TX 79072.	https://msc.fema.gov/portal/advanceSearch .	Apr. 29, 2024	481223

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Hunt	Unincorporated areas of Hunt County (23-06-2029P).	The Honorable Bobby W. Stovall, Hunt County Judge, 2507 Lee Street, 2nd Floor, Greenville, TX 75401.	Hunt County Courthouse, 2507 Lee Street, Greenville, TX 75401.	https://msc.fema.gov/portal/advanceSearch .	May 3, 2024	480363
Parker	Town of Annetta North (23-06-1246P).	The Honorable Robert Schmidt, Mayor, Town of Annetta North, P.O. Box 1238, Aledo, TX 76008.	Parker County Permitting Department, 1114 Santa Fe Drive, Weatherford, TX 76086.	https://msc.fema.gov/portal/advanceSearch .	May 13, 2024	481664
Parker	Unincorporated areas of Parker County (23-06-1246P).	The Honorable Pat Deen, Parker County Judge, 1 Courthouse Square, Weatherford, TX 76086.	Parker County Courthouse, 1 Courthouse Square, Weatherford, TX 76086.	https://msc.fema.gov/portal/advanceSearch .	May 13, 2024	480520
Tarrant	City of Arlington (23-06-1085P).	The Honorable Jim Ross, Mayor, City of Arlington, P.O. Box 90231, Arlington, TX 76004.	Public Works Department, 101 West Abram Street, Arlington, TX 76010.	https://msc.fema.gov/portal/advanceSearch .	Jun. 17, 2024	485454
Tarrant	City of Fort Worth (23-06-1412P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, Engineering Vault and Map Repository, 200 Texas Street, Fort Worth, TX 76102.	https://msc.fema.gov/portal/advanceSearch .	Jun. 17, 2024	480596
Tarrant	City of Fort Worth (23-06-1491P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, Engineering Vault and Map Repository, 200 Texas Street, Fort Worth, TX 76102.	https://msc.fema.gov/portal/advanceSearch .	Apr. 29, 2024	480596
Virginia: Loudoun ..	Unincorporated areas of Loudoun County (23-03-0567P).	Tim Hemstreet, Loudoun County Administrator, 1 Harrison Street Southeast, 5th Floor, Leesburg, VA 20175.	Loudoun County Government Center, 1 Harrison Street Southeast, 3rd Floor, MSC #60, Leesburg, VA 20175.	https://msc.fema.gov/portal/advanceSearch .	Jun. 17, 2024	510090
Wyoming: Teton	Town of Jackson (23-08-0655P).	The Honorable Hailey Morton Levinson, Mayor, Town of Jackson, P.O. Box 1687, Jackson, WY 83001.	Public Works Department, 450 West Snow King Avenue, Jackson, WY 83001.	https://msc.fema.gov/portal/advanceSearch .	Jun. 6, 2024	560052
Teton	Unincorporated areas of Teton County (23-08-0655P).	The Honorable Luther Propst, Chair, Teton County Board of Commissioners, P.O. Box 3594, Jackson, WY 83001.	Teton County Public Works Department, 320 South King Street, Jackson, WY 83001.	https://msc.fema.gov/portal/advanceSearch .	Jun. 6, 2024	560094

[FR Doc. 2024-05353 Filed 3-13-24; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2008-0010]

Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Request for applicants for appointment to the Board of Visitors for the National Fire Academy.

SUMMARY: The National Fire Academy (Academy) is requesting individuals who are interested in serving on the Board of Visitors for the National Fire Academy (Board) to apply for

appointments as identified in this notice. Pursuant to the Federal Fire Prevention and Control Act of 1974, the Board shall review annually the programs of the Academy and shall make recommendations to the Federal Emergency Management Agency (FEMA) Administrator, through the United States Fire Administrator, regarding the operation of the Academy and any improvements that the Board deems appropriate. The Board is composed of eight members, all of whom have national or regional leadership experience in the fields of fire safety, fire prevention (such as community risk reduction to include wildland urban interface), fire control, research and development in fire protection, treatment and rehabilitation of fire victims, or local government services management, which includes emergency medical services. The Academy seeks to appoint one individual to a position on the Board

that will be open due to term expiration. If other positions are vacated during the application process, candidates may be selected from the pool of applicants to fill the vacated positions.

DATES: Resumes will be accepted until 11:59 p.m. Eastern Daylight Time (EDT) April 15, 2024.

ADDRESSES: The preferred method of submission is via email. However, resumes may also be submitted by mail. Please choose one submission method only:

- *Email:* FEMA-NFABOV@fema.dhs.gov.

- *Mail:* National Fire Academy, U.S. Fire Administration, Attention: Debbie Gartrell-Kemp, 16825 South Seton Avenue, Emmitsburg, Maryland 21727-8998.

FOR FURTHER INFORMATION CONTACT:
Designated Federal Officer: Eriks Gabliks, (301) 447-1117, Eriks.Gabliks@fema.dhs.gov.

SUPPLEMENTARY INFORMATION: The Board is an advisory committee established in accordance with the provision of the Federal Advisory Committee Act (FACA), 5 U.S.C. ch. 10. The purpose of the Board is to review annually the programs of the Academy and advise the FEMA Administrator on the operation of the Academy and any improvements therein that the Board deems appropriate. In carrying out its responsibilities, the Board examines Academy programs to determine whether these programs further the basic missions approved by the FEMA Administrator, examines the physical plant of the Academy to determine the adequacy of the Academy's facilities, and examines funding levels for Academy programs. The Board submits a written report through the United States Fire Administrator to the FEMA Administrator annually. The report provides detailed comments and recommendations regarding the Academy's operations.

Individuals interested in serving on the Board are invited to apply for consideration for appointment. There is no application form; however, a current resume and statement of interest will be required. The appointment shall be for a term of up to three years. Individuals selected for the appointment shall serve as Special Government Employees (SGEs), defined in section 202(a) of title 18, United States Code. Appointments may impact the ability to receive certain federal contracts. Candidates selected for the appointment will be required to complete a Confidential Financial Disclosure Form (U.S. Office of Government Ethics (OGE) Form 450) every year and receive yearly ethics training from the Component Ethics Office.

The Board shall meet as often as needed to fulfill its mission, but not less than twice each fiscal year to address its objectives and duties. The Board will meet in person at least once each fiscal year with additional meetings held via teleconference. Board members may be reimbursed for travel and per diem incurred in the performance of their duties as members of the Board. All travel for Board business must be approved in advance by the Designated Federal Officer. To the extent practical, Board members shall serve on any subcommittee that is established.

In order for the Department to fully leverage the broad-ranging experience and education, the Board must be diverse with regard to professional and technical expertise. The Department is committed to pursuing opportunities, consistent with applicable law, to

compose a Committee that reflects the diversity of the Nation's people.

Current DHS employees, contractors, and potential contractors will not be considered for membership. Federally registered lobbyists will not be considered for appointments.

Eriks Gabliks,

*Superintendent, National Fire Academy,
United States Fire Administration, Federal
Emergency Management Agency.*

[FR Doc. 2024-05370 Filed 3-13-24; 8:45 am]

BILLING CODE 9111-74-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2024-0002; Internal Agency Docket No. FEMA-B-2416]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before June 12, 2024.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelimdownload> and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS

report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

You may submit comments, identified by Docket No. FEMA-B-2416, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbibit@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbibit@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after

FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at https://www.floodsrp.org/pdfs/srp_overview.pdf.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each

community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelimdownload> and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current

effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison. (Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Nicholas A. Shufro,

Deputy Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Oklahoma County, Oklahoma and Incorporated Areas Project: 13-06-0690S Preliminary Date: June 28, 2023	
City of Edmond	Engineering Department, 2824 Progressive Drive, Edmond, OK 73034.
City of Oklahoma City	Public Works Department, 420 West Main Street, Suite 700, Oklahoma City, OK 73102.
Town of Arcadia	Town Hall, 217 North Main Street, Arcadia, OK 73007.
Unincorporated Areas of Oklahoma County	Oklahoma County Engineering and Planning Department, 320 Robert S. Kerr Avenue, Suite 201, Oklahoma City, OK 73102.

[FR Doc. 2024-05356 Filed 3-13-24; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2024-0002; Internal Agency Docket No. FEMA-B-2415]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before June 12, 2024.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelimdownload> and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

You may submit comments, identified by Docket No. FEMA-B-2415, to Rick Sacbabit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbabit@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Rick Sacbabit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbabit@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information

regarding the SRP process can be found online at https://www.floodsrp.org/pdfs/srp_overview.pdf.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelim>

download and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online

through the FEMA Map Service Center at <https://msc.fema.gov> for comparison. (Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Nicholas A. Shufro,

Deputy Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Grant County, Indiana and Incorporated Areas Project: 15-05-1087S Preliminary Date: April 21, 2022	
Town of Swayzee	Town Hall, 213 South Washington Street, Swayzee, IN 46986.
Town of Sweetser	Grant County Area Plan Commission, 401 South Adams Street, Marion, IN 46953.
Unincorporated Areas of Grant County	Grant County Area Plan Commission, 401 South Adams Street, Marion, IN 46953.

[FR Doc. 2024-05354 Filed 3-13-24; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[PPWOIRADA1/PRCRFRFR6.XZ0000/
PR.RIRAD1801.00.1; OMB Control Number
1093-0006]

Agency Information Collection Activities; Administration of Volunteer.gov Website and Associated Volunteer Activities

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of the Secretary, Department of the Interior (Interior) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 13, 2024.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Nicholas Solomon, 1849 C Street NW, Washington, DC 20240; or by email to nicholas_solomon@nps.gov. Please reference OMB Control Number 1093-0006 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Nicholas Solomon, 1849 C Street NW, Washington, DC 20240 by email at nicholas_solomon@nps.gov, or by telephone at 202.604.1727. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to

access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) How might the agency minimize the burden of the collection of information on those who are to

respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Various laws, statutes, and regulations, to include the Volunteers in the Parks Act of 1969 (54 U.S.C. 102301), Public Lands Corps Act (16 U.S.C. 1721 *et seq.*), the Outdoor Recreation Authority (16 U.S.C. 4601), Volunteers in the National Forests Program (16 U.S.C. 558 a-d), and the Forest Foundation Volunteers Act (16 U.S.C. 583j), authorize Federal land management agencies to work with volunteers, youth, and partner organizations to plan, develop, maintain, and manage projects and service activities on public lands and adjacent projects throughout the nation. We use volunteers, youth programs, and partnerships to aid in disaster response, interpretive functions, visitor services, conservation measures and development, research and development, recreation, and or other activities as allowed by an agency's

policy and regulations. Providing, collecting, and exchanging written and electronic information is required from potential and selected program participants of all ages so they can access opportunities and benefits provided by agencies guidelines. Those under the age of 18 years must have written consent from a parent or guardian to participate in volunteer activities.

These forms, available for prospective volunteers to complete electronically or as paper forms, serve two functions:

- Recruiting potential volunteers, and
- Formalizing agreements between current volunteers and the agencies with which they are volunteering.

The customer relationship management web-based portal, *Volunteer.gov*, is the agencies' response to meeting the public's request for improved digital customer services to access and apply for engagement opportunities. Under one security platform parameter, the *Volunteer.gov* website provides prospective and current program participants the ability to establish an account for electronic submission of program applications and to obtain status of applications and enrollments. Current functionality provides information digitally on benefits and requirements and facilitates improved tracking of volunteer service hours. As field level programs transition to using *Volunteer.gov*, these data points may be tracked either manually or digitally and are accessible from agency volunteer program coordinators.

This information collection specifically minimizes the burden on the respondents. While electronic records provide a means to streamline data collection and allow participant access to track benefits and control the sharing of their data, the participating agencies will continue to provide accessible paper versions of the volunteer forms upon request and in special circumstances where the digital alternative is not possible.

Participating Agencies

- *Department of the Interior*: All Interior offices and units, including National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, Bureau of Indian Affairs, Office of Surface Mining Reclamation and Enforcement, and U.S. Geological Survey.
- *Department of Agriculture*: U.S. Forest Service and Natural Resources Conservation Service.
- *Department of Defense*: U.S. Army Corps of Engineers.

- *Department of Commerce*: National Oceanic and Atmospheric Administration—Office of National Marine Sanctuaries.

Common Forms

Form OF-301—Volunteer Application: Individuals interested in volunteering may access the *Volunteer.gov* website to complete an on-line application on the *Volunteer.gov* website. Alternatively, they may contact any agency listed above to request a Volunteer Application (Form OF-301). We collect the following information from applicants via Form OF-301:

- Name and contact information (address, telephone number, and email address);
- Date of birth;
- Preferred work categories;
- Interests;
- Citizenship status;
- Available dates and preferred location;
- Physical limitations; and
- Lodging preferences.

Information collected using this form or *Volunteer.gov* assists agency volunteer coordinators and other personnel in matching volunteers with agency opportunities appropriate for an applicant's skills, physical condition, and availability.

Form OF-301A—Volunteer Service Agreement: We use this form to establish agreements for volunteer services between Federal agencies and individual or group volunteers, to include eligible international volunteers. We require the signature of parents or guardians for all applicants under 18 years of age. We collect the following information from volunteers via Form OF-301A:

- Name and contact information (address, telephone number, and email address);
- Date of birth (proposed new data field);
- Citizenship information; and,
- Emergency contact information.

Form OF-301A describes the service a volunteer will perform, and asks a volunteer to confirm their understanding of the purpose of the volunteer program, their fitness and ability to perform the duties as described, and whether they consent to being photographed.

Form OF-301B—Volunteer Group Sign-up: We use this form to document awareness and understanding by adult individuals in groups about the volunteer activities between a Federal agency and a partner organization with group participants, and accompanies the Form OF-301a. We collect the following information from volunteers via Form OF-301b:

- Name and contact information (address, telephone number, and email address);
- Month and year of birth;
- Confirmation of understanding of the purpose of the volunteer program;
- Fitness and ability to perform the duties as described; and
- Whether they consent to being photographed

Each participating agency must request OMB approval of, and report their own burden associated with, the use of common forms OF-301, OF-301A, and OF-301B in order to be authorized to participate in this information collection. Interior will not assume the burden for any agencies other than its own bureaus and offices that participate in the volunteer program.

Title of Collection: Administration of *Volunteer.gov* Website and Associated Volunteer Activities.

OMB Control Number: 1093-0006.

Form Number: OF-301, OF-301A, and OF-301B.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals and private sector (cooperating associations and partner organizations) interested in volunteer opportunities.

Total Estimated Number of Annual Respondents: 526,775.

Total Estimated Number of Annual Responses: 526,775.

Estimated Completion Time per Response: Completion time varies from 5 minutes to 15 minutes, depending on activity.

Total Estimated Number of Annual Burden Hours: 99,109.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Typically once per year.

Total Estimated Annual Nonhour Burden Cost: There are no non-hour cost burdens associated with this information collection.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Jeffrey Parrillo,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024-05432 Filed 3-13-24; 8:45 am]

BILLING CODE 4334-63-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1344]

Certain Bio-Layer Interferometers and Components Thereof; Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on March 8, 2024, the presiding administrative law judge (“ALJ”) issued the Final Initial Determination on Violation of Section 337 in this investigation. On the same day, the ALJ also issued a Recommended Determination on remedy and bonding (“RD”) should the Commission find a violation in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief, should the Commission find a violation. This notice is soliciting comments from the public only.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket system (“EDIS”) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is soliciting submissions on public interest issues raised by the recommended relief

should the Commission find a violation, specifically: (1) a limited exclusion order excluding importation of certain bio-layer interferometers and components thereof that are sold for importation into the United States or sold in the United States after importation by respondent Gator Bio, Inc. (“Gator Bio”); and (2) a cease and desist order directed to respondent Gator Bio. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ’s RD issued in this investigation on March 8, 2024. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant’s licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on April 5, 2024.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (Mar. 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1344”) in a prominent place on

the cover page and/or the first page. (See *Handbook for Electronic Filing Procedures*, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 11, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024-05427 Filed 3-13-24; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-344 (Fifth Review)]

Tapered Roller Bearings From China

Determination

On the basis of the record¹ developed in the subject five-year review, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the antidumping duty order on tapered roller bearings from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.²

Background

The Commission instituted this review on September 1, 2023 (88 FR 60489) and determined on December 5, 2023 that it would conduct an expedited review (89 FR 2982, January 17, 2024).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on March 8, 2024. The views of the Commission are contained in USITC Publication 5497 (March 2024), entitled *Tapered Roller Bearings from China: Investigation No. 731-TA-344 (Fifth Review)*.

By order of the Commission.

Issued: March 8, 2024.

Katherine Hiner,
Supervisory Attorney.

[FR Doc. 2024-05433 Filed 3-13-24; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1199 (Rescission)]

Certain Tobacco Heating Articles and Components Thereof; Notice of Commission Decision To Institute a Rescission Proceeding and to Termination of the Rescission Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute

a rescission proceeding and to rescind the limited exclusion order (“LEO”) and cease and desist orders (“CDOs”) issued in the underlying investigation. The rescission proceeding is terminated.

FOR FURTHER INFORMATION CONTACT:

Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3228. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On May 15, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by RAI Strategic Holdings, Inc., R.J. Reynolds Vapor Company, and R.J. Reynolds Tobacco Company, all of Winston-Salem, North Carolina (collectively, “Complainants”). See 85 FR 29482-83. The complaint, as supplemented, alleges a violation of section 337 based upon the importation of certain tobacco heating articles and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 9,839,238 (“the ‘238 patent”); 9,930,915 (“the ‘915 patent”); 9,901,123 (“the ‘123 patent”). The complaint also alleges the existence of a domestic industry. The notice of investigation names the following respondents: Altria Client Services LLC (“ACS”) and Philip Morris USA, Inc. (“PM USA”) both of Richmond, Virginia, and Philip Morris Products S.A. (“PMPUSA”) of Neuchatel, Switzerland (collectively, “Respondents”). See *id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. See *id.*

On September 29, 2021, the Commission issued a final determination finding a violation of section 337, based on Respondents’ infringement of claims 1-3 and 5 of the ‘915 patent and claims 27-30 of the ‘123 patent, but not the ‘238 patent. See 86 FR 54998-99 (Oct. 5, 2021). The Commission further determined to issue an LEO against Respondents’ infringing products and CDOs against PM USA and ACS (collectively, “the remedial

orders”). See *id.* The Commission determined not to impose a bond during the period of Presidential review. See *id.*

On December 1, 2021, Respondents filed an appeal from the Commission’s final determination with the U.S. Court of Appeals for the Federal Circuit. See *Philip Morris Products S.A. v. ITC*, Appeal No. 2022-1227. On March 31, 2023, the Federal Circuit issued a precedential opinion affirming the Commission’s decision in full. See *Philip Morris Products S.A. v. ITC*, 63 F.4th 1328 (Fed. Cir. 2023).

On February 8, 2024, Complainants and Respondents filed a joint petition to rescind the remedial orders based on a settlement agreement between Complainants and PMPUSA. Pursuant to Commission Rule 210.76(a)(3), 19 CFR 210.76(a)(3), the petition asserts that it includes a confidential and public version of the underlying agreement. The petition also includes a statement that there are no other agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.

On February 20, 2024, OUII filed a response stating that it did not support the joint petition as filed. Specifically, OUII argued the joint petition did not substantially comply with the requirements of Commission Rule 210.76(a)(3) because: (1) the attached Schedule 3.1 Patent License Agreement is not signed, and (2) respondents ACS and PM USA are not parties to the agreement. OUII further argued that only PMPUSA should be rescinded from the remedial orders.

On February 22, 2024, Complainants and Respondents filed a joint supplement to their petition. The joint supplement attaches the fully executed Patent License Agreement as set forth in Schedule 3.1 of the Settlement Agreement. The joint supplement also includes a discussion as to the scope of the settlement agreement. OUII did not file a further response to the joint supplement to the petition.

Having reviewed the joint petition, OUII’s response thereto, the joint supplement to the petition, and the record of the investigation, the Commission has determined that the joint petition, as supplemented with the fully executed Patent License Agreement, complies with the Commission’s rules and therefore granting the petition is warranted under 19 U.S.C. 1337(k) and 19 CFR 210.76. The Commission has also determined that the scope of the settlement agreement does not preclude rescission of all of the remedial orders issued. See 86 FR 13731-33 (Mar. 10, 2021)

¹ The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

² Commissioner Amy A. Karpel not participating.

(Commission rescinded remedial orders based on petition to rescind filed solely by complainant).

Accordingly, the Commission has determined to institute a rescission proceeding and to rescind the remedial orders. The rescission proceeding is terminated.

The Commission's vote on this determination took place on March 11, 2024.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 11, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024-05455 Filed 3-13-24; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Clean Water Act (CWA), and the Oil Pollution Act (OPA)

On March 7, 2024, the Department of Justice lodged a proposed consent decree with the United States District Court for the Western District of Washington in the lawsuit entitled *United States of America, State of Washington, Muckleshoot Indian Tribe, and Suquamish Indian Tribe of the Port Madison Reservation v. Crowley Marine Services, Inc., et al.*, Civil Action No. 2:24-cv-00307. Docket No. 3-1.

The proposed consent decree resolves claims brought by the United States on behalf of the National Oceanic and Atmospheric Administration and the Department of the Interior, the State of Washington, the Muckleshoot Indian Tribe, and the Suquamish Indian Tribe of the Port Madison Reservation (collectively, Trustees) against Crowley Marine Services, Inc., 8th Avenue Terminals, Inc., and the Washington State Department of Transportation (collectively, Defendants) for natural resource damages caused by releases of hazardous substances and discharges of oil at or from facilities owned and/or operated by Defendants, located along and near the Lower Duwamish River, pursuant to section 107(a) of CERCLA, section 311 of the CWA, section 1002(b) of OPA, and the Washington Model Toxics Control Act (MTCA), RCW

70A.305. The settlement requires Defendants to purchase credits in a habitat restoration project constructed along the River and pay a total of \$210,000 for natural resource damages to the Trustees. The settlement also requires Defendants to pay \$64,325.63 to reimburse their equitable share of assessment costs incurred by the Trustees. Defendants will receive covenants not to sue under the statutes listed in the complaint and consent decree for specified natural resource damages.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States et al. v. Crowley Marine Services, et al.*, D.J. Ref. No. 90-11-3-07227/13. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044-7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the proposed consent decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Kathryn C. Macdonald,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2024-05358 Filed 3-13-24; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

[OMB Number 1121-0098]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired; Survey of Inmates in Local Jails

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Justice Statistics, Department of Justice (DOJ) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until May 13, 2024.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Todd D. Minton, (email: Todd.Minton@usdoj.gov; telephone: 202-598-7226), Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: Since 1972, BJS has conducted the Survey of Inmates in Local Jails (SILJ, OMB Number 1121-0098) periodically to gather detailed information on individual characteristics of jail inmates. The purposes of this omnibus survey are to generate reliable, nationally-representative estimates of the characteristics of jail inmates in the United States, track changes in the characteristics of jail inmates over time, conduct studies of jail inmates on special topics, and identify policy-relevant issues related to crime and corrections. This national survey will profile jail inmates nationwide to determine trends in criminal history, substance abuse, mental health, and medical problems of jail inmates, and treatment they may have received for problems, gun use and crime, inmate misconduct, inmate admission fees, and programs and activities inmates participate in while confined in jail. The data are used by a variety of stakeholders, including the U.S. Congress, Executive Office of the President, practitioners, researchers, students, the media, and others interested in criminal justice statistics.

No other collection series provides these data on the variety of topics that SILJ covers. The data will be collected through face-to-face personal interviews with the inmates using Computer-Assisted Personal Interviewing (CAPI) technology.

Overview of This Information Collection

1. *Type of Information Collection:* Reinstatement, with changes, of a previously approved collection for which approval has expired.

2. *Title of the Form/Collection:* Survey of Inmates in Local Jails (SILJ).

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The applicable component within the Department of Justice is the Bureau of Justice Statistics (BJS), in the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* County government and City government and jail inmates age 18 or older that are held in local (county and city) jails. The obligation to respond is voluntary.

5. *An estimate of the total number of respondents and the amount of time*

estimated for an average respondent to respond: BJS will sample a maximum of 10,000 inmates from 600 local jails for a total of 15,602 hours. BJS will conduct initial jail outreach with up to 740 jails to participate at 15 minutes per facility for a total of 185 hours in order to gain consent from 600 facilities to participate in the study. A maximum of 600 jails will be contacted for study logistics planning and roster coordination at 75 minutes per facility for a total of 750 hours. During data collection, jail staff will escort a maximum of 10,000 inmates to and from interview sites at 15 minutes per inmate for a total of 2,500 hours. Inmate consent and survey participation total 73 minutes per interview for a total of 12,167 hours.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated total public burden is 15,602 annual hours. This comprises 3,435 hours of facility staff burden and 12,167 hours of respondent interviewing burden.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* The estimated cost is \$90,450.

2024 SILJ ESTIMATED ANNUALIZED RESPONDENT COST AND HOUR BURDEN

Activity	Number of respondents	Frequency	Total annual responses	Time per response (minutes)	Total annual burden (hours)
Facility Recruitment and Logistic:					
Introduction and Facility Approval	740	1	740	15	185
Study Logistic Planning	600	1	600	45	450
National Study:					
Staff time—Providing inmate roster	600	1	600	30	300
Staff time—Escorting inmates	10,000	1	10,000	15	2,500
Consent—Inmate recruitment	10,000	1	10,000	3	500
Interview—Participate in the SILJ	10,000	1	10,000	70	11,667
Total	31,940	.....	31,940	.....	15,602

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: March 8, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2024-05349 Filed 3-13-24; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF JUSTICE

[OMB Number 1110-0072]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Address Verification/Change Request Form (1-797)

AGENCY: Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division, Department of Justice (DOJ), will be submitting the following information

collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** on January 18, 2024, allowing a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until April 15, 2024.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Brian A. Cain, Management and

Program Analyst, FBI, CJIS, Criminal History Information and Policy Unit, BTC-3, 1000 Custer Hollow Road; Clarksburg, WV 26306; phone: 304-625-5590 or email fbi-iii@fbi.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the information collection or the OMB Control Number 1110-0072. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* Address Verification/Change Request

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* 1110-0072, Form 1-797 Address Verification/Change Request Form; CJIS Division, FBI, DOJ.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Individuals interested in obtaining a copy of their identification record contained in the FBI's Next Generation Identification System. The U.S. Department of Justice Order 556-773 directs the FBI to publish rules for the dissemination of arrest and conviction records to the subjects of such records upon request. This order resulted in a determination that 28 United States Code 534 does not prohibit the subjects of arrest and convictions records from having access to those records.

5. *Obligation to Respond:* Required to obtain or retain a benefit when a change of address from original request is necessary.

6. *Total Estimated Number of Respondents:* 75 yearly respondents.

7. *Estimated Time per Respondent:* 5 minutes.

8. *Frequency:* Annual.

9. *Total Estimated Annual Time Burden:* 6.25 hours.

10. *Total Estimated Annual Other Costs Burden:* \$0. Respondents will not incur any capital, start up, or system maintenance costs associated with this information collection.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC 20530.

Dated: March 8, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2024-05351 Filed 3-13-24; 8:45 am]

BILLING CODE 4410-02-P

DEPARTMENT OF JUSTICE

[OMB Number 1110-0015]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Hate Crime Incident Report

AGENCY: Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Federal Bureau of Investigation (FBI), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** on February 1, 2024, allowing a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until April 15, 2024.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Edward L. Abraham, Crime and Law Enforcement Statistics Unit Chief, FBI, CJIS Division, Module D-1, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, elabraham@fbi.gov, 304-625-4830.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public

Comments” or by using the search function and entering either the title of the information collection or the OMB Control Number 1110–0015. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *Title of the Form/Collection:* Hate Crime Incident Report.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The form numbers are 1–699 and 1–700. The applicable component within DOJ is the CJIS Division, FBI.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Federal, state, local, tribal, university/college, and territorial law enforcement agencies (LEAs).

Abstract: Under title 28, United States Code (U.S.C.), section (§) 534, subsections (a) and (c); the Hate Crime Statistics Act, 34 U.S.C. 41305, modified by the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act (2009), Public Law, § 4708; and the Uniform Federal Crime Reporting Act of 1988, 34 U.S.C. 41303, this information collection requests hate crime data from LEAs in order for the FBI’s Uniform Crime Reporting (UCR) Program to serve as the national clearinghouse for the collection and dissemination of hate crime data and to publish these statistics annually in various data releases. The hate crime data provide information about the bias motivation, offenses, victims, offenders, and locations of hate crime incidents.

5. *Obligation to Respond:* Voluntary.

6. *Total Estimated Number of Respondents:* 4,440.

7. *Estimated Time per Respondent:* Seven minutes.

8. *Frequency:* Monthly.

9. *Total Estimated Annual Time Burden:* 6,216 hours [(53,280 annual responses × 7 minutes per response)/60 minutes per hour = 6,216 total annual hours].

10. *Total Estimated Annual Other Costs Burden:* \$0.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: March 8, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2024–05350 Filed 3–13–24; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJJDP) Docket No. 1822]

Meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention

AGENCY: Coordinating Council on Juvenile Justice and Delinquency Prevention.

ACTION: Notice of meeting.

SUMMARY: The Coordinating Council on Juvenile Justice and Delinquency Prevention announces its next meeting. **DATES:** Wednesday, April 10, 2024, at 1:00 p.m.–4:00 p.m. ET.

ADDRESSES: The meeting will take place at the Department of Justice, 810 7th St. NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Visit the website for the Coordinating Council at www.juvenilecouncil.gov or contact Maegen Barnes, Project Manager/Federal Contractor, by telephone (732) 948–8862, email at Maegen.Currie@usdoj.gov; or Julie Herr, Designated Federal Official (DFO), OJJDP, by telephone at (202) 598–6885, email at Julie.Herr@usdoj.gov. Please note that the above phone numbers are not toll free.

SUPPLEMENTARY INFORMATION: The Coordinating Council on Juvenile Justice and Delinquency Prevention (“Council”), established by statute in the Juvenile and Delinquency Prevention Act of 1974 section 206 (a) (34 U.S.C. 11116(a)), will meet to carry out its advisory functions. Information regarding this meeting will be available on the Council’s web page at www.juvenilecouncil.gov. In light of space constraints, this meeting will be open to the public via online video conference only. Prior registration is required (see below). In addition, meeting documents will be viewable via this website including meeting

announcements, agendas, minutes and reports.

Although designated agency representatives may attend in lieu of members, the Council’s formal membership consists of the following secretaries and/or agency officials; Attorney General (Chair), Administrator of the Office of Juvenile Justice and Delinquency Prevention (Vice Chair), Secretary of Health and Human Services, Assistant Secretary for Mental Health and Substance Use, Secretary of the Interior, Secretary of Labor, Secretary of Education, Secretary of Housing and Urban Development, Director of the Office of National Drug Control Policy, Chief Executive Officer of AmeriCorps and the Assistant Secretary of Homeland Security for the U.S. Immigration and Customs Enforcement. Ten additional members are appointed by the President of the United States, the Speaker of the U.S. House of Representatives, the U.S. Senate Majority Leader and the Chairman of the Committee on Indian Affairs of the Senate. Further agencies that take part in Council activities include the Departments of Agriculture and Defense.

Council meeting agendas are available on www.juvenilecouncil.gov. Agendas will generally include: (a) Opening remarks and introductions; (b) Presentations and discussion of agency work; and (c) Council member announcements.

Members of the public who wish to virtually attend, must register in advance of the meeting at the meeting registration site, by no later than Wednesday, April 3, 2024. Should issues arise with online registration, or to register by email, the public should contact Maegen Barnes, Senior Program Manager/Federal Contractor (see above for contact information). If submitting registrations by email, attendees should include all of the following: Name, Title, Organization/Affiliation, Full Address, Phone Number, and Email. Registration for this is also found online at www.juvenilecouncil.gov.

Interested parties may submit written comments and questions in advance to Maegen Barnes, Senior Program Manager/Federal Contractor (contact information above). All comments and questions should be submitted no later than 5:00 p.m. ET on Wednesday, April 3, 2024.

The Council will limit public statements if they are found to be duplicative. Written questions submitted by public attendees may also

be considered by the Council, time permitting.

Julie Herr,

Designated Federal Official, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 2024–05442 Filed 3–13–24; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Annual Refiling Survey

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before April 15, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The Annual Refiling Survey (ARS) is used in conjunction with the Unemployment Insurance tax reporting system in each State. The primary purpose of the ARS is to verify or to correct the North American Industry Classification System code assigned to establishments as well as to obtain accurate mailing and physical location addresses of establishments. As a result, changes in the industrial and geographical compositions of the economy are captured in a timely manner and reflected in the BLS statistical programs. Federal, State, and local government officials as well as private researchers depend on accurate geographical and industrial coding based on the 2017 North American Industry Classification System Manual. BLS routinely shares NAICS codes with the Census Bureau to improve consistency, reduce costs and burden, and improve the accuracy of

their products. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 14, 2023 (88 FRN 86681).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

Agency: DOL–BLS.

Title of Collection: Annual Refiling Survey.

OMB Control Number: 1220–0032.

Affected Public: Private Sector; Not-for-profit institutions Farms, Businesses or other for-profits.

Total Estimated Number of Respondents: 773,650.

Total Estimated Number of Responses: 773,650.

Total Estimated Annual Time Burden: 74,023 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2024–05360 Filed 3–13–24; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Federal Contractors Veterans’ Employment Report (VETS–4212)

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Veterans’ Employment and Training Service (VETS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before April 15, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Wilson Vadukumcherry by telephone at 202–693–0110, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The information collections under OMB Control No. 1293–0005 requires Federal contractors and subcontractors subject to the Act’s affirmative action provisions in 38 U.S.C. 4212(a) to track and report annually to the Secretary of Labor the number of employees in their workforces, by job category and hiring location, who belong to the specified categories of protected veterans. VETS maintains regulations to implement the reporting requirements under VEVRAA and uses the VETS–4212 form for providing the required information on the employment of covered veterans. The regulations in 41 CFR part 61–300 require contractors and subcontractors with a covered Federal contract entered into or modified in the amount of \$150,000 or more to use the Federal Contractor Veterans’ Employment Report VETS–4212 form for reporting information on their employment of covered veterans under VEVRAA. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 28, 2023 (88 FR 83161).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4)

ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–VETS.

Title of Collection: Federal Contractors Veterans' Employment Report (VETS–4212).

OMB Control Number: 1293–0005.

Affected Public: Private Sector—Businesses or other for-profits; Not-for-profit institutions.

Total Estimated Number of Respondents: 21,000.

Total Estimated Number of Responses: 378,000.

Total Estimated Annual Time Burden: 128,520 hours.

Total Estimated Annual Other Costs Burden: \$1,340.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Wilson Vadukumcherry,
Senior PRA Analyst.

[FR Doc. 2024–05359 Filed 3–13–24; 8:45 am]

BILLING CODE 4510–79–P

LEGAL SERVICES CORPORATION

Notice of Funding Availability and Request for Proposals for Calendar Year 2025 Basic Field Grant Awards

AGENCY: Legal Services Corporation.

ACTION: Notice of funding availability.

SUMMARY: The Legal Services Corporation (LSC) is a federally established and funded organization that funds civil legal aid organizations across the country and in the U.S. territories. Its mission is to expand access to justice by funding high-quality legal representation for low-income people in civil matters. In anticipation of a congressional appropriation to LSC for Fiscal Year 2025, LSC hereby announces the availability of funding for basic field grants with terms commencing in January 2025. LSC will publish a Request for Proposals (RFP) and seeks applications from interested parties who are qualified to provide effective, efficient, and high-quality civil legal services to eligible clients in the service area(s) of the states and territories identified below. The availability and the exact amount of congressionally appropriated funds, as well as the date, terms, and conditions of funds available for grants for calendar year 2025, have not yet been determined.

DATES: See **SUPPLEMENTARY INFORMATION** section below for grant application dates.

ADDRESSES: By email to lscgrants@lsc.gov or by other correspondence to Legal Services Corporation—Basic Field Grant Awards, 3333 K Street NW, Third Floor, Washington, DC 20007–3522.

FOR FURTHER INFORMATION CONTACT: Christine Williams by phone at 202–295–1602 or email at lscgrants@lsc.gov, or visit the LSC website at <https://www.lsc.gov/grants/basic-field-grant>.

SUPPLEMENTARY INFORMATION: The Legal Services Corporation (LSC) hereby announces the availability of funding for basic field grants with terms beginning in January 2025. LSC seeks grant proposals from interested parties

who are qualified to provide effective, efficient, and high-quality civil legal services to eligible clients in the service area(s) of the States and Territories identified below. Interested potential applicants must first file a Pre-Application. After approval by LSC of the Pre-Application, an applicant can submit an application in response to the RFP, which contains the grant proposal guidelines, proposal content requirements, and selection criteria. The Pre-Application and RFP will open in GrantEase, LSC's grants management system, on or around April 15, 2024. Additional information will be available at <https://www.lsc.gov/grants/basic-field-grant>.

The listing of all key dates for the LSC 2025 basic field grants process, including the deadlines for filing grant proposals, is available at <https://www.lsc.gov/grants/basic-field-grant/how-apply-basic-field-grant/basic-field-grant-key-dates>.

LSC seeks proposals from: (1) non-profit organizations that have as a purpose the provision of legal assistance to eligible clients; (2) private attorneys; (3) groups of private attorneys or law firms; (4) State or local governments; and (5) sub-State regional planning and coordination agencies that are composed of sub-state areas and whose governing boards are controlled by locally elected officials.

The service areas for which LSC is requesting grant proposals for 2025 are listed below. LSC provides grants for three types of service areas: Basic Field-General, Basic Field-Native American, and Basic Field-Agricultural Worker. For example, the state of Idaho has three basic field service areas: ID–1 (General), NID–1 (Native American), and MID (Agricultural Worker). Service area descriptions are available at <https://www.lsc.gov/grants/basic-field-grant/lsc-service-areas>. LSC will post all updates and changes to this notice at <https://www.lsc.gov/grants/basic-field-grant/lsc-service-areas>. Interested parties can visit <https://www.lsc.gov/grants/basic-field-grant> or reach out to lsgrants@lsc.gov.

State or territory	Service area(s)
Alabama	AL–4.
American Samoa	AS–1.
California	CA–2, CA–19, CA–26, CA–29, CA–30.
Colorado	MCO, CO–6, NCO–1.
Florida	FL–5, FL–13, FL–14, FL–15, FL–16, FL–17, MFL.
Georgia	MGA, GA–1, GA–2.
Hawaii	HI–1, NHI–1.
Illinois	MIL, IL–6.
Indiana	MIN, IN–5.
Louisiana	LA–15.
Massachusetts	MA–12.

State or territory	Service area(s)
Minnesota	MN-1.
Mississippi	MS-9, MS-10, NMS-1.
Missouri	MMO, MO-3, MO-7.
Montana	MMT, MT-1, NMT-1.
New York	NY-7, NY-20, NY-21, NY-22, NY-23, NY-24, MNY.
North Carolina	MNC, NC-5, NNC-1.
North Dakota	ND-3, NND-3.
Pennsylvania	MPA, PA-1, PA-8, PA-23, PA-26.
Puerto Rico	MPR, PR-1.
South Carolina	MSC, SC-8.
Tennessee	TN-4.
Wyoming	WY-4, NWY-1.

(Authority: 42 U.S.C. 2996g(e).)

Dated: March 11, 2024.

Stefanie Davis,

Deputy General Counsel, Legal Services Corporation.

[FR Doc. 2024-05430 Filed 3-13-24; 8:45 am]

BILLING CODE 7050-01-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA-24-0005; NARA-2024-021]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on [regulations.gov](https://www.regulations.gov) for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: We must receive responses on the schedules listed in this notice by April 29, 2024.

ADDRESSES: To view a records schedule in this notice, or submit a comment on one, use the following address: <https://www.regulations.gov/docket/NARA-24-0005/document>. This is a direct link to the schedules posted in the docket for this notice on [regulations.gov](https://www.regulations.gov). You may submit comments by the following method:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the docket for this notice, in which we have

posted the records schedules open for comment. Each schedule has a ‘comment’ button so you can comment on that specific schedule. For more information on [regulations.gov](https://www.regulations.gov) and on submitting comments, see their FAQs at <https://www.regulations.gov/faq>.

If you are unable to comment via [regulations.gov](https://www.regulations.gov), you may email us at request.schedule@nara.gov for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule’s entry in the list at the end of this notice.

FOR FURTHER INFORMATION CONTACT:

Kimberly Richardson, Strategy and Performance Division, by email at regulation_comments@nara.gov or at 301-837-2902. For information about records schedules, contact Records Management Operations by email at request.schedule@nara.gov or by phone at 301-837-1799.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule. We have uploaded the records schedules and accompanying appraisal memoranda to the [regulations.gov](https://www.regulations.gov) docket for this notice as “other” documents. Each records schedule contains a full description of the records

at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the [regulations.gov](https://www.regulations.gov) portal, you may contact request.schedule@nara.gov for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we may or may not make changes to the proposed records schedule. The schedule is then sent for final approval by the Archivist of the United States. After the schedule is approved, we will post on [regulations.gov](https://www.regulations.gov) a “Consolidated Reply” summarizing the comments, responding to them, and noting any changes we made to the proposed schedule. You may elect at [regulations.gov](https://www.regulations.gov) to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at <https://www.archives.gov/records-mgmt/rcs>, after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of the Army, Agency-wide, Social Media and Electronic Message Records (DAA-AU-2022-0001).

2. Department of Health and Human Services, Administration for Strategic Preparedness and Response, Public Health Emergency Medical Countermeasures Enterprise (PHEMCE) Confidentiality Commitment Forms (DAA-0611-2023-0004).

3. Department of Health and Human Services, Administration for Strategic Preparedness and Response, Strategic National Stockpile Non-Disclosure Agreements (DAA-0611-2023-0018).

4. Department of Health and Human Services, Food and Drug Administration, Technology Transfer Records (DAA-0088-2024-0001).

5. Department of Health and Human Services, Health Resources and Services Administration, Human Subject Research Protection (DAA-0512-2023-0001).

6. Department of Transportation, Federal Aviation Administration, The

Science, Technology, Engineering, and Math (STEM) Aviation and Space Education (AVSED) Program Airport Design Challenge Records (DAA-0237-2024-0005).

7. Administrative Office of the United States Courts, United States District Courts, Agency-wide, Electronic Case Files (DAA-0021-2018-0002).

8. Administrative Office of the United States Courts, Judicial Panel on Multidistrict Litigation, Agency-wide, Electronic Case Files (DAA-0482-2018-0001).

9. Administrative Office of the United States Courts, United States Court of Federal Claims, Agency-wide, Electronic Case Files (DAA-0502-2018-0001).

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2024-05396 Filed 3-13-24; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Meeting of Humanities Panel

AGENCY: National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: The National Endowment for the Humanities (NEH) will hold seven additional meetings, by video conference, of the Humanities Panel, a federal advisory committee, in March 2024, and thirty-four meetings during April 2024. The purpose of the meetings is for panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965.

DATES: See **SUPPLEMENTARY INFORMATION** for meeting dates. The meetings will open at 8:30 a.m. and will adjourn by 5 p.m. on the dates specified below.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, Room 4060, Washington, DC 20506; (202) 606-8322; evoyatzis@neh.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. 10), notice is hereby given of the following meetings:

1. Date: March 25, 2024.

This video meeting will discuss applications on the topics of Education

and Literacies, for the Humanities Research Centers on Artificial Intelligence grant program, submitted to the Division of Research Programs.

2. Date: March 26, 2024.

This video meeting will discuss applications on the topics of Law, Politics, and Democracy, for the Humanities Research Centers on Artificial Intelligence grant program, submitted to the Division of Research Programs.

3. Date: March 26, 2024.

This video meeting will discuss applications on the topics of Identity and Culture in AI, for the Humanities Research Centers on Artificial Intelligence grant program, submitted to the Division of Research Programs.

4. Date: March 27, 2024.

This video meeting will discuss applications on the topics of AI and Creativity, for the Humanities Research Centers on Artificial Intelligence grant program, submitted to the Division of Research Programs.

5. Date: March 28, 2024.

This video meeting will discuss applications on the topics of Theory and Philosophy of AI, for the Humanities Research Centers on Artificial Intelligence grant program, submitted to the Division of Research Programs.

6. Date: March 29, 2024.

This video meeting will discuss applications on the topics of Ethics and Trust, for the Humanities Research Centers on Artificial Intelligence grant program, submitted to the Division of Research Programs.

7. Date: March 29, 2024.

This video meeting will discuss applications on the topics of Ethics and Health Humanities, for the Humanities Research Centers on Artificial Intelligence grant program, submitted to the Division of Research Programs.

8. Date: April 2, 2024.

This video meeting will discuss applications on the topics of Collections and Access, for the Digital Humanities Advancement Grants program, submitted to the Office of the Digital Humanities.

9. Date: April 2, 2024.

This video meeting will discuss applications on the topics of Arts and Culture, for the Media Projects Production grant program, submitted to the Division of Public Programs.

10. Date: April 3, 2024.

This video meeting will discuss applications on the topic of Spatial and Computational Humanities, for the Digital Humanities Advancement Grants program, submitted to the Office of Digital Humanities.

11. Date: April 3, 2024.

This video meeting will discuss applications on the topic of World

History, for the Media Projects Production grant program, submitted to the Division of Public Programs.

12. Date: April 4, 2024.

This video meeting will discuss applications on the topic of U.S. History, for the Media Projects Production grant program, submitted to the Division of Public Programs.

13. Date: April 4, 2024.

This video meeting will discuss applications on the topics of Text Analysis and Languages, for the Digital Humanities Advancement Grants program, submitted to the Office of Digital Humanities.

14. Date: April 5, 2024.

This video meeting will discuss applications on the topic of Podcasts, for the Media Projects Production grant program, submitted to the Division of Public Programs.

15. Date: April 8, 2024.

This video meeting will discuss applications on the topics of Philosophy and Religion, for the Institutes for Higher Education Faculty grant program, submitted to the Division of Education Programs.

16. Date: April 8, 2024.

This video meeting will discuss applications on the topics of Digital Humanities and Media Studies, for the Institutes for Higher Education Faculty grant program, submitted to the Division of Education Programs.

17. Date: April 9, 2024.

This video meeting will discuss applications on the topic of World History, for the Media Projects Production grant program, submitted to the Division of Public Programs.

18. Date: April 9, 2024.

This video meeting will discuss applications on the topics of Place, Civics, and U.S. History, for the Landmarks of American History and Culture grant program, submitted to the Division of Education Programs.

19. Date: April 9, 2024.

This video meeting will discuss applications on the topics of Land, Rights, and Perspectives, for the Landmarks of American History and Culture grant program, submitted to the Division of Education Programs.

20. Date: April 10, 2024.

This video meeting will discuss applications on the topic of U.S. History, for the Public Humanities Projects: Exhibitions (Implementation) grant program, submitted to the Division of Public Programs.

21. Date: April 10, 2024.

This video meeting will discuss applications on the topics of Teaching and Learning, for the Institutes for Higher Education Faculty grant program, submitted to the Division of Education Programs.

22. Date: April 10, 2024.

This video meeting will discuss applications on the topics of Sites, Sounds, and the Environment, for the Landmarks of American History and Culture grant program, submitted to the Division of Education Programs.

23. Date: April 11, 2024.

This video meeting will discuss applications on the topic of World History, for the Institutes for K–12 Educators grant program, submitted to the Division of Education Programs.

24. Date: April 11, 2024.

This video meeting will discuss applications on the topic of U.S. History, for the Institutes for K–12 Educators grant program, submitted to the Division of Education Programs.

25. Date: April 11, 2024.

This video meeting will discuss applications on the topic of Place-based History, for the Public Humanities Projects: Exhibitions (Implementation) grant program, submitted to the Division of Public Programs.

26. Date: April 12, 2024.

This video meeting will discuss applications on the topics of Arts and Culture, for the Media Projects Production grant program, submitted to the Division of Public Programs.

27. Date: April 12, 2024.

This video meeting will discuss applications on the topic of U.S. History, for the Institutes for K–12 Educators grant program, submitted to the Division of Education Programs.

28. Date: April 15, 2024.

This video meeting will discuss applications on the topics of Material Culture and Diaspora Studies, for the Institutes for K–12 Educators grant program, submitted to the Division of Education Programs.

29. Date: April 15, 2024.

This video meeting will discuss applications on the topics of World Languages and Border Studies, for the Institutes for K–12 Educators grant program, submitted to the Division of Education Programs.

30. Date: April 16, 2024.

This video meeting will discuss applications on the topics of Religious Studies and Philosophy, for the Institutes for K–12 Educators grant program, submitted to the Division of Education Programs.

31. Date: April 16, 2024.

This video meeting will discuss applications on the topic of Asian Studies, for the Institutes for Higher Education Faculty grant program, submitted to the Division of Education Programs.

32. Date: April 16, 2024.

This video meeting will discuss applications on the topics of Arts and

Culture, for the Media Projects Production grant program, submitted to the Division of Public Programs.

33. Date: April 17, 2024.

This video meeting will discuss applications on the topics of Race, Place, and History, for the Landmarks of American History and Culture grant program, submitted to the Division of Education Programs.

34. Date: April 17, 2024.

This video meeting will discuss applications on the topic of English Language Arts, for the Institutes for K–12 Educators grant program, submitted to the Division of Education Programs.

35. Date: April 17, 2024.

This video meeting will discuss applications for the Public Humanities Projects: Humanities Discussions Grants program, submitted to the Division of Public Programs.

36. Date: April 18, 2024.

This video meeting will discuss applications on the topics of Migration, Belonging, and Place, for the Landmarks of American History and Culture grant program, submitted to the Division of Education Programs.

37. Date: April 18, 2024.

This video meeting will discuss applications on the topic of World History, for the Media Projects Production grant program, submitted to the Division of Public Programs.

38. Date: April 19, 2024.

This video meeting will discuss applications on the topic of U.S. History, for the Public Humanities Projects: Exhibitions (Implementation) grant program, submitted to the Division of Public Programs.

39. Date: April 19, 2024.

This video meeting will discuss applications for the Institutes for Advanced Topics in the Digital Humanities grant program, submitted to the Office of Digital Humanities.

40. Date: April 24, 2024.

This video meeting will discuss applications for the Institutes for Advanced Topics in the Digital Humanities grant program, submitted to the Office of Digital Humanities.

41. Date: April 25, 2024.

This video meeting will discuss applications on the topic of U.S. History, for the Media Projects Production grant program, submitted to the Division of Public Programs.

Because these meetings will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, the meetings will be closed to the public pursuant to sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S.C., as amended. I have made this determination pursuant to the authority

granted me by the Chair's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: March 8, 2024.

Jessica Graves,

Paralegal Specialist, National Endowment for the Humanities.

[FR Doc. 2024-05361 Filed 3-13-24; 8:45 am]

BILLING CODE 7536-01-P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meetings

TIME AND DATE: 3:00 p.m., Tuesday, March 26, 2024.

PLACE: 1255 Union Street NE, Suite 500, Washington, DC 20002.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audit Committee Board of Directors meeting.

The General Counsel of the Corporation has certified that in her opinion, one or more of the exemptions set forth in the Government in the Sunshine Act, 5 U.S.C. 552b(c)(2) permit closure of the following portion(s) of this meeting:

- Executive (Closed) Session

Agenda

- I. Call to Order
- II. Discussion Item: FY2023 External Audit—BDO
- III. Sunshine Act Approval of Executive (Closed) Session
- IV. Executive Session: Executive Session with External Auditors—BDO
- V. Executive Session: Special Topic
- VI. Executive Session: GAO Workplan Update
- VII. Executive Session: Chief Audit Executive Report
- VIII. Action Item: Approval of FY2023 External Audit and Recommendation to the Board
- IX. Action Item: Resolution of Recognition of Service for Board Member Rodney Hood
- X. Action Item: Quality Assurance and Improvement Program (QAIP) Policy Document
- XI. Action Item: Proposed Retirement Plan Audit Services Firm
- XII. Discussion Item: Internal Audit Status Reports
 - a. Bio of New Internal Audit VP Hire
 - b. Internal Audit Performance Scorecard
 - c. Implementation of Internal Audit Recommendations
 - d. Officers Report
- XIII. Management Reports

a. Network Watchlist Report

PORTIONS OPEN TO THE PUBLIC:

Everything except the Executive (Closed) Session.

PORTIONS CLOSED TO THE PUBLIC:

Executive (Closed) Session.

CONTACT PERSON FOR MORE INFORMATION:

Jenna Sylvester, Paralegal, (202) 568-2560; jsylvester@nw.org.

Jenna Sylvester,

Paralegal.

[FR Doc. 2024-05548 Filed 3-12-24; 11:15 am]

BILLING CODE 7570-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-610; NRC-2022-0167]

Abilene Christian University; Molten Salt Research Reactor; Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering whether to issue a construction permit (CP) to Abilene Christian University (ACU) to authorize the construction of a proposed non-power molten salt research reactor (MSRR). The MSRR would be an up to 1 megawatt-thermal, graphite moderated, fluoride salt flowing fluid (fuel dissolved in the salt) research reactor that would be located in the existing Gayle and Max Dillard Science and Engineering Research Center (SERC) building on the ACU campus in Abilene, Texas. The NRC has prepared this environmental assessment (EA) and finding of no significant impact (FONSI) that considers the impacts associated with issuing the CP. **DATES:** The EA and FONSI referenced in this document are available on March 14, 2024.

ADDRESSES: Please refer to Docket ID NRC-2022-0167 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2022-0167. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Patricia Vokoun, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-4067; email: Patricia.Vokoun@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

By application dated August 12, 2022, as supplemented by letters dated October 14, 2022, September 27, 2023, and November 14, 2023, ACU submitted, pursuant to section 104c of the Atomic Energy Act of 1954, as amended, and part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), "Domestic Licensing of Production and Utilization Facilities," a CP application for the MSRR. A notice of receipt and availability of the CP application was published in the **Federal Register** (FR) on October 14, 2022 (87 FR 62463). A notice of the acceptability for docketing of the CP application was published in the FR on November 28, 2022 (87 FR 73051) as was a January 31, 2023, notice of opportunity to request a hearing and petition for leave to intervene (88 FR 6319). The NRC has prepared an EA as part of its review of the CP application in accordance with the requirements of 10 CFR part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions." Based on the results of the EA, the NRC has determined not to prepare an environmental impact statement (EIS) and is issuing a FONSI.

II. Environmental Assessment

The NRC issuance of a CP would constitute an authorization for ACU to proceed with the construction of the MSRR in the existing SERC building on the ACU campus in Abilene, Texas. The need for the MSRR is to conduct research on molten salt reactor technology. This would help to further the research of ACU's Nuclear Energy eXperimental Testing Laboratory whose mission is to seek solutions to the world's need for energy, water, and medical isotopes by advancing the technology of molten salt reactors while educating future leaders in nuclear science and engineering. The MSRR would not produce electricity and would be the first university-based molten salt research reactor.

In the EA, the NRC staff assessed the potential direct and indirect environmental impacts from the proposed action associated with the following relevant resource areas: land use and visual resources; air quality and noise; hydrogeology and water resources; ecological resources; historic and cultural resources; socioeconomic and environmental justice; human health; nonradiological waste management; uranium fuel cycle and

radiological waste management; transportation of radioactive material; postulated accidents; and climate change. The NRC staff also considered the cumulative impacts from past, present, and reasonably foreseeable future actions when combined with the proposed action. The NRC staff identified alternatives to the proposed action and the environmental impacts of the alternatives as appropriate. The NRC staff determined that the environmental impacts of the proposed action would be SMALL for each potentially affected environmental resource, meaning that the environmental effects are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource. The NRC staff also determined that there are no alternatives that meet the need for the proposed action and that are environmentally preferable to the proposed action.

The issuance of a CP is a separate licensing action from the issuance of an operating license (OL). If the NRC issues a CP for the MSRR and ACU were to seek NRC approval to operate the MSRR, then ACU would have to submit a separate application for an OL pursuant to the NRC's regulations, and ACU would have to obtain NRC

approval before it could operate the MSRR. The NRC staff would review any application for an OL for the MSRR for new and significant information related to the environmental impacts of operating and decommissioning the MSRR that might alter the staff's conclusions made in the EA for the CP application.

III. Finding of No Significant Impact

As required by 10 CFR 51.21, "Criteria for and identification of licensing and regulatory actions requiring environmental assessments," the NRC prepared the EA. On the basis of the EA, the NRC concluded that the proposed action will not have a significant impact on the quality of the human environment. Accordingly, the NRC has determined, pursuant to 10 CFR 51.31, "Determinations based on environmental assessment," not to prepare an EIS for the proposed action.

IV. Availability of Documents

The following table identifies the EA and FONSI and related documents. The documents are available for public inspection online through ADAMS at <https://www.nrc.gov/reading-rm/adams.html> at the listed accession numbers.

Document description	Adams accession No.
Environmental Assessment for the Construction Permit Application for the Abilene Christian University Molten Salt Research Reactor, dated January 31, 2024.	ML23300A053.
Letter to NRC from ACU, Construction Permit Application Preliminary Safety Analysis Report Revision 1, dated November 14, 2023.	ML23319A094 (Package).
Email to NRC from ACU, Response Regarding Environmental Review Requests for Confirmatory Information—Closure Confirmation, dated September 27, 2023.	ML23271A020.
Clarification on Project #19599, Abilene Christian University Molten Salt Research Reactor Construction Permit Application, dated September 7, 2023.	ML23256A287.
Email Correspondence with Caitlin Brashear (Texas State Historic Preservation Officer) as of August 29, dated August 11, 2023.	ML23241A831.
Meeting Notes for June 28, 2023 ACU Call with Texas Historical Commission, dated August 16, 2023	ML23241A784.
Chitimacha Tribe of Louisiana Consultation Response, dated August 14, 2023	ML23241A793.
Texas Historical Commission Closure of Consultation, dated August 11, 2023	ML23241A819.
Texas Historical Commission Consultation Response and Request for Information, dated June 12, 2023	ML23241A826.
ACHP Consultation Response, Request for Information, dated June 12, 2023	ML23241A849.
Delaware Nation Consultation Response, dated June 12, 2023	ML23241A814.
Kickapoo Tribe Consultation Response, dated May 23, 2023	ML23241A817.
Caddo Nation of Oklahoma Consultation Response, dated May 16, 2023	ML23241A786.
Letter to Bobby Gonzalez, Chairman, Caddo Nation of Oklahoma, Re ACU Molten Salt Research Reactor Construction Permit Application, dated May 5, 2023.	ML23122A281.
Letter to Brad Killscrow, Chief, Delaware Tribe of Indians, Re ACU Molten Salt Research Reactor Construction Permit Application, dated May 5, 2023.	ML23122A282.
Letter to Debbie Dotson, President, Delaware Nation of Oklahoma, Re ACU Molten Salt Research Reactor Construction Permit Application, dated May 5, 2023.	ML23122A283.
Letter to Durell Cooper, Chairman, Apache Tribe of Oklahoma, Re ACU Molten Salt Research Reactor Construction Permit Application, dated May 5, 2023.	ML23122A284.
Letter to E. Michael Silvas, Governor, Ysleta del Sur Pueblo, Re ACU Molten Salt Research Reactor Construction Permit Application, dated May 5, 2023.	ML23122A285.
Letter to Juan Garza, Chairman, Kickapoo Tribe of Texas, Re ACU Molten Salt Research Reactor Construction Permit Application, dated May 5, 2023.	ML23122A286.
Letter to Reggie Wassana, Governor, Cheyenne and Arapaho Tribes of Oklahoma, Re ACU Molten Salt Research Reactor Construction Permit Application, dated May 5, 2023.	ML23122A287.
Letter to Russell Martin, President, Tonkawa Tribe of Indians of Oklahoma, Re ACU Molten Salt Research Reactor Construction Permit Application, dated May 5, 2023.	ML23122A288.
Letter to Terri Parton, President, Wichita and Affiliated Tribes of Oklahoma, Re ACU Molten Salt Research Reactor Construction Permit Application, dated May 5, 2023.	ML23122A289.

Document description	Adams accession No.
Letter to Ricky Sylestine, Chairman, Alabama-Coushatta Tribe of Texas, Re ACU Molten Salt Research Reactor Construction Permit Application, dated May 5, 2023.	ML23009B617.
Letter to NRC from ACU, Response to NRC Request for Supplemental Information, dated October 14 and October 20, 2022.	ML22293B816 (Package).
Letter to NRC from ACU, Submittal of Construction Permit Application for the Molten Salt Research Reactor, dated August 12, 2022.	ML22227A201 (Package).

Dated: March 11, 2024.

For the Nuclear Regulatory Commission.

Daniel Barnhurst,

*Chief, Environmental Project Management
Branch 3, Division of Rulemaking,
Environmental, and Financial Support, Office
of Nuclear Material Safety, and Safeguards.*

[FR Doc. 2024-05399 Filed 3-13-24; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72-10; NRC-2023-0155]

Northern States Power Company; Prairie Island Independent Spent Fuel Storage Installation; License Amendment Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) reviewed an application by Northern States Power Company (NSPM) for amendment of Special Nuclear Materials License No. SNM-2506 which authorizes NSPM to receive, possess, store, and transfer spent nuclear fuel and associated radioactive materials. The amendment request sought to revise the technical specifications (TS) for the Prairie Island Independent Spent Fuel Storage Installation (PI ISFSI) to allow use of a Code alternative as an option to the requirements of the 2004 Edition through 2006 Addenda of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (B&PV) Code, Section III, Division 1, Subsection NB, Paragraph NB-5130, by revising the TS to add the Code alternative to TS section 4.4, table 4.4-1, TN-40HT ASME Code Exceptions.

DATES: The license amendment was issued March 5, 2024.

ADDRESSES: Please refer to Docket ID NRC-2023-0155 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0155. Address

questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John-Chau Nguyen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-0262; email: John-Chau.Nguyen@nrc.gov.

SUPPLEMENTARY INFORMATION: The NRC received, by letter dated July 14, 2023 (ADAMS Accession No. ML23195A187), a license amendment application from NSPM, to amend Special Nuclear Materials License No. SNM-2506, which authorizes the storage of spent fuel at the PI ISFSI located in Welch, Minnesota. Specifically, the amendment sought to revise the TS to allow use of a Code alternative as an option to the requirements of the 2004 Edition through 2006 Addenda of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (B&PV) Code, Section III, Division 1, Subsection NB, Paragraph NB-5130, by

revising the TS to add the Code alternative to TS section 4.4, table 4.4-1, TN-40HT ASME Code Exceptions.

An NRC administrative completeness review, documented in a letter to NSPM dated August 24, 2023 (ADAMS Accession No. ML23234A135), found the application acceptable to begin a technical review. In accordance with section 72.16 of title 10 of the *Code of Federal Regulations* (10 CFR), a notice of docketing was published in the **Federal Register** on September 8, 2023 (88 FR 62108). The notice of docketing included an opportunity to request a hearing and to petition for leave to intervene. No requests for a hearing or petitions for leave to intervene were submitted.

The NRC prepared a safety evaluation report (SER) (ADAMS Accession No. ML24008A131) to document its review and evaluation of the amendment request. In addition, the NRC evaluated an assertion by NSPM that the amendment request satisfied the categorical exclusion criteria specified in 10 CFR 51.22(c)(11). Under 10 CFR 51.22(c)(11), a categorical exclusion is allowed for amendments to materials licenses which are administrative, organizational, or procedural in nature, or which result in a change to process operations or equipment, provided that (i) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, (ii) there is no significant increase in individual or cumulative occupational radiation exposure, (iii) there is no significant construction impact, and (iv) there is no significant increase in the potential for or consequences from radiological accidents. As explained in the SER, the NRC determined that the license amendment satisfied the 10 CFR 51.22(c)(11) categorical exclusion criteria. Consequently, an environmental assessment and finding of no significant impact are not required.

Upon completing its review, the NRC staff determined that the request complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), as well as the NRC's rules and regulations. The Commission has made appropriate

findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. The NRC approved and issued Amendment No. 12 to Special Nuclear Materials License No. SNM-2506 (ML24008A130), held by NSPM for the receipt, possession, transfer, and storage of spent fuel and associated radioactive materials at the PI ISFSI. Pursuant to 10 CFR 72.46(d), the NRC is providing notice of the action taken. Amendment No. 12 was effective as of the date of issuance, March 5, 2024.

Dated: March 11, 2024.

For the Nuclear Regulatory Commission.

Yaira K. Diaz-Sanabria,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2024-05409 Filed 3-13-24; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

714th Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232(b)), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on April 3-4, 2024. The Committee will be conducting meetings that will include some Members being physically present at the NRC while other Members participate remotely. Interested members of the public are encouraged to participate remotely in any open sessions via MS Teams or via phone at 301-576-2978, passcode 678949385#. A more detailed agenda including the MSTeams link may be found at the ACRS public website at <https://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/index.html>. If you would like the MSTeams link forwarded to you, please contact the Designated Federal Officer (DFO) as follows: Quynh.Nguyen@nrc.gov, or Lawrence.Burkhart@nrc.gov.

Wednesday, April 3, 2024

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chair (Open)—The ACRS Chair will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–3:30 p.m.: Research Topic—Non-Light Water Reactor Code Development (Open)—The Committee will have presentations and discussion with the NRC staff regarding the subject topic.

3:30 p.m.–6:00 p.m.: NuScale Standard Design Approval Application Topics (Open/Closed)—The Committee will have presentations and discussion with the NRC staff and NuScale regarding the subject topic. [Note: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Thursday, April 4, 2024

8:30 a.m.–6:00 p.m.: Planning and Procedures Session/Future ACRS Activities/Reconciliation of ACRS Comments and Recommendations/Preparation of Reports (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings, and/or proceed to preparation of reports as determined by the Chair. [NOTE: Pursuant to 5 U.S.C. 552b(c)(2), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS.]

[Note: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on June 13, 2019 (84 FR 27662). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the DFO (Telephone: 301-415-5844, Email: Quynh.Nguyen@nrc.gov), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chair as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the cognizant ACRS staff at least one day before the meeting.

In accordance with Subsection 10(d) of Public Law 92-463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of

the meeting as determined by the Chair. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at pdr.resource@nrc.gov, or by calling the PDR at 1-800-397-4209, or from the Publicly Available Records System component of NRC's Agencywide Documents Access and Management System, which is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html> or <https://www.nrc.gov/reading-rm/doc-collections/#ACRS/>.

Dated: March 11, 2024.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2024-05402 Filed 3-13-24; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024-203 and CP2024-209; MC2024-204 and CP2024-210; MC2024-205 and CP2024-211]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 18, 2024.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The

request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s)*: MC2024–203 and CP2024–209; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 50 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: March 8, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Samuel Robinson; *Comments Due*: March 18, 2024.

2. *Docket No(s)*: MC2024–204 and CP2024–210; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground

Advantage Contract 198 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: March 8, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Samuel Robinson; *Comments Due*: March 18, 2024.

3. *Docket No(s)*: MC2024–205 and CP2024–211; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 199 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: March 8, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Samuel Robinson; *Comments Due*: March 18, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2024–05457 Filed 3–13–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 14, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 5, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 197 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–202, CP2024–208.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–05374 Filed 3–13–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 14, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 8, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 199 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–205, CP2024–211.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–05388 Filed 3–13–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 14, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 5, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 49 to Competitive Product List*. Documents

¹ See Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

are available at www.prc.gov, Docket Nos. MC2024–201, CP2024–207.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–05378 Filed 3–13–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 14, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 47 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–199, CP2024–205.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–05376 Filed 3–13–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 14, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby

gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 26, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 193 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–195, CP2024–201.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–05382 Filed 3–13–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 14, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 48 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–200, CP2024–206.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–05377 Filed 3–13–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 14, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 28, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 195 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–197, CP2024–203.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–05372 Filed 3–13–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 14, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 196 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–198, CP2024–204.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–05373 Filed 3–13–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 14, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 8, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 198 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-204, CP2024-210.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-05375 Filed 3-13-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 14, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 27, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 194 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-196, CP2024-202.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-05383 Filed 3-13-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 14, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 8, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 50 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-203, CP2024-209.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-05379 Filed 3-13-24; 8:45 am]

BILLING CODE 7710-12-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-625 OMB Control No. 3235-0686]

Proposed Collection; Comment Request; Extension: Implementing the Whistleblower Provisions of Section 21F of the Securities

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

Exchange Act of 1934—Form WB-APP

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (“PRA”), the Securities and Exchange Commission (“Commission”) is soliciting comments on the collection of information summarized below. The Commission plans to submit an extension for this current collection of information to the Office of Management and Budget for approval.

In Release No. 34-64545,¹ the Commission adopted rules (“Rules”) and forms to implement Section 21F of the Securities Exchange Act of 1934 entitled “Securities Whistleblower Incentives and Protection,” which was created by Section 922 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”).²

The Rules describe the whistleblower program that the Commission has established pursuant to the Dodd-Frank Act which requires the Commission to pay an award, subject to certain limitations and conditions, to whistleblowers who voluntarily provide the Commission with original information about a violation of the Federal securities laws that leads to the successful enforcement of a covered judicial or administrative action, or of a related action. The Rules define certain terms critical to the operation of the whistleblower program, outline the procedures for applying for awards and the Commission’s procedures for making decisions on claims, and generally explain the scope of the whistleblower program to the public and to potential whistleblowers.

Form WB-APP is a form that is submitted by whistleblowers filing a claim for a whistleblower award. Form WB-APP is required for application for an award under the Rules. On December 4, 2020, the Commission approved an updated version of the WB-APP in accordance with its amended rules.³ The updated WB-APP removed the requirement for the filer to submit their Social Security Number and modified the order of the questions on the form. Although a new question has been added to the form, there have been no substantive changes made to the WB-APP since that approval. The Commission estimates that it takes a whistleblower, on average, two hours to complete Form WB-APP. The completion time depends largely on the complexity of the alleged violation and the amount of information the whistleblower possesses in support of his or her application for an award. Based on the receipt of approximately 192 submissions on average for the past eight fiscal years, the Commission estimates that the total annual PRA burden of Form WB-APP is 384 hours. Written comments are invited on: (a) Whether this collection of information

¹ Implementation of the Whistleblower Provisions of Section 21F of the Securities Exchange Act of 1934, Release No. 34-64545; File No. S7-33-10 (adopted May 25, 2011).

² Public Law 111-203, 922(a), 124 Stat 1841 (2010).

³ SEC Release 34-89963, 2020 WL 5763381, 85 FR 70898 (Nov. 5, 2020).

is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by May 13, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street, NE, Washington, DC 20549, or send an email to: PRA_Mailbox@sec.gov.

Dated: March 8, 2024.

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2024-05380 Filed 3-13-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-99701; File No. SR-OCC-2024-002]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Granting Proposed Rule Change Concerning Amendments to The Options Clearing Corporation's Rules, By-Laws, and Certain Clearing Member Documents

March 8, 2024.

I. Introduction

On January 10, 2024, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change SR-OCC-2024-002 pursuant to Section 19(b) of the Securities Exchange Act of 1934 ("Exchange Act")¹ and Rule 19b-4² thereunder. The proposed rule change would amend the OCC Rules, By-Laws, and certain Clearing Member documents³ in connection with the

recent amendments adopted by the Commission to Rule 15c6-1(a)⁴ under the Exchange Act. The proposed rule change was published for public comment in the **Federal Register** on January 25, 2024.⁵ The Commission has received no comments regarding the proposed rule change. This order approves the proposed rule change (hereinafter defined as "Proposed Rule Change").

II. Background

OCC is the sole clearing agency for standardized equity options listed on national securities exchanges registered with the Commission, including options that contemplate the physical delivery of equities cleared by the National Securities Clearing Corporation ("NSCC") in exchange for cash ("physically settled" options).⁶ The standard settlement cycle for most such equities is two business days after the trade date (T+2). On February 15, 2023, the Commission adopted amendments to Rule 15c6-1(a) to shorten the standard settlement cycle for most broker-dealer transactions to one business day after the trade date (T+1).⁷ OCC proposes three categories of changes in connection with the shortening of the settlement cycle, all of which OCC intends to implement on May 28, 2024, which is the compliance date regarding the amendments to Rule 15c6-1(a). First, OCC is proposing timing changes to certain internal processes to ensure those processes are completed in a timeframe that will accommodate a T+1 standard settlement cycle. Where necessary, OCC also is making conforming changes to its internal documentation for these and other processes to ensure that they too reflect and are consistent with a T+1 standard settlement cycle. Second, OCC is proposing to amend its rules to eliminate the possibility of late exercise. This is because the relevant processing

relationship between OCC and each Clearing Member. See Exchange Act Release No. 73577 (Nov. 12, 2014), 79 FR 68733 (Nov. 18, 2014) (File No. SR-OCC-2014-020).

⁴ 17 CFR 240.15c6-1(a).

⁵ Securities Exchange Act Release No. 34-99392 (January 25, 2024), 89 FR 5069 (Jan. 19, 2024) (File No. SR-OCC-2024-002) ("Notice of Filing").

⁶ The term "physically-settled" as used throughout the OCC Rulebook refers to cleared contracts that settle into their underlying interest (i.e., options or futures contracts that are not cash-settled). When a contract settles into its underlying interest, shares of stock are sent (i.e., delivered) to contract holders who have the right to receive the shares from contract holders who are obligated to deliver the shares at the time of exercise/assignment in the case of an option and maturity in the case of a future.

⁷ See Securities Exchange Act Release No. 96930 (Feb. 15, 2023), 88 FR 13872 (Mar. 6, 2023) (File No. S7-05-22).

and other timelines necessary to accommodate a T+1 standard settlement cycle are too compressed to allow OCC to accommodate late exercise.

A. Timeframe Changes

OCC proposes changes regarding settlement timing both through NSCC and on a broker-to-broker basis as well as in OCC's stock loan programs. Regarding transactions settling through NSCC, for example, OCC proposes to limit the authority of its officers to extend or postpone settlement to no more than *one* business day (as opposed to *two* business days) under OCC's Rule 901. For transaction settling on a broker-to-broker basis, OCC proposes changing the delivery date for physically-settled options under OCC Rule 903 from the "second" to the "first" business day following exercise.⁸ OCC also proposes similar changes to the rules governing its stock loan programs.⁹

Separately, OCC proposes changes regarding Clearing Member appointments, escrow deposits, and Treasuries. OCC proposes to change the timing of appointments that must occur following execution, but prior to settlement, such as when a Canadian Clearing Member appointments CDS Clearing and Depository Services Inc. to act on the member's behalf with respect to the settlement of exercised or matured cleared securities in its accounts through NSCC.¹⁰ OCC also proposes streamlining changes, such as replacing references to the specific business day for release of certain escrows deposits with a reference to OCC's Operations Manual.¹¹ Finally, OCC proposes to revise Rule 1302 concerning the delivery of underlying securities and Rule 1302B concerning the delivery of underlying Treasury securities. Specifically, in these two rules, OCC proposes to update references from the "second" business day to the "first" business day with respect to applicable deadlines specified.

To align the rest of OCC's Rules, By-Laws, and Clearing Member documents to the T+1 settlement cycle, OCC is

⁸ OCC proposes similar changes related to the timing of settlement for other relevant contracts, such as futures contracts and stock loan transactions.

⁹ Such changes would update the timing termination (under Article XXI, Section 2(c) of OCC's By-Laws as well as OCC Rule 2209A(d)) and the failure of a recall transaction (under OCC Rule 2209A(a)(3)).

¹⁰ Such changes include changes both to OCC's public rulebook (e.g., OCC Rule 901(f)) as well as related documents, such as OCC's "Appointment of CDS—Stock Settlement Form."

¹¹ The Operations Manual would state that this release of collateral would occur on the next business day following the expiration date.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The Clearing Member documents consist of contracts and forms, that in conjunction with OCC's By-Laws and Rules, establish and govern the

proposing to change the timeframes in its documents that are related to the current T+2 standard settlement cycle by changing all references to “T+2” to “T+1.” As noted in the Notice of Filing, OCC proposes to change various sections of its rule book that relate to the current T+2 settlement cycle.¹²

B. Provisions Related to Late Exercise

The underlying equity securities for physically-settled options and futures cleared by OCC are cleared and settled by the National Securities Clearing Corporation (“NSCC”). As a result, the exercise and assignment of such physically-settled options and futures cleared by OCC effectively results in stock settlement obligations to be cleared by NSCC (“E&A Activity”). NSCC and OCC maintain a legal agreement, generally referred to by the parties as the “Accord,” that governs the processing of E&A Activity.¹³

OCC’s current rules require Clearing Members to submit exercise notices,¹⁴ but also provide a process for late exercise notices.¹⁵ The late exercise notice process does not support routine operations, but instead is intended for extenuating circumstances.¹⁶ Such rules set out deadlines by which late exercises must be received by OCC and subject Clearing Members to, among other things, potential disciplinary actions and liabilities for late filing fees.¹⁷

As indicated by OCC in the Notice, reducing the standard settlement time to T+1 will reduce the time available to OCC and NSCC to transmit information and perform operational and risk management steps associated with the processing of E&A Activity under the Accord.¹⁸ Further, although OCC’s current rules contemplate the possibility that a Clearing Member could submit a late exercise notice, the transition to a T+1 settlement cycle would require settlement activity from a late exercise to be sent to NSCC for same-day settlement, which would be inconsistent with the Accord.¹⁹ As a result of these operational challenges, OCC is

proposing to no longer accommodate late exercises after the move to T+1.²⁰

In connection with this change, OCC is proposing to remove language in Rule 801 that requires a Clearing Member to prepare and preserve a memorandum describing the error that gave rise to a late filing. Similarly, in Rule 805, OCC is proposing to remove language that allows Clearing Members to file late exercise notices subject to a final deadline for submission. OCC would continue to allow members to correct bona fide errors; however, under the proposed rules, such corrections must be made prior to daily processing timelines.²¹

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Exchange Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to such organization.²² Under the Commission’s Rules of Practice, the “burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization [‘SRO’] that proposed the rule change.”²³ The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,²⁴ and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.²⁵ Moreover, “unquestioning reliance” on an SRO’s representations in a proposed

rule change is not sufficient to justify Commission approval of a proposed rule change.²⁶

After carefully considering the proposed rule change, the Commission finds that the proposal is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to OCC. More specifically, the Commission finds that the proposal is consistent with Section 17A(b)(3)(F) of the Exchange Act,²⁷ and Rule 17Ad-22(e)(1)²⁸ thereunder as described in detail below.

A. Consistency With Section 17A(b)(3)(F) of the Exchange Act

Section 17A(b)(3)(F) of the Exchange Act requires, among other things, that a clearing agency’s rules are designed to promote the prompt and accurate clearance and settlement of securities transactions and to foster cooperation and coordination between persons engaged in the clearance and settlement of securities transactions.²⁹ Based on its review of the record, and for the reasons described below, the changes described above are consistent with fostering cooperation and coordination between with persons engaged in the clearance and settlement of securities transactions.

OCC clears both securities options listed on Commission-registered national securities exchanges as well as futures for which such securities are the underliers. Such listed options and futures may result in the physical delivery of equities. OCC’s rules describe the timing and process for effecting such settlement either through facilities of NSCC or on a broker-to-broker basis. Similarly, OCC’s rules contemplate the clearance and settlement of stock loan transactions, also involving the physical delivery of equities. As described above, OCC proposes changes to its rules governing such processes to align with the shortening of the settlement cycle for most broker-dealer transactions. Further, as described in the Notice of Filing, OCC proposes to implement such changes by May 28, 2024, which is the compliance date regarding the amendments to Rule 15c6-1(a).³⁰ Such changes would support coordination with industry participants engaged in the clearance and settlement of securities transactions both in terms of

¹² See Notice of Filing, 89 FR at 5071 (listing the following rules to be revised OCC Rule 901, OCC Rule 903, OCC Rule 1302, OCC Rule 1302B, OCC Rule 1503, OCC Rule 2201, OCC Rule 2208, OCC Rule 2209A, OCC Rule 2502 as well as Article XXI of OCC’s By-Laws).

¹³ See Notice of Filing, 89 FR at 5071.

¹⁴ See OCC Rules 801 and 805.

¹⁵ *Id.*

¹⁶ See Notice of Filing, 89 FR at 5071.

¹⁷ *Id.*

¹⁸ See Notice of Filing, 89 FR at 5071.

¹⁹ However, OCC would continue to maintain deadlines for receiving exercise notices. See Notice of Filing, 89 FR at 5069.

²⁰ More specifically, the timing of late-exercise activity would not allow for the transfer of the settlement guaranty between OCC and NSCC. Settlement activity resulting from a late exercise would need to be sent to NSCC for same-day settlement; however, same-day settlement is not supported by the Accord, which would result in late-exercise activity not being guaranteed by NSCC. Further changes to the Accord would be necessary to allow for same-day settlement, which are not currently contemplated between OCC and NSCC. See Securities Exchange Act Release No. 99426 (January 30, 2024), 89 FR 5974 (January 24, 2024) (File No. SR-OCC-2023-007).

²¹ See Notice of Filing, 89 FR at 5071 n.24.

²² 15 U.S.C. 78s(b)(2)(C).

²³ Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Susquehanna Int’l Group, LLP v. Securities and Exchange Commission*, 866 F.3d 442, 447 (D.C. Cir. 2017) (“*Susquehanna*”).

²⁷ 15 U.S.C. 78q-1(b)(3)(F).

²⁸ 17 CFR 240.17Ad-22(e)(1).

²⁹ 15 U.S.C. 78q-1(b)(3)(F).

³⁰ See Notice of Filing, 89 FR at 5073.

substance and timing of implementation.

As described above, OCC has asserted that the processes required to effect settlement on a T+1 basis would also impact OCC's current late exercise processes. Unlike the other changes, however, a T+1 settlement cycle would provide insufficient time to accommodate OCC's late exercise processes. To avoid operational challenges and inconsistencies with the Accord, OCC proposes to remove the late exercise process entirely from its rules while continuing to allow members to correct bona fide errors within daily processing deadlines. Additionally, as noted in the Notice of Filing, OCC's current late exercise processing does not support routine operations, but rather, is intended only for extenuating circumstances and may carry with it a fine.³¹ Removal of the process for late exercise, therefore, would not disrupt OCC's routine clearance and settlement processes. OCC's proposed removal of its late exercise processes, as part of the move to a shortened settlement cycle, would, therefore, promote the prompt and accurate clearance and settlement of securities transactions by avoiding the potential delays that would be caused by allowing late exercises.

Accordingly, the changes proposed to accommodate a shortened settlement cycle are consistent with the requirements of Section 17A(b)(3)(F) of the Exchange Act.³²

B. Consistency With Rule 17Ad-22(e)(1) Under the Exchange Act

Rule 17Ad-22(e)(1) under the Exchange Act requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions.³³ In adopting Rule 17Ad-22(e)(1), the Commission provided guidance that a covered clearing agency generally should consider in establishing and maintaining policies and procedures that address legal risk.³⁴ The Commission stated that a covered clearing agency should consider, *inter alia*, whether its contracts are consistent with relevant laws and regulations.³⁵

On February 15, 2023, the Commission adopted a final rule to shorten the standard settlement cycle for most broker-dealer transactions from two business days after the trade date to one business day after the trade date.³⁶ As described above, the proposed changes are designed to ensure that OCC's processes and Rules and other documentation are both consistent with and accommodate a T+1 standard settlement cycle. The proposed changes are, therefore, consistent with the rules and regulations applicable to OCC, and, as a result, will provide a well-founded legal basis for OCC's continued operations after the transition to a T+1 standard settlement cycle. The proposed changes are, accordingly, consistent with the requirements of Rule 17Ad-22(e)(1) under the Exchange Act.³⁷

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Exchange Act, and in particular, the requirements of Section 17A of the Exchange Act³⁸ and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,³⁹ that the proposed rule change (SR-OCC-2024-002), hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴⁰

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2024-05368 Filed 3-13-24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-99699; File No. SR-MEMX-2024-08]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule

March 8, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the

"Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that, on February 29, 2024, MEMX LLC ("MEMX" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend the Exchange's fee schedule applicable to Members³ and non-Members⁴ of the Exchange (the "Fee Schedule") pursuant to Exchange Rules 15.1(a) and (c) to implement a waiver of application session fees solely related to participation on the Exchange's platform for trading equity options, MEMX Options, until March 31, 2024. The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal on March 1, 2024. The text of the proposed rule change is provided in Exhibit 5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Fee Schedule to

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Exchange Rule 1.5(p).

⁴ Types of market participants that obtain connectivity services from the Exchange but are not Members include service bureaus and extranets. Service bureaus offer technology-based services to other companies for a fee, including order entry services to Members, and thus, may access application sessions on behalf of one or more Members. Extranets offer physical connectivity services to Members and non-Members.

³¹ See Notice of Filing, 89 FR at 5071.

³² 15 U.S.C. 78q-1(b)(3)(F).

³³ 17 CFR 240.17Ad-22(e)(1).

³⁴ See Securities Exchange Act Release No. 78961 (Sept. 28, 2016), 81 FR 70786, 70802 (Oct. 13, 2016) (S7-03-14).

³⁵ See *id.*

³⁶ See Securities Exchange Act Release No. 96930 (Feb. 15, 2023), 88 FR 13872 (Mar. 6, 2023) (File No. S7-05-22).

³⁷ 17 CFR 240.17Ad-22(e)(1).

³⁸ In approving this proposed rule change, the Commission has considered the proposed rules' impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

³⁹ 15 U.S.C. 78s(b)(2).

⁴⁰ 17 CFR 200.30-3(a)(12).

implement a waiver of application session fees solely related to participation on the Exchange's platform for trading equity options, MEMX Options, until March 31, 2024. The Exchange notes that the proposed change does not amend any existing fee or rebate for equities or options transactions, market data or connectivity fees. The sole change proposed herein is to extend the timeframe during which the Exchange will waive Options application session fees for new Members and non-Members of the Exchange, as further described below.

MEMX currently has a waiver in place, the "Options Connectivity Fee Waiver", which is set to expire on February 29, 2024.⁵ Under the current Options Connectivity Fee Waiver, fees charged to Members and Non-Members for physical connectivity to MEMX Options⁶ and for application sessions (otherwise known as "logical ports") utilized in connection with participation on MEMX Options would not be assessed until March 1, 2024. Specifically, the physical connectivity fees are \$6,000 per month for a physical connection in the data center where the Exchange primarily operates under normal market conditions ("Primary Data Center"), and \$3,000 per month for a physical connection at the geographically diverse data center, which is operated for backup and disaster recovery purposes ("Secondary Data Center"), and the application session fees are \$450 per month for an application session used for order entry ("Order Entry Port") and \$450 per month for an application session for receipt of drop copies ("Drop Copy Port"), to the extent such ports are in the Primary Data Center.

The Exchange believes that the existing Options Connectivity Waiver has been effective in incentivizing options market participants to join MEMX Options. MEMX Options launched in September of 2023, and has been conducting a staged rollout of options available for trading on the Exchange since that time. The Exchange's rollout completed on February 27, 2024, and given the impending expiration of the Options Connectivity Fee Waiver, the Exchange

is proposing to implement a new waiver, in which it will waive application session fees (but not physical connectivity fees) until March 31, 2024 (the "Options Application Session Fee Waiver").

Under the proposed Options Application Session Fee Waiver, applicable Options application session fees of \$450 per month for each Order Entry Port and Drop Copy Port in the Exchange's Primary Data Center will be assessed to Members and non-Members beginning April 1, 2024. The Exchange believes that it is appropriate to continue to waive application session fees solely used for Options for an additional month due to the recent completion of the phased underlying symbol rollout. Given the fact that application sessions are generally added and removed on a more fluid basis, the Exchange wishes to offer new participants on the Exchange more time to determine the appropriate amount of application sessions required to conduct their business on the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,⁷ in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,⁸ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes it is reasonable to waive application session fees solely related to participation on MEMX Options for new and existing Members and non-Members of the Exchange because the proposal continues to provide an incentive for options trading firms to apply for Exchange membership. Further, the Exchange has determined that a waiver of application session fees only is appropriate because in general, the number of physical connections used by Members and non-Members fluctuates less than the number of application sessions, which are added or discontinued on a more frequent basis depending on the participant's business model. Given that the Exchange has very recently completed the final phase of the underlying symbol rollout on MEMX Options, the Exchange would like to provide additional time for participants to determine the appropriate amount of application sessions necessary for their

options trading free of charge. The Exchange believes that providing this opportunity for a limited period of time enables it to improve its overall competitiveness and strengthen its market quality for all market participants.

In addition, the Exchange believes that the proposed Options Application Session Fee Waiver is equitable and not unfairly discriminatory in that it will apply uniformly to all Members and non-Members of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed change would encourage market participants who have not already done so to join the Exchange, in addition to providing existing participants additional time to potentially modify their number of application sessions in order to optimize their activities on MEMX Options. As a result, the Exchange believes that the Options Application Session Fee Waiver will enhance the competitiveness of MEMX Options as a new exchange. For these reasons, the Exchange believes that the proposal furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes "more efficient pricing of individual stocks for all types of orders, large and small."⁹

Intramarket Competition

As discussed above, the Exchange believes that the proposal would encourage new participants to apply for Exchange membership, thereby enhancing liquidity and market quality on the Exchange, as well as enhancing the attractiveness of the Exchange as a trading venue, which the Exchange believes, in turn, would continue to encourage market participants to direct additional order flow to the Exchange.

The Exchange does not believe that the proposed changes would impose any burden on intramarket competition because such changes will incentivize new participants to join the Exchange and provide an added benefit to Members and non-Members already connected to MEMX Options. For the foregoing reasons, the Exchange believes the proposed changes would not impose

⁵ See SR-MEMX-2024-05, available at: <https://info.memxtrading.com/sr-memx-2024-05-proposed-change-to-amend-the-exchanges-fee-schedule/>.

⁶ Physical connections may be used to access both MEMX equities and options platforms, as such, the Exchange internally verifies whether new connections are being used solely for Options connections in order to determine whether such connection qualifies for the Options Connectivity Fee Waiver.

⁷ 15 U.S.C. 78f.

⁸ 15 U.S.C. 78f(b)(4) and (5).

⁹ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

As described above, the proposed Options Application Session Fee Waiver will allow current Members and non-Members added flexibility and time in determining the appropriate number of application sessions they wish to purchase in order to participate on the Exchange. Accordingly, the Exchange believes the proposal would not burden, but rather promote, intermarket competition by enabling it to better compete with other options exchanges following the recent completion of the final phased rollout on MEMX Options.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)¹⁰ of the Act and subparagraph (f)(2) of Rule 19b-4¹¹ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹² of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-MEMX-2024-08 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-MEMX-2024-08. This file number should be included on the subject line if email is used. To help the 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 (<https://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 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-MEMX-2024-08 and should be submitted on or before April 4, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2024-05366 Filed 3-13-24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-99700; File No. SR-MEMX-2024-09]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 21.17(e)

March 8, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that, on February 29, 2024, MEMX LLC ("MEMX" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend Exchange Rule 21.17(e) to modify the manner in which the Exchange's System will handle Market Orders received in an option series after it is open for trading with a National Best Bid ("NBB") of zero. The text of the proposed rule change is provided in Exhibit 5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4.

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 17 CFR 240.19b-4(f)(2).

¹² 15 U.S.C. 78s(b)(2)(B).

¹³ 17 CFR 200.30-3(a)(12).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 21.17(e) regarding the description of how the System⁵ handles a Market Order⁶ when there is no bid against which the order may execute. Currently, Rule 21.17(e)(1)(A) states that if the System receives a sell Market Order in a series after it is open for trading with an NBB of zero, if the National Best Offer ("NBO") in the series is less than or equal to \$0.50, then the System converts the Market Order to a Limit Order with a limit price equal to the minimum *trading* (emphasis added) increment applicable to the series and enters the order into the MEMX Options Book with a timestamp based on the time it enters the book. The Exchange proposes to modify this provision of the rule to state that if the System receives a sell Market Order in a series after it is open for trading with an NBB of zero, if the NBO in the series is less than or equal to \$0.50, then the System converts the Market Order to a Limit Order with a limit price equal to the minimum *quoting* (emphasis added) increment applicable to the series and enters the order into the MEMX Options Book with a timestamp based on the time it enters the book. The Exchange is not proposing to change any other provisions of Rule 21.17(e).

The proposed rule change maintains the functionality of converting a Market Order to a Limit Order in an options series with an NBB of zero, (if the NBO is less than or equal to \$0.50), but in a manner consistent with the Exchange's minimum quoting increments for options on the Exchange, which are set forth under Rule 21.5(a). Specifically, under Rule 21.5(a), the minimum quoting increments for options contracts traded on MEMX Options are: (1) if the options series is trading at less than \$3.00, five (5) cents; (2) if the options series is trading at \$3.00 or higher, ten (10) cents; and (3) if the options series is trading pursuant to the Penny Interval Program one (1) cent if the options series is trading at less than \$3.00, five (5) cents if the options series is trading at \$3.00 or higher, unless for QQQ, SPY, or IWM where the minimum quoting

increment will be one cent for all series regardless of price.

As previously stated, currently, if a Member enters a Market Order to sell in an options series with an NBB of zero, if the NBO is less than or equal to \$0.50, Rule 21.17(e) provides that the System will convert this Market Order to a Limit Order to sell with a limit price that is equal to the minimum trading increment for all options series, which per Rule 21.5(b), is \$0.01. While Rule 21.5(b) permits *trading* in all options series at \$0.01 intervals, Rule 21.5(a) above does not permit *quoting* at \$0.01 intervals in all options series, as any options series not trading pursuant to the Penny Interval Program have minimum quoting increments of either \$0.05 or \$0.10 depending on the price at which the option is trading. Given this inconsistency, the Exchange is proposing to modify Rule 21.17(e)(1)(A) so that the System will convert a Market Order to sell in an options series with an NBB of zero and an NBO that is less than or equal to \$0.50 to a Limit Order to sell with a limit price that conforms with the minimum quoting increments under Rule 21.5(a) (*i.e.*, the minimum quoting requirement applicable to the series). The Exchange notes that the System currently operates consistent with the modified Rule as described above, namely, by converting a Market Order to sell in an options series with an NBB of zero and an NBO that is less than or equal to \$0.50 to a Limit Order to sell with a limit price that conforms with the minimum quoting increments, rather than at a price that could contradict the quoting increments set forth in Rule 21.15.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁸ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the Exchange believes the proposed rule change regarding the handling of sell Market Orders in no-bid

series assists with the maintenance of fair and orderly markets and protects investors and the public interest because it eliminates the potential conflict that exists within Rule 21.17(e) and the Exchange's minimum quoting increments under Rule 21.5(a). The proposal considers the fact that there are certain instances in which an options series cannot quote at the minimum trading increment, and as such, modifies the rule such that the System will not convert a Market Order to a Limit Order with a limit price at which it cannot quote. The Exchange believes that its proposal is consistent with the Act because it is in the interest of market participants to have orders entered into the MEMX Options book with limit prices that conform with the minimum quoting increments defined under Rule 21.5(a), whether that price is equal to the minimum trading increment of \$0.01 or higher based on the specific options series.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. More specifically, the Exchange does not believe that the proposed rule change will impose any burden on intramarket competition because it will be applicable to all Members trading on the Exchange. In addition, the Exchange does not believe that the proposed change will impose any intermarket burden because the Exchange will provide the same type of functionality related to the conversion of sell side Market Orders in no-bid options as other exchanges, but will convert those Market Orders to Limit Orders with limit prices that conform with its Rules in all instances.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii)⁹ of the Act and Rule 19b-4(f)(6) thereunder¹⁰ in that it

⁵ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁰ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief

⁵ The Exchange's Rule 16.1 defines the terms "Trading System" and "System" as the automated trading system used by MEMX Options for the trading of options contracts.

⁶ A Market Order is an order to buy or sell at the best price available at the time of execution. See Rule 21.1(d)(2).

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

effects a change that: (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.

A proposed rule change filed under Rule 19b-4(f)(6) normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(ii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay contained in Rule 19b-4(f)(6)(iii).¹¹ The Exchange stated that waiver of the 30-day operative delay will permit the Exchange to immediately correct this rule in a manner that does not conflict with its Rules. The Commission believes that the correction of this typographical error does not raise any novel issues and that waiver of the 30-day operative delay to correct the error promptly to ensure MEMX's rules reflect how the System currently operates is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.¹²

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹¹ 17 CFR 240.19b-4(f)(6)(iii).

¹² For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-MEMX-2024-09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-MEMX-2024-09. This file number should be included on the subject line if email is used. To help the 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 (<https://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 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-MEMX-2024-09 and should be submitted on or before April 4, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024-05367 Filed 3-13-24; 8:45 am]

BILLING CODE 8011-01-P

¹³ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-99696; File No. SR-FINRA-2023-010]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving a Proposed Rule Change To Provide Relief Relating to Specified Option Transactions Under FINRA Rule 4210 (Margin Requirements)

March 8, 2024.

I. Introduction

On June 30, 2023, the Financial Industry Regulatory Authority, Inc. ("FINRA") filed with the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 19(b)(1) of the Securities and Exchange Act of 1934 ("Exchange Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend FINRA Rule 4210 (Margin Requirements) to provide margin relief for specified index option transactions, known as "protected options," and to make other minor conforming revisions with regard to the margin relief. The proposed rule change was published for comment in the **Federal Register** on July 19, 2023.³ On August 31, 2023, FINRA extended the time period in which the Commission must approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to October 17, 2023.⁴ On September 28, 2023, the Commission published an order instituting proceedings to determine whether to approve or disapprove the proposed rule change.⁵ On January 9, 2024, the Commission designated a longer period for Commission action on the proposed rule change.⁶ The Commission received comment letters on the proposed rule change.⁷ This order approves the proposed rule change.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Exchange Act Release No. 97898 (July 13, 2023), 88 FR 46204 ("Notice").

⁴ See Letter from Adam Arkel, Associate General Counsel, FINRA, to Sheila Swartz, Division of Trading and Markets, Commission (Aug. 31, 2023).

⁵ See Exchange Act Release No. 98628 (Sept. 28, 2023), 88 FR 68855 (Oct. 4, 2023).

⁶ See Exchange Act Release No. 99304, 89 FR 2659 (Jan. 16, 2024). The Commission designated March 15, 2024, as the date by which the Commission shall approve or disapprove the proposed rule change.

⁷ All comments received on the proposed rule change are available at <https://www.sec.gov/comments/sr-finra-2023-010/srfinra2023010.htm>.

II. Description of the Proposed Rule Change

In its filing with the Commission, FINRA stated that Cboe Exchange, Inc. (“Cboe” or the “Exchange”) filed with the Commission a proposed rule change to amend Cboe Rule 10.3 regarding margin requirements related to cash-settled index options written against exchange-traded funds (“ETF(s)”) that track the same index underlying the option,⁸ which the Commission approved on March 2, 2023.⁹

FINRA stated that the Cboe rule change established a new exception to those margin requirements with respect to a “protected option” strategy, as set forth in new paragraph (c)(5)(C)(iv)(e) under Cboe Rule 10.3.¹⁰ Subject to specified conditions, the exception is applicable to short option positions or warrants on indexes that are offset by positions in an underlying stock basket, non-leveraged index mutual fund, or non-leveraged ETF that is based on the same index option.¹¹ In approving Cboe’s rule change, FINRA observed that the Commission stated it believes the rule change will facilitate the use of protected options and reduce associated costs and burdens.¹² FINRA stated that, in the interest of regulatory harmony and ensuring that the potential benefits of protected option treatment are available to FINRA members and their customers, FINRA proposed to conform its margin rule to the provisions Cboe adopted and to make other minor conforming revisions.¹³

Specifically, FINRA proposed to establish under FINRA Rule 4210 new paragraph (f)(2)(H)(v)f. (“Protected Options”).¹⁴ The new paragraph would provide that when an index call (put) option or warrant is carried “short” (the “protected option or warrant position”) and there is carried in the same account a “long” (short) position in an

underlying stock basket, non-leveraged index mutual fund, or non-leveraged ETF (each referred to as the “protection”) that is based on the same index underlying the index option or warrant, the protected option or warrant position is not subject to the requirements set forth in paragraphs (f)(2)(E)(i) and (f)(2)(E)(iii) of Rule 4210¹⁵ if the following conditions, which conform to the Cboe rule, are met:¹⁶

1. when the protected option or warrant position is created, the absolute value of the protection is not less than 100 percent of the aggregate current underlying index value associated with the protected option or warrant position determined at either:

- A. the time the order that created the protected option or warrant position was entered or executed; or

- B. the close of business on the trading day the protected option or warrant position was created;

2. the absolute value of the protection is at no time less than 95 percent of the aggregate current underlying index value associated with the protected option or warrant position; and

3. margin is maintained in an amount equal to the greater of:

- A. the amount, if any, by which the aggregate current underlying index value is above (below) the aggregate exercise price of the protected call (put) option or warrant position; or

- B. the amount, if any, by which the absolute value of the protection is below 100 percent of the aggregate current underlying index value associated with the protected option or warrant.¹⁷

FINRA stated that in proposing the margin exception for protected options, Cboe emphasized that the exception is

not intended to and does not apply to leveraged instruments.¹⁸

In addition, FINRA proposed minor revisions to paragraphs (f)(2)(H)(v)a. through d. under FINRA Rule 4210 to conform with the usage of the term “in the same account” as used in proposed paragraph (f)(2)(H)(v)f.¹⁹ Specifically:

- in paragraph (f)(2)(H)(v)a., the phrase “in an account in which there is also carried . . .” would be changed to read “in the same account as . . .”
- in paragraphs (f)(2)(H)(v)b. through d., the phrase “is also carried with . . .” would be changed to read “there is carried in the same account . . .”²⁰

FINRA stated that it believes these changes are appropriate because they clarify the rule text and conform with the new proposed protected option provisions.²¹

Lastly, FINRA stated that if the Commission approves the proposed rule change, FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice*.²² The effective date will be no later than 30 days following publication of the *Regulatory Notice* announcing Commission approval of the proposed rule change.²³

III. Commission Discussion and Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities association.²⁴ In particular, the Commission finds that the proposed rule change is consistent with Section 15A(b)(6) of the Exchange Act,²⁵ which requires, among other things, that the association’s rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of

⁸ See Exchange Act Release No. 96395 (Nov. 28, 2022), 87 FR 74199 (Dec. 2, 2022) (Notice of Filing of a Proposed Rule Change to Amend Rule 10.3 Regarding Margin Requirements; File No. SR-CBOE-2022-058) (“Cboe Proposal”). See also Notice at 46205, n.3.

⁹ See Exchange Act Release No. 97019 (Mar. 2, 2023), 88 FR 14416 (Mar. 8, 2023) (Order Approving a Proposed Rule Change to Amend Rule 10.3 Regarding Margin Requirements; File No. SR-CBOE-2022-058) (“Cboe Approval Order”).

¹⁰ See Notice at 46205.

¹¹ Cboe distinguishes the “protected option” strategy from a “covered call,” which is a strategy of writing an option against a position in an underlying security and is addressed by separate margin requirements under Cboe rules. See Cboe Proposal at 74201. See also Notice at 46205, n.8.

¹² See Cboe Approval Order at 14418.

¹³ See Notice at 46205.

¹⁴ See Exhibit 5 to the proposed rule change, available at <https://www.sec.gov/files/rules/sro/finra/2023/34-97898-ex5.pdf>.

¹⁵ FINRA stated that the exception from the margin requirements under Cboe’s new rule is as to the margin requirements set forth in Cboe Rule 10.3(c)(5)(A), which sets forth margin requirements for listed options. According to FINRA, paragraph (f)(2)(E)(i) under FINRA Rule 4210 correspondingly addresses listed options and is virtually identical to the Cboe provisions. Paragraph (f)(2)(E)(iii) under FINRA Rule 4210 addresses margin requirements for over-the-counter (“OTC”) products. As such, FINRA proposed to include both listed and OTC products within the scope of the exception. FINRA stated that both types of products would be subject to the conditions specified under the rule which, according to FINRA, are virtually identical to Cboe’s provisions. FINRA stated that it believes this harmonized approach to both listed and OTC options is appropriate for purposes of the rule change to broaden availability of the benefits of the protected option strategy to, for example, non-Cboe FINRA members, and would thereby prevent a potential gap between listed and OTC options. See also Notice at 46205, n.12.

¹⁶ See *id.* at 46205.

¹⁷ See *id.*

¹⁸ See Cboe Proposal at 74201; see also Cboe Approval Order at 14417 and Notice at 46205.

¹⁹ See Notice at 46205.

²⁰ See *id.*

²¹ See *id.*

²² See *id.*

²³ See *id.* at 46205–46206. FINRA stated that the proposed rule change would not impact funding portal members and would not impact members that have elected to be treated as capital acquisition brokers (“CABs”). According to FINRA, these members are not subject to Rule 4210. See *id.* at 46205, n.14.

²⁴ In approving this proposed rule change, the Commission has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f). See e.g., discussions below regarding how customers of broker-dealers will benefit from a reduction in transaction costs and improved operational efficiencies, as well as how the proposed rule change will reduce burdens for customers of broker-dealers by providing them a margin exception for protected options.

²⁵ 15 U.S.C. 78o–3(b)(6).

trade, to facilitate transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Commission received comment letters in response to the proposal.²⁶ Cboe urged the Commission to promptly approve the proposed rule change.²⁷ Cboe stated that the Commission has already considered the policy issues the proposed rule change presents under the Cboe Proposal, which the Commission previously determined to be consistent with the Exchange Act and beneficial to investors.²⁸ Further, Cboe stated in its comment letter that prompt Commission approval of the proposed rule change will provide FINRA members with the same ability to offer margin relief for protected options that is now available under Cboe Options Rules.²⁹ Cboe stated, as a result, a significant number of industry members that accommodate protected option strategies can realize the potential operational efficiencies offered by the margin rule described in the proposed rule change (and the Cboe Proposal) and will promote regulatory harmonization regarding margin requirements.³⁰

Further, one commenter expressed concern that the proposed rule change generally would relax margin requirements.³¹ Another commenter stated that entities should be responsible for their own risk, and that FINRA should not change margin

requirements for entities that can effectively hedge any reasonable risk within the current market structure.³²

The Commission agrees that by conforming FINRA Rule 4210 with Cboe's new margin rules relating to protected options, the proposed rule change will promote regulatory harmonization with respect to use by customers of the protected option strategy. The proposed rule change also will help facilitate the use of protected options and reduce associated costs and burdens, while providing effective safeguards for the protection of investors and the public interest through the proposed conditions required as part of the protected options margin treatment. The proposed rule will permit customers of FINRA member broker-dealers (subject to the requirement that the deficiency not be greater than 5 percent) to post margin in the form of available equity in the margin account or cash or other marginable securities to remedy a deficiency. As a result, customers of broker-dealers will benefit from a reduction in transaction costs and improved operational efficiencies, in contrast to being required to purchase and deposit additional shares related to the underlying index, such as additional shares of an ETF, where the protection value is not at least equal to the aggregate underlying index. In addition, to the extent that equity in the margin account is utilized, customers will also benefit from a straightforward process from an operational standpoint with respect to posting required margin.³³ Specifically, the proposed rule change will allow a customer to use collateral currently held in the customer's margin account to meet the conditions of the protected options margin, and therefore, the customer would not be required to post additional collateral (such as additional shares of an ETF) into the account to remedy a deficiency (provided there is sufficient equity in the account). The proposed rule change will, therefore, provide customers the flexibility to post other types of collateral (subject to the requirement that the deficiency not be greater than 5 percent) in the form of cash or other marginable securities, while continuing to require them to maintain sufficient levels of required margin for protected options, subject to the conditions in the proposed rule change.

Further, the securities (in addition to shares of ETFs) that customers will be permitted to post under the proposed rule change (subject to the requirement

that the deficiency not be greater than 5 percent) must be margin eligible. This means that a broker-dealer can finance the customer's purchase of that security, and the customer can use the purchased margin security as collateral for the same purchase.³⁴ In addition, the proposed rule change prescribes margin requirements only for index options, *i.e.*, protected options margin. Margin eligible securities (including ETFs) that customers hold in the same account as the index options and may post to meet the protected option margin requirements will continue to need to be fully paid for or be separately margined pursuant to the requirements of the Federal Reserve Board's Regulation T and FINRA Rule 4210 for those securities.³⁵

Further, the requirement to post margin on protected options or warrant positions that equals the greater of the in-the-money amount of the option or warrant, or the amount by which the aggregate current underlying index value exceeds the absolute value of the protection, while also requiring that the protection be at all times at least 95 percent of the aggregate current underlying index value addresses the risks associated with protected options or warrant positions (*e.g.*, the risk of exercise of a short position when the option or warrant is in-the-money and tracking error). Therefore, this condition benefits both broker-dealers and customers by providing appropriate safeguards that address the risks

²⁶ See *supra* note 7. A few commenters addressed short options or short options strategies more generally, and therefore, those comments are outside the scope of this proposal. See Letter from Nick Steinmetz, Individual Investor (July 19, 2023); Letter from Anonymous (July 20, 2023); Letter from Anonymous (Nov. 22, 2023). Some commenters addressed option strategies involving options hedging other options or cases where the writer of a short option would need to deliver shares (rather than cash) if the option is exercised. See Letter from Brian Herrmann, Individual Investor (Oct. 5, 2023); Letter from Joshua Dobos, Individual Investor (Oct. 6, 2023); Letter from Sean Shanks, Individual Investor (Oct. 6, 2023) ("Shanks Letter"). Another commenter stated that traders should not have the opportunity to offset short option positions with ETFs and stock baskets, but should be hedged with the underlying asset. See Letter from Anonymous (Oct. 6, 2023). This proposed rule change generally applies to cash-settled (*i.e.*, not settled in the underlying asset) short option positions or warrants on broad-based indexes that are offset by positions in an underlying stock basket, non-leveraged index mutual fund, or non-leveraged ETF that is based on the same index option.

²⁷ See Letter from Laura G. Dickman, Vice President and Associate General Counsel, Cboe Global Markets, Inc., to Vanessa Countryman, Secretary, Commission (Aug. 4, 2023) ("Cboe Letter").

²⁸ See *id.*

²⁹ See *id.*

³⁰ See *id.*

³¹ See Letter from Anonymous, Individual Investor (Oct. 9, 2023).

³² See Shanks Letter.

³³ See Cboe Approval Order at 14418–14419.

³⁴ For example, margin securities under the Board of Governors of the Federal Reserve System's Regulation T include, among others, any security registered or having unlisted trading privileges on a national securities exchange, any non-equity security, or any security issued by either an open-end investment company or unit investment trust which is registered under section 8 of the Investment Company Act of 1940. See 12 CFR 220.2. If a security is not a margin security, a customer cannot purchase it on margin, which means the customer must deposit 100 percent of the purchase price in their margin account. The classification of a margin security generally reflects the existence of an extensive public market for the security or recognition of requisite liquidity in the market for the security. See Charles F. Rechlin *et al.*, *Securities Credit Regulation* § 3:7 (2d ed.).

³⁵ For example, Regulation T prescribes a 50 percent initial margin requirement for listed equity securities (meaning the customer must pay at least 50 percent of the market value of a listed equity security when purchasing it in a transaction financed by the broker-dealer and can use the purchased equity security as collateral for the same purchase). See 12 CFR 220.12(a). Regulation T only sets the initial margin requirements on equity securities, but Rule 4210 adds initial margin requirements on securities where Regulation T does not set specific requirements, such as for debt securities. Additionally, Rule 4210 specifies maintenance requirements that set a limit to the value that a customer's margin account can lose, such as 25 percent for listed equity securities. See Rule 4210(c).

associated with protected options, while offering a tailored margin approach with respect to the margin treatment for protected options.

Further, as discussed in section II. above, the proposed rule change also will expand the protected options margin requirements to unlisted, OTC options, so that these options are permitted the same margin treatment as listed options.³⁶ Amending Rule 4210 to permit the protected options treatment to apply to both listed and unlisted OTC options will benefit market participants by allowing for consistent treatment between these option types (which will be subject to the same conditions), and thereby, facilitate trading in protected options.³⁷

Finally, FINRA stated that if the Commission approves the proposed rule change, FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice*,³⁸ and that the effective date will be no later than 30 days following publication of the *Regulatory Notice* announcing Commission approval of the proposed rule change.³⁹ FINRA's proposed implementation schedule is appropriate, as market participants are aware of the Cboe Approval Order and the proposed rule change will reduce burdens for customers of broker-dealers by providing them a margin exception for protected options.

Accordingly, for the foregoing reasons, the Commission finds that this proposed rule change is consistent with the Exchange Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,⁴⁰ that the proposed rule change (SR–FINRA–2023–010) is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴¹

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2024–05363 Filed 3–13–24; 8:45 am]

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³⁶ As discussed in section II. above, the protected option margin requirements only apply to listed options under Cboe's margin rules.

³⁷ FINRA stated it believes a small number of investors or members would choose to make use of the protected options treatment for either listed or unlisted options, and they would be limited to institutional investors. See Notice at 46206.

³⁸ See *id.* at 46205.

³⁹ See *id.* at 46205–46206.

⁴⁰ 15 U.S.C. 78s(b)(2).

⁴¹ 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99698; File No. SR–CboeBZX–2024–006]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change to Amend Rule 11.9(c)(6) and Rule 11.13(a)(4)(D) To Permit the Use of BZX Post Only Orders at Prices Below \$1.00

March 8, 2024.

On January 8, 2024, Cboe BZX Exchange, Inc. (the “Exchange” or “BZX”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b–4 thereunder,² a proposed rule change to amend Rule 11.9(c)(6) and Rule 11.13(a)(4)(D) to permit the use of BZX Post Only Orders at prices below \$1.00. The proposed rule change was published for comment in the **Federal Register** on January 29, 2024.³ The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission will either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is March 14, 2024. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change, so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates April 26, 2024, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–CboeBZX–2024–006).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 99414 (January 23, 2024), 89 FR 5596 (January 29, 2024) (SR–CboeBZX–2024–006).

⁴ 15 U.S.C. 78s(b)(2).

⁵ 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2024–05365 Filed 3–13–24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99695; File No. SR–PEARL–2024–11]

Self-Regulatory Organizations; MIAx PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Equities Fee Schedule Regarding the NBBO Setter Plus Program

March 8, 2024.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b–4 thereunder,² notice is hereby given that on February 29, 2024, MIAx PEARL, LLC (“MIAx Pearl” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the fee schedule (the “Fee Schedule”) applicable to MIAx Pearl Equities, an equities trading facility of the Exchange.

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-equities/pearl-equities/rule-filings>, at MIAx Pearl's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The

⁶ 17 CFR 200.30–3(a)(5)(7).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to adopt an alternative method for Equity Members³ to achieve an enhanced rebate pursuant to the NBBO Setter Plus Program (referred to in this filing as the "NBBO Program").⁴

Background of the NBBO Program

In general, the NBBO Program provides enhanced rebates for Equity Members that add displayed liquidity ("Added Displayed Volume") in securities priced at or above \$1.00 per share in all Tapes based on increasing volume thresholds and increasing market quality levels (described below), and provides an additive rebate⁵ applied to orders that set the NBB or NBO⁶ upon entry.⁷ The NBBO Program was implemented beginning September 1, 2023 and subsequently amended when the Exchange adopted two additional tiers of rebates, effective January 1, 2024.⁸

Pursuant to the NBBO Setter Plus Table in Section 1(c) of the Fee Schedule, the NBBO Program provides six volume tiers enhanced by three market quality levels to provide increasing rebates in this segment. The six volume tiers are achievable by greater volume from the best of three alternative methods. The three market quality levels are achievable by greater NBBO participation in a minimum number of specific securities (described below).

MIAX Pearl Equities first determines the applicable NBBO Program tier based

on three different volume calculation methods. The three volume-based methods to determine the Equity Member's tier for purposes of the NBBO Program are calculated in parallel in each month, and each Equity Member receives the highest tier achieved from any of the three methods each month. All three volume calculation methods are based on an Equity Member's respective ADAV,⁹ NBBO Set Volume, or ADV, each as a percent of industry TCV¹⁰ as the denominator.

Under volume calculation Method 1, the Exchange provides tiered rebates based on an Equity Member's ADAV as a percentage of TCV. An Equity Member qualifies for the base rebates in Tier 1 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADAV of at least 0.00% and less than 0.035% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 2 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADAV of at least 0.035% and less than 0.05% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 3 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADAV of at least 0.05% and less than 0.08% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 4 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADAV of at least 0.08% and less than 0.25% of TCV. An Equity Member qualifies for the enhanced

rebates in Tier 5 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADAV of at least 0.25% and less than 0.40% of TCV. Finally, an Equity Member qualifies for the enhanced rebates in Tier 6 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADAV of at least 0.40% of TCV.

Under volume calculation Method 2, the Exchange provides tiered rebates based on an Equity Member's NBBO Set Volume as a percentage of TCV. Under volume calculation Method 2, an Equity Member qualifies for the base rebates in Tier 1 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an NBBO Set Volume of at least 0.00% and less than 0.01% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 2 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an NBBO Set Volume of at least 0.01% and less than 0.015% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 3 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an NBBO Set Volume of at least 0.015% and less than 0.02% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 4 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an NBBO Set Volume of at least 0.02% and less than 0.03% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 5 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an NBBO Set Volume of at least 0.03% and less than 0.08% of TCV. Finally, an Equity Member qualifies for the enhanced rebates in Tier 6 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an NBBO Set Volume of at least 0.08% of TCV.

Under volume calculation Method 3, the Exchange provides tiered rebates based on an Equity Member's ADV as a percentage of TCV. An Equity Member qualifies for the base rebates in Tier 1 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADV of at least 0.00% and less than 0.15% of TCV. An Equity Member qualifies for the

³ The term "Equity Member" is a Member authorized by the Exchange to transact business on MIAX Pearl Equities. See Exchange Rule 1901.

⁴ See, generally, Fee Schedule, Section 1(c).

⁵ The Exchange does not propose to amend the NBBO Setter Additive Rebate, which is an additive rebate of (\$0.0003) per share for executions of orders in securities priced at or above \$1.00 per share that set the NBB or NBO on MIAX Pearl Equities with a minimum size of a round lot. See Fee Schedule, Section 1(c).

⁶ With respect to the trading of equity securities, the term "NBB" shall mean the national best bid, the term "NBO" shall mean the national best offer, and the term "NBBO" shall mean the national best bid and offer. See Exchange Rule 1901.

⁷ See *supra* note 4.

⁸ See Securities Exchange Act Release Nos. 98472 (September 21, 2023), 88 FR 66533 (September 27, 2023) (SR-PEARL-2023-45) and 99318 (January 11, 2024), 89 FR 3488 (January 18, 2024) (SR-PEARL-2023-73).

⁹ "ADAV" means average daily added volume calculated as the number of shares added per day and "ADV" means average daily volume calculated as the number of shares added or removed, combined, per day. ADAV and ADV are calculated on a monthly basis. "NBBO Set Volume" means the ADAV in all securities of an Equity Member that sets the NBB or NBO on MIAX Pearl Equities. The Exchange excludes from its calculation of ADAV, ADV, and NBBO Set Volume shares added or removed on any day that the Exchange's system experiences a disruption that lasts for more than 60 minutes during regular trading hours, on any day with a scheduled early market close, and on the "Russell Reconstitution Day" (typically the last Friday in June). Routed shares are not included in the ADAV or ADV calculation. See the Definitions section of the Fee Schedule.

¹⁰ "TCV" means total consolidated volume calculated as the volume in shares reported by all exchanges and reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply. The Exchange excludes from its calculation of TCV volume on any given day that the Exchange's system experiences a disruption that lasts for more than 60 minutes during Regular Trading Hours, on any day with a scheduled early market close, and on the "Russell Reconstitution Day" (typically the last Friday in June). See *id.*

enhanced rebates in Tier 2 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADV of at least 0.15% and less than 0.18% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 3 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADV of at least 0.18% and less than 0.20% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 4 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADV of at least 0.20% and less than 0.60% of TCV. Finally, an Equity Member qualifies for the enhanced rebates in Tier 5 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADV of at least 0.60% and less than 1.00% of TCV. Finally, an Equity Member qualifies for the enhanced rebates in Tier 6 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADV of at least 1.00% of TCV.

After the volume calculation is performed to determine highest tier achieved by the Equity Member, the applicable rebate is calculated based on two different measurements based on the Equity Member's participation at the NBBO on the Exchange in certain securities (referenced below).

The Exchange provides one column of base rebates (referred to in the NBBO Program table as "Level A") and two columns of enhanced rebates (referred to in the NBBO Program table as "Level B" and "Level C"),¹¹ depending on the Equity Member's Percent Time at

NBBO¹² on MIAX Pearl Equities in a certain amount of specified securities ("Market Quality Securities" or "MQ Securities").¹³ The NBBO Setter Plus Table specifies the percentage of time that the Equity Member must be at the NBB or NBO on MIAX Pearl Equities in at least 200 symbols out of the full list of 1,000 MQ Securities (which symbols may vary from time to time based on market conditions). The list of MQ Securities is generally based on the top multi-listed 1,000 symbols by ADV across all U.S. securities exchanges. The list of MQ Securities is updated monthly by the Exchange and published on the Exchange's website.¹⁴

The base rebates ("Level A") are as follows: (\$0.00240)¹⁵ per share in Tier 1; (\$0.00290) per share in Tier 2; (\$0.00300) per share in Tier 3; (\$0.00310) per share in Tier 4; (\$0.00345) per share in Tier 5; and (\$0.00350) per share in Tier 6. Under Level B, the Exchange provides enhanced rebates for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes if the Equity Member's Percent Time at NBBO is at least 25% and less than 50% in at least 200 MQ Securities per trading day during the month. The Level B rebates are as follows: (\$0.00250) per share in Tier 1; (\$0.00295) per share in Tier 2; (\$0.00305) per share in Tier 3; (\$0.00315) per share in Tier 4; (\$0.00350) per share in Tier 5; and (\$0.00355) per share in Tier 6. Under

Level C, the Exchange provides enhanced rebates for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes if the Equity Member's Percent Time at NBBO is at least 50% in at least 200 MQ Securities per trading day during the month. The Level C rebates are as follows: (\$0.00260) per share in Tier 1; (\$0.00300) per share in Tier 2; (\$0.00310) per share in Tier 3; (\$0.00320) per share in Tier 4; (\$0.00355) per share in Tier 5; and (\$0.00360) per share in Tier 6.

Proposal To Adopt Alternative Method To Achieve Tier 5, Level C Rebate for the NBBO Program

The Exchange proposes to amend the NBBO Setter Plus Table in Section 1(c) of the Fee Schedule to adopt an alternative method for Equity Members to qualify for the Tier 5, Level C rebate of (\$0.00355) per share for the NBBO Program. In particular, the Exchange proposes to adopt new footnote 4 below the NBBO Setter Plus table, which will provide that an Equity Member may qualify for the enhanced rebate of Tier 5, Level C via an alternative method by satisfying the following three requirements in the relevant month: (1) Midpoint ADNAV¹⁶ of at least 2,500,000 shares; (2) Displayed ADNAV of at least 10,000,000 shares; and (3) Percent Time at the NBB or NBO of at least 50% in 200 or more symbols from the list of MQ Securities. The volume calculation tier thresholds and rebate levels will remain unchanged.

¹⁶ Midpoint ADNAV means the ADNAV for the current month consisting of Midpoint Peg Orders in securities priced at or above \$1.00 per share that execute at the midpoint of the Protected NBBO and add liquidity to the Exchange. A Midpoint Peg Order is a non-displayed Limit Order that is assigned a working price pegged to the midpoint of the PBBO. A Midpoint Peg Order receives a new timestamp each time its working price changes in response to changes in the midpoint of the PBBO. See Exchange Rule 2614(a)(3). With respect to the trading of equity securities, the term "Protected NBB" or "PBB" shall mean the national best bid that is a Protected Quotation, the term "Protected NBO" or "PBO" shall mean the national best offer that is a Protected Quotation, and the term "Protected NBBO" or "PBBO" shall mean the national best bid and offer that is a Protected Quotation. See Exchange Rule 1901.

¹¹ For the purpose of determining qualification for the rebates described in Level B and Level C of the Market Quality Tier columns in the NBBO Setter Plus Program, the Exchange will exclude from its calculation: (1) any trading day that the Exchange's system experiences a disruption that lasts for more than 60 minutes during regular trading hours; (2) any day with a scheduled early market close; and (3) the "Russell Reconstitution Day" (typically the last Friday in June). See the Definitions section of the Fee Schedule.

¹² "Percent Time at NBBO" means the aggregate of the percentage of time during regular trading hours where a Member has a displayed order of at least one round lot at the national best bid ("NBB") or national best offer ("NBO"). See *id.*

¹³ "Market Quality Securities" or "MQ Securities" shall mean a list of securities designated as such, that are used for the purposes of qualifying for the rebates described in Level B and Level C of the Market Quality Tier columns in the NBBO Setter Plus Program. The universe of these securities will be determined by the Exchange and published on the Exchange's website. See *id.*

¹⁴ See e.g., MIAX Pearl Equities Exchange—Market Quality Securities (MQ Securities) List, effective February 1 through February 29, 2024, available at <https://www.miaxglobal.com/markets/us-equities/pearl-equities/fees> (last visited February 26, 2024).

¹⁵ Rebates are indicated by parentheses. See the General Notes section of the Fee Schedule.

The purpose of adding an alternative method for Equity Members to achieve the enhanced Tier 5, Level C rebate is for business and competitive reasons in light of recent volume growth on the Exchange. The Exchange believes the proposed alternative method for Equity Members to achieve the enhanced rebate of Tier 5, Level C of the NBBO Program is a reasonable means to incentivize additional liquidity at the midpoint of the Protected NBBO and Added Displayed Volume, which in turn should increase the attractiveness of the Exchange as a destination venue as Equity Members seeking price improvement would be more motivated to direct their orders to the Exchange because they would have a heightened expectation of the availability of liquidity at the midpoint of the Protected NBBO.

The Exchange notes that the base rebates, enhanced rebates and volume requirements of the NBBO Program remain competitive with, or better than, the rebates and volume requirements provided by other exchanges for executions of orders in securities priced at or above \$1.00 per share that add displayed liquidity to those exchanges.¹⁷

Implementation

The proposed changes are effective beginning March 1, 2024.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act¹⁸ in general, and furthers the objectives of Section 6(b)(4) of the Act¹⁹ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Equity Members and issuers and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²⁰ requirement that the rules of an exchange not be designed to permit

unfair discrimination between customers, issuers, brokers or dealers.

The Exchange operates in a highly fragmented and competitive market in which market participants can readily direct their order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of sixteen registered equities exchanges, and there are a number of alternative trading systems and other off-exchange venues, to which market participants may direct their order flow. Based on publicly available information, no single registered equities exchange had more than approximately 15–16% of the total market share of executed volume of equities trading for the month of January 2024.²¹ Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow, and the Exchange represented approximately 1.90% of the overall market share for the month of January 2024. The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and also recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”²²

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue or reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange’s transaction fees and rebates, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. The Exchange believes the proposal reflects a reasonable and competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would

enhance liquidity and market quality in both a broad manner and in a targeted manner with respect to the MQ Securities and the modified NBBO Program.

The Exchange believes that the proposal to add an alternative method for Equity Members to achieve the enhanced rebate in Tier 5, Level C of the NBBO Program provides a reasonable means to continue to encourage Equity Members to not only increase their order flow to the Exchange but also to contribute to price discovery and market quality on the Exchange by submitting aggressively priced displayed liquidity (including Midpoint Peg Orders) in securities priced at or above \$1.00 per share. The Exchange believes that the NBBO Program, as modified with this proposal, continues to be equitable and not unfairly discriminatory because it is open to all Equity Members on an equal basis and provides enhanced rebates that are reasonably related to the value of the Exchange’s market quality associated with greater order flow by Equity Members that set the NBBO, and the introduction of higher volumes of orders into the price and volume discovery process. The Exchange believes the proposal is equitable and not unfairly discriminatory because it is designed to incentivize the entry of aggressively priced displayed liquidity that will create tighter spreads, thereby promoting price discovery and market quality on the Exchange to the benefit of all Equity Members and public investors.

The Exchange believes that the proposal is reasonable because it is designed to incentivize market participants to direct additional order flow to the Exchange, which should enhance the Exchange’s market quality and provide price improvement through the use of orders that are designed to execute at the midpoint of the Protected NBBO as part of the alternative method requirements to achieve the enhanced rebate of Tier 5, Level C of the NBBO Program.²³ The Exchange believes its proposal will promote price improvement and increased liquidity on the Exchange, which will benefit all market participants.

The Exchange believes that its proposal is reasonable and not unfairly discriminatory because the base rebates,

¹⁷ See Cboe BZX Equities Fee Schedule, Add/Remove Volume Tiers section, available at https://www.cboe.com/us/equities/membership/fee_schedule/bzx/ (providing an enhanced rebate in Tier 4 of (\$0.0028) per share for executions of added displayed volume in securities priced at or above \$1.00 per share, so long as the member meets all three volume requirements, including minimum NBBO Time and NBBO Size requirements from a list of specified securities); see also NYSE Arca Equities Fee Schedule, available at https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf (providing standard rebates of (\$0.0020) per share (Tapes A and C) and (\$0.0016) per share (Tape B) for adding displayed liquidity in securities priced at or above \$1.00 per share).

¹⁸ 15 U.S.C. 78f(b).

¹⁹ 15 U.S.C. 78f(b)(4).

²⁰ 15 U.S.C. 78f(b)(5).

²¹ See the “Market Share” section of the Exchange’s website, available at <https://www.miaxglobal.com/> (last visited February 26, 2024).

²² See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37499 (June 29, 2005).

²³ The Exchange notes that Equity Members that do not satisfy the higher Midpoint ADAP requirement of the proposed alternative method (*i.e.*, Midpoint ADAP of at least 2,500,000 shares) for the enhanced rebate in Tier 5, Level C of the NBBO Program may still qualify for other enhanced rebates applicable to Equity Members that satisfy lower Midpoint ADAP requirements of the Midpoint Peg Order Adding Liquidity at Midpoint Volume Tiers table. See Fee Schedule, Section 1(e).

enhanced rebates and volume requirements of the NBBO Program remain competitive with, or better than, the rebates and volume requirements provided by other exchanges for executions of orders in securities priced at or above \$1.00 per share that add displayed liquidity to those exchanges.²⁴

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intra-Market Competition

The Exchange believes the proposed rule change does not impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed alternative method for Equity Members to achieve the enhanced rebate of Tier 5, Level C of the NBBO Program will be eligible to all Equity Members equally in that all Equity Members have the opportunity to participate and therefore qualify for the proposed enhanced rebate via the proposed alternative method. Furthermore, the Exchange believes that the NBBO Program, as modified by this proposal, will continue to incentivize Equity Members to submit additional aggressively priced displayed liquidity to the Exchange, and to increase their order flow on the Exchange generally, thereby contributing to a deeper and more liquid market and promoting price discovery and market quality on the Exchange to the benefit of all market participants and enhancing the attractiveness of the Exchange as a trading venue. The Exchange believes that this, in turn, would continue to encourage market participants to direct additional order flow to the Exchange. Greater liquidity benefits all Equity Members by providing more trading opportunities and encourages Equity Members to send additional orders to the Exchange, thereby contributing to robust levels of liquidity, which benefits all market participants.

Intermarket Competition

The Exchange believes its proposal will benefit competition, and the Exchange notes that it operates in a highly competitive market. Equity Members have numerous alternative venues they may participate on and direct their order flow to, including fifteen other equities exchanges and

numerous alternative trading systems and other off-exchange venues. As noted above, no single registered equities exchange currently had more than 15–16% of the total market share of executed volume of equities trading for the month of January 2024.²⁵ Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. Moreover, the Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow in response to new or different pricing structures being introduced to the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates generally, including with respect to executions of Added Displayed Volume, and market participants can readily choose to send their orders to other exchanges and off-exchange venues if they deem fee levels at those other venues to be more favorable.

Additionally, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and self-regulatory organization ("SRO") revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."²⁶ The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. circuit stated: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possess a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . .".²⁷ Accordingly, the Exchange does not believe its proposed pricing changes

impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,²⁸ and Rule 19b-4(f)(2)²⁹ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-PEARL-2024-11 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-PEARL-2024-11. This file number should be included on the subject line if email is used. To help the 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 (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements

²⁵ See *supra* note 21.

²⁶ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

²⁷ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR-NYSE-2006-21)).

²⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

²⁹ 17 CFR 240.19b-4(f)(2).

²⁴ See *supra* note 17.

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 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-PEARL-2024-11 and should be submitted on or before April 4, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁰

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2024-05362 Filed 3-13-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-99697; File No. SR-CboeBYX-2024-003]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend Rule 11.9(c)(6) and Rule 11.13(a)(4)(D) To Permit the Use of BYX Post Only Orders at Prices Below \$1.00

March 8, 2024.

On January 8, 2024, Cboe BYX Exchange, Inc. (the "Exchange" or "BYX") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend Rule 11.9(c)(6) and Rule 11.13(a)(4)(D) to permit the use of BYX Post Only Orders at prices below \$1.00. The proposed rule change was published for comment in the **Federal Register** on January 29,

2024.³ The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission will either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is March 14, 2024. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change, so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates April 26, 2024, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR-CboeBYX-2024-003).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2024-05364 Filed 3-13-24; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20192 and #20193; NEW YORK Disaster Number NY-20008]

Administrative Declaration of a Disaster for the State of New York

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of New York dated 03/11/2024.

Incident: Severe Storms and Flooding.
Incident Period: 01/09/2024 through 01/10/2024.

DATES: Issued on 03/11/2024.

³ See Securities Exchange Act Release No. 99413 (January 23, 2024), 89 FR 5582 (January 29, 2024) (SR-CboeBYX-2024-003).

⁴ 15 U.S.C. 78s(b)(2).

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30-3(a)(57).

Physical Loan Application Deadline Date: 05/10/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 12/11/2024.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Vanessa Morgan, Office of Disaster Recovery & Resilience, 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 disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1-800-659-2955 for further assistance.

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

Primary Counties: Suffolk

Contiguous Counties:

New York: Nassau

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	5.375
Homeowners without Credit Available Elsewhere	2.688
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 201926 and for economic injury is 201930.

The State which received an EIDL Declaration is New York.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,
Administrator.

[FR Doc. 2024-05452 Filed 3-13-24; 8:45 am]

BILLING CODE 8026-09-P

³⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****[Docket No. 2023–1859]****Agency Information Collection****Activities: Requests for Comments;
Renewed Approval of Information
Collection: Safe Disposition of Life-
Limited Aircraft Parts****AGENCY:** Federal Aviation
Administration (FAA), DOT.**ACTION:** Notice and request for
comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves maintaining and recording “the status of life-limited parts of each airframe, engine, propeller, rotor, and appliance. The information to be collected is necessary for maintaining and recording that the part is airworthy.

DATES: Written comments should be submitted by May 13, 2024.

ADDRESSES: Please send written comments:

By Electronic Docket:
www.regulations.gov (Enter docket number into search field).

FOR FURTHER INFORMATION CONTACT:
Randy.A.Shafer by email at:
Randy.A.Shafer@faa.gov; phone: 217–971–8378.

SUPPLEMENTARY INFORMATION: *Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA’s performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB’s clearance of this information collection.
OMB Control Number: 2120–0665.

Title: Safe Disposition of Life-Limited Aircraft Parts.

Form Numbers: N/A.

Type of Review: Renewal of an Information Collection.

Background: The FAA has found life-limited parts that exceeded their life-limits installed on type-certificated products during accident investigations and in routine surveillance. Although such installation of life-limited parts

violates existing FAA regulations, concerns have arisen regarding the disposition of these life-limited parts when they have reached their life limits. Concerns over the use of life-limited aircraft parts led Congress to pass a law requiring the safe disposition of these parts. The Wendell H. Ford Investment and Reform Act for the 21st Century (Pub. L. 106–181), added section 44725 to title 49, United States Code.

Current Requirements: The type design of an aircraft, aircraft engine, or propeller includes the Instructions for Continued Airworthiness (ICA), which includes the Airworthiness Limitations that describe life limits for parts installed on the product. See, for instance, 14 CFR 21.3(c) and 21.50. In order for an aviation product to comply with its type design, the life-limited parts installed on it must fall within the acceptable ranges described in the Airworthiness Limitations section of the Instructions for Continued Airworthiness. For this reason, installation of a life-limited part after the mandatory replacement time has been reached would be a violation of the maintenance regulations. Section 43.13(b) requires that maintenance work be completed so that the product worked on “will be at least equal to its original or properly altered condition. * * * The product is not at least equal to its original or properly altered condition if a life-limited part has reached or exceeded its life limit. Existing regulations require that specific markings be placed on all life-limited parts at the time of manufacture. This includes permanently marking the part with a part number (or equivalent) and a serial number (or equivalent). See 14 CFR 45.14. Persons who install parts must have adequate information to determine a part’s current life status. In particular, documentation problems may mislead an installer concerning the life remaining for a life-limited part. This rule further provides for the data needs of subsequent installers to ensure they know the life remaining on a part and prevent the part being used beyond its life limit. Existing regulations provide for records on life-limited parts that are installed on aircraft. The regulations require that each owner or operator under § 91.417(a)(2)(ii) and each certificate holder under § 121.380(a)(2)(iii) or § 135.439(a)(2)(ii), maintain records showing “the current status of life-limited parts of each airframe, engine, propeller, rotor, and appliance.” These regulations do not govern the disposition of the part when it is removed from the aircraft. If the part is intended to be reinstalled,

however, a record of the life status of the part will be needed at the time of reinstallation to show that the part is within its life limit and to create the required record under §§ 91.417(a)(2)(ii), 121.380(a)(2)(iii), or 135.439(a)(2)(ii), as applicable. Therefore, when a life-limited part is removed from an aircraft and that part is intended to be reinstalled in an aircraft, industry practice is to make a record of the part’s status at the time of removal. Repair stations, air carriers, and fixed base operators (FBO’s) have systems in place to keep accurate records of such parts to ensure that they can reinstall the parts and have the required records to show that the part is airworthy. If the part is not intended to be reinstalled, however, under existing regulations and practice there is no record required or routinely made when a part is removed from an aircraft. The part may be at the end of its life limit and not eligible for installation. Or the part may not have reached the end of its life limit but is so close that reinstallation would not be practicable. In these cases, industry practices vary. For instance, the part might be put in a bin and later sold as scrap metal, it might be used as a training aid, or it might be mutilated. This renewal of the OMB control action requires the continued information collection.

Respondents: 8,000.

Frequency: As identified in previous rulemaking proposals for an annual frequency of information collection requirements is 100,000 procedures.

Estimated Average Burden per Response: 30 minutes per procedure.

Estimated Total Annual Burden: As identified in previous rule making estimates for this information collection the FAA refined its estimate of annual burden and has determined that there is no more than a minimal paperwork burden on any respondent for the record keeping and reporting requirements of 30 minutes duration, at \$54 per hour per procedure.

Issued in Washington, DC, on March 11, 2024.

David A. Hoyng,

*Aviation Safety, Flight Standards Office of
Safety Standards, Aircraft Maintenance
Division (FS300).*

[FR Doc. 2024–05454 Filed 3–13–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY**Office of Foreign Assets Control****Notice of OFAC Sanctions Actions**

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more

applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See Supplementary Information section for effective date(s).

FOR FURTHER INFORMATION CONTACT:

OFAC: Bradley T. Smith, Director, tel.: 202-622-2490; Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel.: 202-622-4855; or the Assistant Director for Sanctions Compliance, tel.: 202-622-2490.

SUPPLEMENTARY INFORMATION:**Electronic Availability**

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://www.treasury.gov/ofac>).

Notice of OFAC Actions

On March 8, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

BILLING CODE 4810-AL-P

Entities

1. BOIS ROUGE SARLU (a.k.a. WOOD INTERNATIONAL GROUP SARLU), Rond Point De Kaga Mangoulou, Avenue du 15 Mars, 4eme, Bangui, Central African Republic; Kanagamongoulou, Gobongo 6, 4eme, Bangui, Central African Republic; Organization Established Date Mar 2019; alt. Organization Established Date 2021; Organization Type: Logging; Registration Number CA/BG/2019B520 (Central African Republic); alt. Registration Number CA/BG/2022M1910 (Central African Republic) [RUSSIA-EO14024] (Linked To: PRIVATE MILITARY COMPANY 'WAGNER').

Designated pursuant to section 1(a)(vii) of Executive Order (E.O.) 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Private Military Company 'Wagner', a person whose property and interests in property are blocked pursuant to E.O. 14024.

2. LIMITED LIABILITY COMPANY BROKER EXPERT (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕННОЙ ОТВЕТСТВЕННОСТЬЮ БРОКЕР ЭКСПЕРТ) (a.k.a. "BROKER EKSPERT LLC"; a.k.a. "LLC BROKER EXPERT" (Cyrillic: "ООО БРОКЕР ЭКСПЕРТ")), Pom. 3N, Liter M, 6, Ul. Tsvetochynaya, St. Petersburg 196084, Russia; Organization Established Date 06 Feb 2015; Organization Type: Non-specialized wholesale trade; Tax ID No. 7810336185 (Russia); Registration Number 1157847037105 (Russia) [RUSSIA-EO14024] (Linked To: BOIS ROUGE SARLU).

Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Bois Rouge SARLU, a person whose property and interests in property are blocked pursuant to E.O. 14024.

Dated: March 8, 2024.

Lisa M. Palluconi,

Deputy Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024-05352 Filed 3-13-24; 8:45 am]

BILLING CODE 4810-AL-C

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Art Advisory Panel—Notice of Closed Meeting**

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in New York, NY. The entire meeting will be closed.

DATES: The meeting will begin at 10:30 a.m. eastern time. The meeting will be held April 17, 2024.

ADDRESSES: The closed meeting of the Art Advisory Panel will be held at 290 Broadway—Foley Square, New York, NY 10007.

FOR FURTHER INFORMATION CONTACT: Robin B. Lawhorn, 400 West Bay Street, Suite 252, Jacksonville, FL 32202. Telephone (904) 661-3198 (not a toll-free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. 1009, that a closed meeting of the Art Advisory Panel will be held at 290 Broadway—Foley Square, New York, NY 10007.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of 26 U.S.C. 6103.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in sections 552b(c)(3), (4), (6), and (7), of the Government in the Sunshine Act, and that the meeting will not be open to the public.

Andrew J. Keyso, Jr.,
Chief, Independent Office of Appeals.

[FR Doc. 2024-05410 Filed 3-13-24; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Meeting of the Treasury Advisory Committee on Racial Equity

AGENCY: Department of the Treasury.

ACTION: Notice of meeting.

SUMMARY: The Department of the Treasury is hosting its Fiscal Year 2024 Spring meeting of the Treasury Advisory Committee on Racial Equity (“TACRE” or “Committee”). The Committee is composed of 24 members who will provide information, advice, and recommendations to the Department of the Treasury on matters relating to the advancement of racial equity. This notification provides the date, time, and location of the first meeting and the process for participating and providing comments.
DATES: April 18, 2024, at 1–5 p.m. eastern time.

FOR FURTHER INFORMATION CONTACT: Snider Page, Designated Federal Official, Department of the Treasury, by emailing TACRE@Treasury.gov or by calling (202) 622-0341 (this is not a toll-free number). For persons who are deaf,

hard of hearing, have a speech disability or difficulty speaking may dial 7-1-1 to access telecommunications relay services.

Check: <https://home.treasury.gov/about/offices/equity-hub/TACRE> for any updates to the April 18, 2024 meeting.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA) (5 U.S.C. 1001 *et seq.*), the Department has established the Treasury Advisory Committee on Racial Equity. The Department has determined that establishing this Committee was necessary and in the public interest to carry out the provisions of Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Throughout the Federal Government*.

Background

Objectives and Duties

The purpose of the Committee is to provide advice and recommendations to Secretary of the Treasury Janet L. Yellen and Deputy Secretary Wally Adeyemo on efforts to advance racial equity in the economy and address acute disparities for communities of color. The Committee will identify, monitor, and review aspects of the domestic economy that have directly and indirectly resulted in unfavorable conditions for communities of color. The Committee plans to address topics including but not limited to: financial inclusion, access to capital, housing stability, federal supplier diversity, and economic development. The duties of the Committee shall be solely advisory and shall extend only to the submission of advice and recommendations to the Offices of the Secretary and Deputy Secretary, which shall be non-binding to the Department. No determination of fact or policy shall be made by the Committee.

First Periodic Meeting: In accordance with section 10(a)(2) of the FACA and implementing regulations at 41 CFR 102-3.150, Snider Page, the Designated Federal Officer of TACRE, has ordered publication of this notice to inform the public that the TACRE will convene its FY 2024 Spring meeting on Thursday, April 18, 2024, from 1 p.m.–5 p.m. eastern time, at Philadelphia City Hall, 1400 John F. Kennedy Blvd., Philadelphia, PA 19107.

The agenda for the meeting includes opening remarks from the Treasury Deputy Secretary and TACRE Chair and Vice-Chair; remarks from local community members; an overview of the work conducted by the TACRE subcommittees since the December 7, 2023 TACRE meeting; a possible vote on

recommendations to make to the Department; and possible discussion, of any comments received from the public. Meeting information and topics are subject to change.

Process for Submitting Public Comments: Members of the public wishing to comment on the business of the TACRE are invited to submit written comments by emailing TACRE@Treasury.gov. Comments are requested no later than 15 calendar days before the public meeting to be considered by the Committee.

In general, the Department will post all comments received on its website <https://home.treasury.gov/about/offices/equity-hub/TACRE> without change, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers. The Department will also make these comments available for public inspection and copying in the Department of the Treasury’s Library, 720 Madison Place NW, Room 1020, Washington, DC 20220, on official business days between the hours of 10 a.m. and 5 p.m. eastern time. You can make an appointment to inspect statements by telephoning (202) 622-2000. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

Process for Attending In-Person: Philadelphia City Hall is a secure facility, that requires all visitors to show a government ID and go through a security screening to enter the building. Please register for the Public Meeting by visiting: <https://events.treasury.gov/s/event-template/a2m3d0000005T79AAE>. The registration process will require submission of personally identifiable information, such as, full name, title, organization you are affiliated with, email address, and phone number.

Due to the limited size of the meeting room, public attendance will be limited to the first 15 people that complete the registration process. Members of the public will need to bring a government issued identification that matches the information provided during the registration process and present that to Security, for entry into the building. Please plan on arriving 20–30 minutes prior to the meeting to allow time for security. If you require reasonable accommodation, please contact the Departmental Offices Reasonable Accommodations Coordinator at ReasonableAccommodationRequests@treasury.gov. If requesting a sign language interpreter, please make sure your request to the Reasonable

Accommodations Coordinator is made at least five (5) days prior to the event if possible.

Dated: March 8, 2024.

Snider Page,

Director, Office of Civil Rights and Equal Employment Opportunity, and Designated Federal Officer.

[FR Doc. 2024-05392 Filed 3-13-24; 8:45 am]

BILLING CODE 4810-AK-P

DEPARTMENT OF THE TREASURY

Solicitation of Nominations for Membership on the Treasury Advisory Committee on Racial Equity

AGENCY: Department of the Treasury.

ACTION: Solicitation of nominations for membership of the Treasury Advisory Committee on Racial Equity.

SUMMARY: The Treasury Department is soliciting nominations for membership on the Treasury Advisory Committee on Racial Equity (TACRE). The TACRE is composed of up to 15 members who will provide information, advice and recommendations to the Department of the Treasury on matters relating to the advancement of racial equity. This notice provides expectations for Committee members and announces the process for applying for membership on the Committee.

DATES: Applications are due on or before April 20, 2024.

FOR FURTHER INFORMATION CONTACT: Rhianna Rogers, Chief Diversity, Equity, Inclusion, and Accessibility (DEIA) Officer, Department of Treasury, by emailing Equity@Treasury.gov or by calling (202) 622-3644 (this is not a toll-free number). For persons who are deaf, hard of hearing, have a speech disability or difficulty speaking may dial 7-1-1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA) (5 U.S.C. 1001 *et seq.*, as amended), the Department of the Treasury ("Department") established the TACRE in order to carry out the provisions of Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Throughout the Federal Government*.

Committee Membership

In order to achieve a fairly balanced membership, the Committee shall include representatives from a wide range of views, such as the Federal Government, financial services industry, state regulatory authorities, consumer or public advocacy organizations,

community-based groups, academia, philanthropic organizations, as well as others focused on the advancement of equity priorities within the United States. Membership balance will not be static and may change, depending on the work of the Committee. Upon renewal, the number of Committee members shall not exceed fifteen. The Committee shall meet at such intervals as are necessary to carry out its duties. It is estimated that the Committee will generally meet two times per year, virtually or in person. Generally, Committee meetings are open to the public.

Background

Objectives and Duties

The purpose of the Committee is to provide advice and recommendations to the Department of the Treasury to assist the Offices of the Secretary and Deputy Secretary in carrying out their duties and authorities towards advancing racial equity and addressing acute disparities for communities of color who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. While the focus of TACRE is to advance racial equity, the Committee's activities emphasize the intersection of economic status with other factors such as age, disability, veteran status, gender and gender identity, geography, health status and disability, religious background, and sexual orientation.

The Committee will provide an opportunity for experts to offer their advice and recommendations to the Office of the Secretary on a regular basis on aspects of the domestic economy that have directly and indirectly resulted in unfavorable conditions for Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color. The Committee's recommendations will address a set of strategic questions provided by Treasury, and other relevant matters as the Committee deems appropriate. Topics to be addressed by the Committee may include, but are not limited to, economic mobility, community resilience, data disaggregation, financial inclusion, capital access, housing stability, federal government supplier diversity, and economic development.

The duties of the Committee shall be solely advisory and shall extend only to the submission of advice and recommendations to the Offices of the Secretary and Deputy Secretary, which shall be non-binding to the Department. No determination of fact or policy shall

be made by the Committee. Membership appointments are for a duration of two or three years. Members will not receive compensation, other than reimbursement for travel, if required.

Application Process for Advisory Committee Appointment

Applicants are required to submit the following documents specifically referencing the objectives and duties outlined above:

- A one (1) page cover letter detailing their qualifications and areas of expertise as they relate to the key issues before the committee; and
- A two (2) page resume/curriculum vitae, which should clearly highlight relevant experience that addresses the focus areas of TACRE.

Nominations may be submitted by the candidate themselves or by the person/organization recommending the candidate.

Some members of the Committee may be required to adhere to the conflict-of-interest rules applicable to Special Government Employees, as such employees are defined in 18 U.S.C. 202(a). These rules include relevant provisions in 18 U.S.C. related to criminal activity, Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635), and Executive Order 12674 (as modified by Executive Order 12731).

In accordance with Department of Treasury Directive 21-03, a clearance process includes fingerprints, tax checks, and a Federal Bureau of Investigation criminal check. Applicants must state in their application that they agree to submit to these pre-appointment checks.

The application period for interested candidates will extend to the date outlined above. Applications should be submitted in sufficient time to be received by the close of business on the closing date and should be sent to Equity@treasury.gov. If you require reasonable accommodation to submit your application, please contact the Departmental Offices Reasonable Accommodations Coordinator at ReasonableAccommodationRequests@treasury.gov. Please make sure your request to the Reasonable Accommodations Coordinator is made at least five (5) days prior to the close of the application period, if possible.

Dated: March 10, 2024.

Snider Page,

Director, Office of Civil Rights and EEO and Designated Federal Officer.

[FR Doc. 2024-05406 Filed 3-13-24; 8:45 am]

BILLING CODE 4810-AK-P



FEDERAL REGISTER

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Thursday,

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March 14, 2024

Part II

Department of Homeland Security

Coast Guard

46 CFR Parts 1, 10, 11, et al.

Mariner Credentialing Program Transformation; Proposed Rule

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 1, 10, 11, 12, 13, 14, 15, and 16

[Docket No. USCG–2021–0834]

RIN 1625–AC86

Mariner Credentialing Program Transformation

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard's Mariner Credentialing Program issues merchant mariner credentials and medical certificates, approves training courses and programs, and approves other qualifications such as a Qualified Assessor and a Designated Examiner. Under this rulemaking, the Coast Guard proposes to allow for the electronic submission of information required for credentialing to allow for the future implementation of a new information technology system to support the mariner credentialing process. The Coast Guard also proposes to require the electronic payment of mandatory fees for merchant mariner credentials through *Pay.Gov*, to remove the requirement for prospective mariners to take an oath before an authorized official, and to change the requirements for the Certificate of Discharge to Merchant Mariners. Finally, the Coast Guard proposes technical amendments to update addresses and websites, to remove antiquated terminology, and to amend language to use gender-neutral terms.

DATES: Comments and related material must be received by the Coast Guard on or before May 13, 2024.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0834 using the Federal Decision-Making Portal at www.regulations.gov. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

Collection of information. Submit comments on the collection of information discussed in section VI.D of this preamble both to the Coast Guard's online docket and to the Office of Information and Regulatory Affairs (OIRA) in the White House Office of Management and Budget (OMB) using their website www.reginfo.gov/public/do/PRAMain. Comments sent to OIRA on the collection of information must

reach OMB on or before the comment due date listed on their website.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Mr. Charles J. Bright, CG–MMC–1, Coast Guard; telephone 202–372–1046, email Charles.J.Bright@uscg.mil.

SUPPLEMENTARY INFORMATION:

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I. Public Participation and Request for Comments

The Coast Guard views public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision-Making Portal at www.regulations.gov. To do so, go to www.regulations.gov, type USCG–2021–0834 in the search box and click "Search." Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using www.regulations.gov, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select "Supporting & Related Material" in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the

www.regulations.gov Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to www.regulations.gov will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Public meeting. We do not plan to hold a public meeting, but we will consider doing so if we determine from public comments that a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the date, time, and location of such a meeting.

II. Abbreviations

ACH Automated Clearing House
 BLS Bureau of Labor Statistics
 CBO Congressional Budget Office
 CFR Code of Federal Regulations
 CG–MMC Coast Guard Office of Merchant Mariner Credentialing
 CG–719B Application for Merchant Mariner Credential
 DHS Department of Homeland Security
 EFT Electronic Funds Transfer
 Form CG–718A Certificate of Discharge to Merchant Mariner
 FR Federal Register
 FRED Federal Reserve Economic Data
 GS General Schedule
 GSA General Services Administration
 ICR Information Collection Request
 IT Information Technology
 MCP Mariner Credentialing Program
 MMC Merchant Mariner Credential
 MMLD Merchant Mariner Licensing and Documentation
 NHTSA National Highway Traffic Safety Administration
 NMC National Maritime Center
 NPRM Notice of proposed rulemaking
 OMB Office of Management and Budget
 OPM Office of Personnel Management
 RA Regulatory analysis
 RFA Regulatory Flexibility Act
 REC Regional Exam Center
 § Section
 U.S.C. United States Code
 USCG United States Coast Guard

III. Basis and Purpose

The legal basis of this proposed rule is title 46 of the United States Code (U.S.C.), Sections 7101(b) and 7301(b), which authorize the Secretary of the Department of Homeland Security (DHS) to establish the experience and professional qualifications required for the issuance of merchant mariner licenses and documents. The DHS Secretary has delegated the rulemaking

authority under 46 U.S.C. 7101 and 7301 to the Coast Guard through DHS Delegation No. 00170.1(II)(92)(e) and (f), Revision No. 01.3. Additionally, 14 U.S.C. 102(3) grants the Coast Guard broad authority to issue and enforce regulations for the promotion of safety of life and property on waters subject to the jurisdiction of the United States, which includes establishing the experience and professional qualifications required for the issuance of credentials.

The purpose of this proposed rule is to revise title 46 of the Code of Federal Regulations (CFR), subchapter A, part 1, and subchapter B, parts 10–16, to allow for the electronic submission of information to the Coast Guard for the issuance of a Merchant Mariner Credential (MMC) and the supporting administrative processes, including requiring the payment of mandatory fees through the federal government-recognized system, *Pay.gov*. The Coast Guard also proposes removing the requirement for prospective mariners to take an oath before an authorized official and changing requirements for the completion and issue of a Certificate of Discharge to Merchant Mariner (Form CG–718A). In addition, the Coast Guard proposes technical amendments, such as updating addresses and websites, removing antiquated terminology, and adopting gender-inclusive language by replacing gender-specific terms.

IV. Background

The Coast Guard's Mariner Credentialing Program (MCP) issues MMCs and Medical Certificates to applicants who have met the regulatory criteria established in 46 CFR subchapter B. This includes the evaluation of individual qualifications and medical fitness, administering examinations and issuing the MMC. In addition, the MCP also conducts supporting processes, such as approving mariner training courses and programs; approving course instructors; conducting course oversight and auditing; and approving Qualified Assessors (QA) and Designated Examiners (DE).¹ The National Maritime Center (NMC) and its field units, called Regional Exam Centers (REC) and Monitoring Units (MU), conduct these MCP processes, which have traditionally relied on handwritten applications, mailed correspondence, and recordkeeping in paper-based files. It was not until the early 1990s that the Coast Guard implemented its Merchant Mariner Licensing and Documentation

(MMLD) database to partially automate the process.

MMLD is a database used by the NMC to issue MMCs, medical certificates and manage mariner information. MMLD is internal to the Coast Guard and does not allow for direct interaction with maritime stakeholders. Even with the addition of MMLD, all aspects of the MCP rely heavily on the paper-based submittal of information. This includes the submission of handwritten, paper forms, such as Form CG–719B, Application for Merchant Mariner Credential, CG–719K, Application for Medical Certificate, and supporting documentation, as well as conducting paper-based examinations that are mailed to mariners, or administered in person, by the Coast Guard. In recent years, the Coast Guard has accepted Adobe Acrobat versions of the paper applications and information through emails to improve customer service and efficiency during the COVID–19 pandemic. However, this still requires the transfer of the mariner's information from emailed documentation by manual entry of all information into the MMLD database for reviewing and processing. This process is time-consuming, inefficient, and does not provide effective customer service. These inefficiencies also make the Coast Guard susceptible to fraudulent activities related to accepting documents that cannot be validated and may contain falsified information or incorrect data. For example, if a mariner submits a training course completion or sea service document, it is difficult to validate this information against the course provider completed course information submitted to the Coast Guard or vessel information such as propulsion type or registered tonnage.

The Coast Guard is working to replace MMLD with a more technologically advanced, secure, agile, and user-friendly system that would reduce risk and improve customer service to mariners and the maritime industry. The anticipated replacement system will be web-based, allowing for direct virtual interaction between the Coast Guard and maritime industry stakeholders. Currently over 50 percent of MMC applications submitted are incomplete, resulting in delays to request and receive the missing information. The replacement system would aim to eliminate these delays and would allow for more efficient processing, tracking, and feedback on the status of the credential or medical certificate. In addition, system users would be able to electronically provide required information directly to the Coast Guard for review or approval.

These users would include maritime training providers, maritime employers, and other entities submitting required information on behalf of the mariner, such as course completion data, documentation of sea service, or assessments of competency. This would increase the ability to validate and protect information and reduce the likelihood of fraud from the falsification of such mariner records. As the primary source of consolidated data on merchant mariners and their qualifications, this would also support national defense requirements by allowing for accurate data analysis of merchant mariners needed to support contingency operations.

The future MCP system would enable the electronic submission of information for the processing of credentials and other qualifications and approvals, as well as reconciling the collection of mandatory fees through *Pay.gov*. Allowing for the electronic submission of certain data and requiring electronic payments requires a regulatory update to 46 CFR part 1 of subchapter A and parts 10–16 of subchapter B. While the development and testing of the new system will take time, these regulatory changes are required to set the conditions for the implementation of the new system's capabilities.

Mariners must pay mandatory fees for the Coast Guard evaluation of an MMC application, administration of an examination, and issuance of an MMC. The Coast Guard is not proposing to change the amount of any of the mandatory fees. Regulations establish the amount and method for the payment of fees; specifically, 46 CFR 10.219(d)(3) allows for payments by cash, check, money order, or credit card. Accepting cash, checks, and money orders as payments is costly and inefficient, often creating issues with fee reconciliation for mariners. Cash must be converted to a money order, checks and money orders must be deposited via standard mail to the Federal Lockbox, and all deposits must be reconciled. The Coast Guard currently does not have an efficient way to track mandatory fees, particularly cash and money orders, in MMLD or the Coast Guard financial management system. This has led to overpayments and underpayments of mandatory fees, delays in processing refunds, and delays in issuing mariner credentials when proper fees have not been received. There are also no automated mechanisms to identify the need for a refund. Instead, a refund usually occurs only after it is requested by the individual receiving services. These inefficiencies typically delay refunds to individuals.

¹ Qualified Assessor and Designated Examiner are as defined in 46 CFR 10.107 and 10.405.

Requiring electronic payment via *Pay.gov* would allow for more efficient processing of mandatory fees, including easier reconciliation, refunds, and protection of financial information, and would eliminate the burden of Coast Guard personnel handling non-electronic forms of payment. From 2015 to 2019, most payments of mandatory fees affected by this proposal were made electronically through *Pay.gov*.² Cash payments were not accepted during the COVID-19 pandemic. Only a few cash payments have been received since 2019 and this trend is anticipated to continue.³ Credit or debit card (or a purchased credit card) and check payments, via bank automated clearing house (ACH) payments, would still be accepted as a means of payment through *Pay.gov*.

In addition, this proposal would align Coast Guard regulations with U.S. Treasury regulations on the management of federal agency receipts, disbursements, and the operation of cash management. Specifically, 31 CFR part 206 prescribes regulations for promoting efficient, effective cash management through improved billing, collection, deposit, and payment of funds. These objectives seek to improve funds' availability and the efficiency and effectiveness with which funds are transferred. Specifically, 31 CFR 206.4 establishes that all funds are to be collected and disbursed by Electronic Funds Transfer (EFT) when cost-effective, practicable, and consistent with current statutory authority. In addition, 31 CFR 206.4(b)(1) specifies that EFT will be adopted as the presumed collection method when fees and fines are recurring or of large dollar amounts.

The Coast Guard also proposes to remove the requirement for original applicants to take an oath before an authorized official and to change the requirements for the completion and submission of Form CG-718A. Taking the oath before an authorized official is duplicative because the oath is part of Form CG-719B that the original applicant must attest to when they provide their signature. Requiring an oath before an authorized official or notary, places an undue burden on the original applicant who may need to pay for notary services. The signature and

attestation on Form CG-719B legally binds the original applicant to that oath without the additional requirements and potential cost.

Form CG-718A, Certificates of Discharge, and associated processes are used to document a mariner's time on a vessel including the capacity the mariner sailed (3rd Mate, 2nd Engineer, etc.), date joining the vessel, and date leaving the vessel among other information. By reviewing and attesting to the information on Form CG-718A, the vessel master and mariner agree to its correctness. This information can be used to verify the mariner's time for salary, sea service, and for other purposes. Form CG-718A process is clarified to ensure proper information is obtained and provided to the mariner and the Coast Guard by the vessel master and shipping company. This updates the process from paper and carbon copy forms, allowing for updated methods, such as electronic forms, electronic signatures, and improved recordkeeping, in the modern-day maritime industry. The information required for Form CG-718A would remain the same, but the method of obtaining, processing, and retaining the Form would allow for electronic processing by the owner, operator, Master, or Chief Engineer of the vessel.

Finally, the Coast Guard proposes technical amendments, such as updating addresses and websites, removing antiquated terminology, and adopting gender-inclusive language by replacing gender specific terms. This would align with other sections of Coast Guard regulations, where outdated terminology has been removed or updated when provided the opportunity to do so through rulemaking. It would also provide a clearer understanding of Coast Guard and governmental requirements.

V. Discussion of Proposed Rule

This rule proposes to allow for the electronic submission of MMC applications and supporting documents to the Coast Guard, and to require electronic payment of mandatory fees through *Pay.gov*. This rule also proposes to remove the requirement for original MMC applicants to take an oath before an authorized official or notary because the Coast Guard has determined it is a redundant part of the original MMC application process. This rule further proposes to amend the process for issuing certificates of discharge for mariners after completing a voyage to clarify the procedures and allow for electronic processing and

recordkeeping. Finally, the Coast Guard proposes to make non-substantive changes to antiquated terminology and out-of-date website and address information to clarify existing regulatory text in the affected subparts of the CFR.

To prepare for the future acquisition of an information technology (IT) system to replace the antiquated and inefficient MMLD system used by the MCP, this rule proposes to amend 46 CFR subchapter A, part 1, and subchapter B, parts 10–16, to allow for electronic submission of information, in a manner specified by the Coast Guard, to obtain MMCs, medical certificates, and the approval of mariner training courses and programs, Qualified Assessors, and Designated Examiners. Providing for the electronic submission of required information would streamline the credentialing process and would prepare for the fully electronic IT system that will be used by the MCP and industry.

This proposed rule requires electronic payment of mandatory fees through *Pay.gov*. Manual processing of the remaining cash, checks, credit cards, or money orders that are still allowed requires significant work hours by NMC and REC personnel, is difficult to validate and protect using the current system, and does not meet the requirements of the U.S. Treasury. Currently, applicants can make payments in person at an REC using cash, check, credit card, or money order. With this proposed rule, the Coast Guard would no longer directly accept payments made using these methods at RECs. Applicants who wish to continue to use cash or money orders could obtain a prepaid credit card to pay fees using *Pay.gov*. Applicants who wish to pay via personal check can make an ACH payment through *Pay.gov*. As noted in IV. Background, the Coast Guard anticipates the use of cash or money orders to continue to decrease, based upon previous payment statistics. This also reflects the overall public trend in the United States to make payments using a credit card, debit card, or check. The 2019 Federal Reserve Payments Study and subsequent updates indicate a continued trend to using cards and ACH with the growth rate of core noncash payments being 6.7 percent per year from 2015 to 2018, higher than the growth rate of 5.1 percent per year from 2012 to 2015.⁴

² Approximately 80 percent of payments received from 2015–2019 were through *Pay.gov*. This increased to over 90 percent during the years from 2020–2022.

³ The number of cash payments recorded by the Coast Guard: CY 2020—31, CY2021—2, and CY2022—19.

⁴ The 2019 Federal Reserve Payments Study, p14, <https://www.federalreserve.gov/newsevents/pressreleases/files/2019-payments-study-20191219.pdf>.

Credit and debit card usage numbers declined with the onset of the COVID-19 pandemic, mostly from the lack of in-person transactions, but general growth continued, including the percentage of ACH payments.⁵ Electronic payment would reduce the burden on Coast Guard personnel who process non-electronic payments (cash, check, money orders) and improve customer service to mariners by allowing for better reconciliation and more efficient processing of payments and refunds.

This rule also proposes changes to 46 CFR 14.307 regarding entries on certificates of discharge for mariners after completing a voyage to clarify the procedures and allow for electronic processing and recordkeeping. The process would be clarified by requiring that each master or person in charge must, for each individual mariner being discharged from the vessel, prepare a Form CG-718A in accordance with the procedures prescribed by the Coast Guard. The prescribed format may include the current CG-718A or other means provided by the Coast Guard, which would allow for electronic processing if available in a new MCP system. If a Master or persons in charge of a vessel do not use a Coast Guard-prescribed format, the mariner must be provided with all the same information included on Form CG-718A. This ensures the vessel Master or operating companies provide the required information to the mariner but allows for them to use vessel or company specific means, such as a payroll system incorporated in their vessel administrative systems. Following each voyage, every mariner being discharged must validate the information on Form CG-718A by signing it. The proposed change from signing in “permanent ink” to “by signing” allows for more modern methods such as electronic signature or document verification. Finally, when the mariner departs the vessel, the Master or individual in charge must give Form CG-718A to the mariner, which could be provided electronically with the proposed changes. The proposed changes to Form CG-718A’s process creates a more modern and electronic means of processing the document.

⁵ Developments in Noncash Payments for 2019 and 2020: Findings from the Federal Reserve Payments Study, p7, <https://www.federalreserve.gov/publications/files/developments-in-noncash-payments-for-2019-and-2020-20211222.pdf>.

Under this proposed rule, there would be no change to the certificate of discharge transmission process under 46 CFR 14.311.

In addition, this proposed rule would remove the requirement to take an oath before an authorized official while certifying an Application for Merchant Mariner Credential (Form CG-719B). By signing the form, an individual attests that they do “solemnly swear or affirm” to abide by the requirements of the oath. This legally binds a mariner, so no additional requirement before an authorized official is necessary. The Coast Guard also anticipates that the future MCP system will allow for electronic signatures and additional verification of identity, negating the need for the requirement to take an oath before an authorized official.

Finally, the Coast Guard proposes technical amendments to 46 CFR parts 1 and 10 through 16 as part of this rulemaking. These amendments would account for updates to websites and addresses, remove antiquated language (such as “licenses” and “Merchant Mariner Document (MMD),” as those credentials are no longer issued by the Coast Guard), and make non-substantive changes to ensure gender-neutrality throughout.

VI. Regulatory Analysis

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. A summary of our analyses based on these statutes or Executive orders follows.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review), as amended by Executive Order 14094 (Modernizing Regulatory Review), and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Office of Management and Budget (OMB) has not designated this proposed

rule a significant regulatory action under section 3(f) of Executive Order 12866, as amended by Executive Order 14094. Accordingly, OMB has not reviewed it. A regulatory analysis (RA) follows.

For this regulatory analysis, the term “applicants” refers to all individuals who pay mandatory fees associated with an MMC application. The proposed changes and estimated cost savings for § 10.219(d) would affect these applicants. The phrase “original applicants” refers to individuals who are applying for their first MMC and therefore are currently required to take an oath before an authorized official. The number of original applicants is a subset of all applicants because they must also pay fees. The proposed changes and cost savings to § 10.225(c) would affect only original applicants.

In this rulemaking, the Coast Guard proposes to update 46 CFR subchapter A, part 1, and subchapter B, parts 10 through 16. The proposed rule would:

- Require electronic payment of merchant mariner credentialing fees in § 10.219(d);⁶
- Remove the requirement for an oath to be administered by an official who serves as a notary public (or an authorized official who can administer an oath) on Form CG-719B in § 10.225(c);
- Allow for the electronic submission of certain documents in §§ 1.03–15(h)(2)(i) for appeals involving course approvals and merchant mariner personnel issues and 10.219(i) for requests involving no-fee MMCs;
- Consolidate, condense, and clarify regulatory text for the processing of Form CG-718A in §§ 14.307(a), (b), and (c) when a mariner completes a voyage; and
- Make non-substantive, editorial changes to current regulatory text, such as pronoun changes, address changes, the removal of certain terms, and other minor grammatical changes.

Table 1 presents a summary of the impacts of the proposed rule.

⁶ The proposed rule affects all applicants who apply for MMCs. Mandatory fees include evaluation, examination, and issuance fees. The Coast Guard data does not differentiate between these fees in the data it collects; the data the Coast Guard collected for this analysis are for any fees where applicants may pay for any or all of them at one time.

TABLE 1—SUMMARY OF IMPACTS OF THE NPRM

Category	Summary
Applicability—46 CFR subchapter A, part 1, and subchapter B, parts 10–16.	—Requires applicants for an MMC to pay evaluation, examination, and issuance fees electronically through <i>Pay.gov</i>;⁷ —Removes requirement for original applicants to take an oath before an authorized official; —Provides the option of electronic submission of additional documents to support MMC applications and Coast Guard approvals; and —Makes editorial changes that clarify, remove, condense, and add non-substantive regulatory text.
Affected Population	—Applicants for MMCs; and —Approximately 36,838 applicants,⁸ annually.
Total Cost Savings of Proposed Rule (7-percent discount rate—all estimates in table, \$2021).	<i>Assumption 1 (Cost Savings to applicants of MMCs):</i> Approximately \$2.6 million over 10-year period of analysis. Annualized, approximately \$364,945. <i>Assumption 2 (Cost Savings to applicants of MMCs):</i> Approximately \$3.0 million over 10-year period of analysis. Annualized, approximately \$433,379. <i>Federal Government Cost Savings:</i> Approximately \$215,655 over 10-year period of analysis. Annualized, approximately \$30,704. <i>Total Cost Savings of Proposed Rule:</i> <i>Assumption 1:</i> Approximately \$2.8 million over 10-year period of analysis. Annualized, approximately \$395,650. <i>Assumption 2:</i> Approximately \$3.3 million over 10-year period of analysis. Annualized, approximately \$464,084.
Unquantifiable Costs	—There are no regulatory provisions of the proposed rule that would impose net costs on individuals, companies, or the maritime industry. —The proposed rule would remove non-electronic and in-person payments options for applicants. —This proposed rule would remove requirements in § 10.219(d) and § 10.225(c), which would produce net cost savings to applicants.
Unquantifiable Cost Savings	—Provides cost savings from the option of electronic submission of certain documents in parts 1.03–15(h)(2)(i) and 10.219(i).
Unquantifiable Benefits	—Provides flexibility with option of electronic submission of certain documents; —Clarifies submission of Form CG–718A in part 14.307; allows for additional signature methods and retention procedures.

Note: Cost savings estimates in each assumption include estimates for § 10.219(d).

We discuss the economic impact of these items individually in the cost savings section of this RA. We request public comment on the numerical estimates and assumptions in the RA for this proposed rule.

This proposed rule would generate cost savings to applicants, including original applicants, for two proposed changes in 46 CFR 10.219(d) and 10.225(c), and for the Federal Government in § 10.219(d).

For part 10.219(d), each applicant would save about \$13.53 for a credit

card payment and about \$11.82 for a cash payment with this proposed rule.

For part 10.225(c), under Assumption 1, for all applicants, an individual applicant would save about \$14.95; and under Assumption 2, for half of the applicants (6,976), each applicant who goes to a bank branch would save about \$14.95; for the other half (6,976) of the applicants who go to a notary service, half of whom pay by credit card (3,488) and half of whom pay by cash (3,488); each applicant who pays by credit card would save about \$25.37, and by cash, about \$24.15.

First, the proposed changes in § 10.219(d) would require an applicant for an MMC to pay the required evaluation, examination, and issuance mandatory fees by electronic means through *Pay.gov*. Currently, an applicant can make a payment in person at an REC using cash, check, credit card or money order. With this proposed rule, the Coast Guard would no longer directly accept payments made using these methods; as a result, this proposed rule would remove the payment options made with cash, check (in person), credit card (in person), and money

order, and payments made by standard mail. The cost savings that we estimate for § 10.219(d) are for applicants who would no longer expend the time to visit an REC to pay the fees by cash, check, credit card, and for payments made by check through standard mail. For the purpose of this analysis, we analyzed payments made by cash and credit card because they represented the majority of payments made in person at RECs. We also analyzed check and money order payments made by applicants outside of RECs. In addition to cash and credit card payments, applicants can also make payments by check and money order in person at an REC. However, the Coast Guard does not collect data to show where applicants made these payments. For this analysis and based on Coast Guard information from RECs, where most applicants pay by cash or credit card, we then assumed applicants made check and money order payments by standard mail outside of an REC.

The changes we propose to § 10.219(d) would also generate cost savings for the Federal Government for Coast Guard employees who would no

⁷ Readers can access the National Maritime Center's (NMC) website and *Pay.gov* to obtain information about the payment of fees at www.dco.uscg.mil/nmc/fees/. The Coast Guard accessed this web page in the summer of 2022.

⁸ For this regulatory analysis, the term “applicants” refers to all individual applicants who pay mandatory fees. The proposed changes and estimated cost savings for § 10.219(d) would affect these applicants. The phrase “original applicants” refers to individuals who apply for their first MMC and therefore are required by existing regulation to take an oath before an authorized official. The proposed changes and cost savings to § 10.225(c) would affect only original applicants. We also assume the affected population of applicants has bank accounts.

longer expend the time to process in-person payment transactions at REC's.

The cost savings associated with § 10.225(c) would be from the removal of the requirement to have an oath administered by a person legally qualified to administer an oath, or a notary public, near an original applicant's place of residence (in the town or city where an original applicant resides) before an original applicant receives an MMC.⁹ The Coast Guard does not estimate the Federal Government would realize any cost savings associated with this proposed change. The remaining changes of the proposed rule would not generate any costs or cost savings to the maritime industry, individuals, or the Federal Government. Lastly, this proposed rule would not alter any current OMB-approved Coast Guard information collection request (ICR).

§ 10.219(d)

We estimate the total discounted cost savings for the proposed change to § 10.219(d) for applicants who pay mandatory fees at REC's (typically by cash or credit card) and for applicants who pay by check and money order outside of an REC through standard mail would be approximately \$1.0 million, rounded, over a 10-year period of analysis, using a 7-percent discount rate. The cost savings are associated with the time (transaction time) applicants would save from making in-person payments to using *Pay.gov*. We estimate the annualized cost savings for applicants who pay in-person at REC's and by cash would be approximately \$3,439 rounded, using a 7-percent discount rate. We estimate the annualized cost savings for applicants who pay in-person at REC's by credit card would be approximately \$134,735, rounded, using a 7-percent discount rate. We estimate the annualized cost savings for applicants who pay by check and money order through standard mail would be approximately \$6,951 rounded, using a 7-percent discount rate. Finally, we estimate the total

annualized cost savings of part 10.219(d) to applicants who pay in-person at REC's and by check and money order to be approximately \$145,125 (\$3,439 + \$134,735 + \$6,951), rounded.

We estimate the discounted cost savings to the Coast Guard for the proposed change to § 10.219(d) would be approximately \$215,655 over a 10-year period of analysis, using a 7-percent discount rate. In addition, we estimate the annualized cost savings to the Coast Guard for this regulatory provision would be approximately \$30,704, rounded, using a 7-percent discount rate.

§ 10.225(c)

In this regulatory analysis, we make two assumptions associated with the proposed removal of the requirement to take an oath before an authorized official in § 10.225(c). These assumptions apply to applicants who pay the mandatory fees and take an oath at a location other than an REC or at their place of residence (for the purpose of this regulatory analysis, we refer to individuals who are affected by the proposed changes to § 10.225(c) only as "original applicants"). These two assumptions are necessary, because the Coast Guard does not have data on whether original applicants obtain an oath through a notary public service at a bank near their place of residence, which is (Assumption 1), where an individual can obtain an oath for an original application along with a notary public signature, which we assume to be free of charge; or elsewhere, other than a bank, which is (Assumption 2), where there is a cost for the notary public service.¹⁰

Therefore, if the reader accepts Assumption 1 to be representative of the current actions by applicants, then the cost savings the Coast Guard estimates for this assumption would be the cost savings of the proposed rule, in addition to the cost savings from the proposed change to § 10.219(d). If the reader accepts Assumption 2 to be representative of the current actions by applicants, then the cost savings the Coast Guard estimates for this assumption would be the cost savings of the proposed rule, in addition to the cost savings from the proposed change to § 10.219(d).

Other assumptions may be made about the locations or establishments where original applicants obtained an oath through a notary public service, such as through legal services, at a title application company, or other such local business services, but we believe these assumptions capture the actions that applicants take when they apply for MMC's. The Coast Guard requests comments from the public on these two assumptions, and whether a third assumption should be considered along with or instead of these two assumptions. Lastly, for the purpose of this analysis, the Coast Guard assumes applicants have bank accounts. We request comments from the public on the validity of this assumption.

Assumption 1 for § 10.225(c): Our first assumption is that original applicants, who are affected by this part of the proposed rule, can obtain an oath through a notary public service at a bank branch (which we assume to be free of charge) near where they reside.¹¹ Under this assumption, we estimate this proposed rule would save original applicants (an estimated 13,951 annually, rounded) a discounted amount of approximately \$1.5 million over a 10-year period of analysis, using a 7-percent discount rate. The cost savings include the cost of the travel time for an applicant who would have traveled to obtain a notary public, the mileage cost, and the time an applicant would have waited at a bank to obtain a notary public. We estimate the annualized cost savings for original applicants would be approximately \$219,820, using a 7-percent discount rate. These figures do not include the cost savings for the proposed change to § 10.219(d).

Assumption 2 for § 10.225(c): Our second assumption is that half of the original applicants can obtain an oath through a notary public service at a bank or bank branch near where they reside, which we assume to be free of charge. The other half of original applicants (an estimated 6,976 annually, rounded) can obtain this service at a state office, an establishment that provides notary public services, or a similar entity which charges for notary public service. Assumption 2 considers the cost savings associated with the

⁹ A notary public is an individual who has met the requirements to provide notary public services to the general public in order to verify a person's identity. Currently, in the case of Form CG-719B, when an original applicant applies for an MMC either at an REC or near an original applicant's place of residence (either at a bank or bank branch or where there is a notary service in the U.S.), the original applicant must sign the form in the presence of a notary public. The notary public must also sign the form; this process serves as the oath for the original applicant in accordance with the information contained in Form CG-719B. Readers can access www.nationalnotary.org to obtain more information about notary services in the U.S. The Coast Guard accessed this web page in the summer of 2022.

¹⁰ The Coast Guard collects information on the number of payment transactions for original applications and for other payments of MMC fees. For the purpose of this analysis, we assumed each payment transaction represents one individual or mariner. There may be more than one payment transaction for an application, but for tractability of this analysis, we assumed a one-to-one ratio.

¹¹ The Coast Guard acknowledges that some banks or bank branches may not provide a notary public service free of charge; however, we assumed applicants with a bank account at a given bank do not incur a cost for a notary public service if they are a member of that bank. Readers can access these websites for more information on notary public services at banks: <https://www.bankofamerica.com/signature-services/notary/>, and <https://www.citizensbank.com/learning/notary-public-services.aspx>.

proposed removal of the oath and the notary public service for the affected population of all original applicants, or 13,951. Under this assumption, we assumed half of the applicants would obtain a notary public at a bank, where it is free of charge, and half at an establishment other than a bank, where there would be a cost for a notary public. The cost savings for half of the original applicants who obtain a notary public at a bank would be from the time it would take to travel to a bank, the mileage cost, and the time to wait at a bank for a notary public. The cost savings for the other half of original applicants who obtain a notary elsewhere would be the same as applicants that go to a bank with the addition of the cost savings from not having to pay for a notary public.

With this assumption, the Coast Guard estimates the proposed rule would save original applicants a discounted amount of approximately \$2.0 million over a 10-year period of analysis, using a 7-percent discount rate. The Coast Guard estimates the annualized cost savings for original applicants would be approximately

\$288,255, using a 7-percent discount rate. These figures do not include the cost savings for the proposed change to § 10.219(d).

For each assumption, the Coast Guard adds the same cost savings estimate for original applicants who would be required to pay the fees electronically under the proposed changes to § 10.219(d), or \$145,125 annualized, rounded. Specifically, for Assumption 1, the Coast Guard estimates the total discounted cost savings of the proposed rule to applicants would be approximately \$2.6 million over a 10-year period of analysis, using a 7-percent discount rate. The Coast Guard estimates the total annualized cost savings of the proposed rule under this assumption would be approximately \$364,945.

For Assumption 2, the Coast Guard estimates the total discounted cost savings of the proposed rule to applicants would be approximately \$3.0 million over a 10-year period of analysis, using a 7-percent discount rate. The Coast Guard estimates the total annualized cost savings of the proposed rule under this assumption would be approximately \$433,379.

In addition, the Coast Guard expects this proposed rule to generate benefits in the form of cost savings to MMC applicants. These benefits would include:

- A simplified payment transaction through electronic means (*Pay.gov*), saving applicants time and money; and
- Reduced time burden for original applicants who would no longer need to obtain an oath before an authorized official, which saves time and money.

This proposed rule would also generate unquantifiable benefits, which would include:

- Flexibility for applicants by providing the option to electronically submit documents including the no-fee determination of eligibility request and the certificate of discharge; unquantifiable cost savings for applicants who would choose the option to electronically submit certain documents;
- Removal, addition, and clarification of regulatory text for Form CG-718A and other non-substantive regulatory text changes.

Table 2 presents a summary of the estimated impacts of the proposed rule.

TABLE 2—SUMMARY OF IMPACTS OF THE NPRM BY AFFECTED CFR PART, SUBPART, AND SECTION

46 CFR section(s) affected	Description of proposed rule change	Economic impact	Estimated cost or cost savings
Part 1—Organization, General Course and Methods Governing Marine Safety Functions, Subpart 1.01—Organization and General Flow of Functions: 1.01–15(e).	Editorial; non-substantive regulatory text changes, which includes updated website for merchant mariner credentialing.	No estimated impact	None.
Subpart 1.03—Rights of Appeal: 1.03–15(h)(2)(i).	Editorial; non-substantive regulatory text changes. Adds option of electronic submission for appeals for course approvals.	No estimated impact. Manner of submission would include option of electronic submission of appeals. Unquantifiable benefit of option for electronic submission of appeal, current paper-based appeal process would still be accepted.	None.
Part 10—Merchant Mariner Credential, Subpart A—General: 10.107.	Editorial; non-substantive regulatory text changes.	No estimated impact. Clarifies the definition of “regional examination center or REC”; adds definitions for “written,” “writing,” and “in writing.”.	None.
Subpart B—General Requirements for All Merchant Mariner Credentials: 10.203(b); 10.203(c); 10.205(g); 10.209(a); 10.209(d).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
10.209(d)(1); 10.209(d)(2); 10.209(d)(3).	Editorial: removes regulatory text for applicant to retain photocopy of credential and submission of certain documents in paragraph (d)(2). Other non-substantive regulatory text changes in paragraphs (d)(1) and (d)(3).	No estimated cost impact for removal of photocopy of credential and submission of certain documents because requirement is still retained in §§ 10.227 and 10.231.	None.
10.209(i)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
10.211(f), (i), (j), (k), and (l)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
10.213(f)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.

TABLE 2—SUMMARY OF IMPACTS OF THE NPRM BY AFFECTED CFR PART, SUBPART, AND SECTION—Continued

46 CFR section(s) affected	Description of proposed rule change	Economic impact	Estimated cost or cost savings
10.219(d)	Condenses paragraphs (d)(1) through (5) into one paragraph; requires payments to be made electronically.	Cost savings in time saved for payment transaction for applicants who chose to pay in person at an REC and would now be required to submit payment electronically. Cost savings from mail-in checks. This would remove the in-person option for applicants who chose to pay in person at an REC.	Estimated annualized cost savings of approximately \$145,125 to applicants; 10-year discounted cost savings of approximately \$1.0 million at 7-percent discount rate. Federal Government annualized cost savings of approximately \$30,704; 10-year discounted cost savings of approximately \$215,655 at 7-percent discount rate.
10.219(i)(1)	Editorial; non-substantive regulatory text changes. Adds option of electronic submission of request for determination of a request for a fee waiver.	No estimated impact; manner of submission would include option for electronic submission. Unquantifiable benefit of option for electronic submission of request for determination of eligibility, current paper-based request would still be accepted.	Unquantifiable cost savings.
10.223(c)(iv)(5)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
10.225(c) [Please note, the cost savings estimates the Coast Guard presents for each assumption in this subpart do not include the estimates in § 10.219(d)].	Removes the requirement for an oath to be administered by any Coast Guard designated individual or any person legally permitted to administer oath in jurisdiction of individual's place of residence. Other minor non-substantive regulatory text changes.	Cost savings for original applicants who obtain an oath other than through a designated Coast Guard individual because it is free of charge at an REC. Cost savings is from original applicants who do not need notary public signature on Form CG-719B.	Assumption 1: Estimated annualized cost savings is approximately \$219,820; 10-year discounted cost savings approximately \$1.5 million at 7-percent discount rate. Assumption 2: Estimated annualized cost savings is between \$288,255; 10-year discounted cost savings approximately \$2.0 million at 7-percent discount rate.
10.227(d)(4); 10.227(e)(1)(i); 10.227(e)(1)(iv); 10.227(e)(4) and (5); 10.227(e)(6)(ii); 10.227(g)(2)(ii); 10.227(h) and (i).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
10.231(c)(5); 10.231(d)(2)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
10.232(a); 10.232(a)(4); 10.223(d); 10.223(d)(3); 10.223(d)(6).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
10.233(a), (b), and (c)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
10.235(c), (d), (h), and (i)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
10.239, table 1	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart C—Medical Certification: 10.302(a).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
10.305(c), (d), and (e); 10.306(e)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart D—Training Courses and Programs: 10.404(b)(1)(iv), (v), and (vii); (c)(1) and (c)(6).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
10.405(a)(3); (b)(3) and (d); 10.409(e) ..	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Part 11—Requirements for Officer Endorsements, Subpart A—General: 11.101(b); 11.102(a).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart B—General Requirements for Officer Endorsements: 11.201(a), (c)(4), (g)(1) and (2), (h), (i) and (k); 11.211(c); 11.217(a).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart C—STCW Officer Endorsements: 11.301(g); 11.337(a).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart D—Professional Requirements for National Deck Officer Endorsements: 11.401(a), (b), and (d).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.402(c)(2) and (3), and (d)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.404(a)(2) and (b); 11.405(a); 11.406(a)(1) and (2), and (c); 11.407(c) and (d).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.412(a)(1) and (2), and (b)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.414(a)(1)(iii)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.418(a)(1) and (2), and (b)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.420(a)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.422(b)(4) and (c); 11.424(a)(1) and (b).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.425(a)(2), (b), and (d)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.

TABLE 2—SUMMARY OF IMPACTS OF THE NPRM BY AFFECTED CFR PART, SUBPART, AND SECTION—Continued

46 CFR section(s) affected	Description of proposed rule change	Economic impact	Estimated cost or cost savings
11.426(a)(1)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.427(a)(2), (b), and (d)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.428(b); 11.429(c)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.433(a)(1) and (3); 11.435(a)(1) and (2); 11.437(a)(3)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.442(a)(1) and (2); 11.444(a)(2); 11.446(a)(1) and (b)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.450(c) and (d); 11.452(a) and (b); 11.454(c) and (d); 11.457(a) and (b)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.462(c) and (c)(4)(v) and (vi), and (d)(4)(iv), (v), and (vi)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.464(d), (g), and (h)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.465(a), (d), and (e); 11.466(b)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.470(b)(1) and (2), (c), (d)(1) and (d)(2), and (d)(2)(i), (e), (f)(2), (g), (h)(1), (h)(2), (h)(2)(i), (i), (j)(2), and (j)(2)(i), and (k)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.472(a)(1), (a)(2), and (b)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.474(a)(1), (a)(1)(i), (a)(1)(ii), (a)(2), and (b)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.480(b), (d), (f), and (h)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.482(b), (c), and (d)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.491(a)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart E—Professional Requirements for National Engineer Officer Endorsements: 11.501(c), (d), and (e)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.502(b)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.503(a), (c)(2), (3), and (4), and (d) ...	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.510(a)(2); 11.512(a)(1)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.514(a)(1) and (2)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.542(a)(1) and (2), and (b)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.544(a)(1) and (2), and (b)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart F—Credentialing of Radio Officers: 11.603; 11.604	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart G—Professional Requirements for Pilots: 11.701(d); 11.703(d); 11.705(c); 11.707(b); 11.709(b); 11.713(a) and (b)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart H—Registration of Staff Officers and Miscellaneous Endorsements: 11.805(a) and (b); 11.807(d); 11.821(b)(2)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart I—Subjects of Examinations: 11.903(c)(1)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
11.920 table 2 title	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Part 12—Requirements for Rating Endorsements—Subpart A—General: 12.103(a)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart B—General Requirements for Rating Endorsements: 12.201(a)(2)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart C—Requirements for National Deck Rating Endorsements: 12.401(a) and (c)(3); 12.405(a) and (b)(2); 12.407(b)(1)(iii) and (b)(3); 12.409(b)(1)(iii) and (b)(3)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart E—General Requirements for a Qualified Member of the Engine Department (QMED): 12.501(b)(2) and (c)(3); 12.505(a); 12.625(a)(1); 12.627(a)(1)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart G—Entry-Level National Ratings and Miscellaneous Ratings: 12.707; 12.709(a); 12.711(a)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.

TABLE 2—SUMMARY OF IMPACTS OF THE NPRM BY AFFECTED CFR PART, SUBPART, AND SECTION—Continued

46 CFR section(s) affected	Description of proposed rule change	Economic impact	Estimated cost or cost savings
Subpart H—Non-Resident Alien Members of the Steward's Department on U.S. Flag Large Passenger Vessels: 12.809(a) and (b); 12.811(b)(5)(iii) and (e).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Part 13—Certification of Tankerman, Subpart A—General: 13.103(a) and 13.107(a), (b), (c), (d), (e), and (f).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
13.111(d)(3) and (4); 13.119; 13.120(a), (b), (c), and (d); 13.127(a)(4) and (5).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart B—Requirements for Tankerman-PIC Endorsement: 13.201(c) and (c)(3).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
13.203(a), (b), and (c)(2); 13.205	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart C—Requirements for Tankerman-PIC (Barge) Endorsement: 13.301(c) and (c)(3); 13.303(a) and (c)(2); 13.305.	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart D—Requirements for Tankerman-Assistant Endorsement: 13.401(c), (d), and (e).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
13.405(a), (b), and (b)(2)	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart E—Requirements for Tankerman-Engineer Endorsement: 13.501(c) and (c)(3); 13.503(a); 13.505(a).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Part 14—Shipment and Discharge of Merchant Mariners, Subpart A—General: 14.205; 14.207(a).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart C—Discharge of Merchant Mariners: 14.307(a), (b), and (c).	Removes regulatory text in paragraph (a), which includes the number of copies of Form CG-718A and other mariner information. Removes paragraphs (d) and (e) and consolidates regulatory text changes into paragraphs (b) and (c).	No estimated impact. Removal and consolidation of information in current paragraphs (a), (d), and (e) into proposed paragraphs (a), (b), and (c) is currently required on Form CG-718A.	None.
Subpart D—Oceanographic Research Vessels: 14.403(a)(1) and (2); 14.405(c) and (d).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Part 16—Chemical Testing, Subpart B—General: 16.201(c) and (f).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
16.210(b); 16.220(a)(1), (3), and (5), and (c); 16.230(b)(1) and (c).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.
Subpart E—Management Information System: 16.500(b).	Editorial; non-substantive regulatory text changes.	No estimated impact	None.

Affected Population

The affected population of this proposed rule are applicants for an MMC (includes original applications) who pay MMC fees in person at an REC or outside of an REC through standard mail. Based on historical data from the NMC, the Coast Guard analyzed information on applicants who paid mandatory fees electronically through *Pay.gov* over a 7-year period from 2015 to 2021. Based on payment data from the NMC, one payment transaction represents one applicant for all transactions. The Coast Guard did not include 2022 in the dataset because at the time of the writing of this analysis it was not a complete data year. Under this assumption, we assumed an applicant makes one trip to an REC and pays for all transactions at that time instead of taking time to make multiple trips and paying separately for transactions. For applicants who paid

fees in person at RECs, the Coast Guard used a 5-year data period from 2015–2019 because after 2019, in-person transactions became very sporadic at RECs due to COVID–19 pandemic protocols and the data are not representative of the transactions over this period of time. The Coast Guard then established two population groups. For § 10.225(c) of this proposed rule, the Coast Guard defined the population as original applicants who paid mandatory fees by money order, check, and through *Pay.gov*, which gave us the number of applicants who took the oath outside of an REC and obtained a notary public service near where they reside. This is for individuals who applied for an original MMC only. As an annual average, the NMC recorded approximately 13,951 payment transactions for original applications between 2015 and 2021.

For § 10.219(d) of this proposed rule, the Coast Guard defined part of the

population as applicants who paid the fees by cash or credit card in person at RECs for original applications, which gave us an estimated the number of individuals who likely took the oath at RECs, where it is free of charge.¹² As an annual average, the NMC recorded approximately 1,206 in-person payment transactions for original applications between 2015 and 2019. For all other fees paid by applicants other than original applicants, the NMC recorded an annual average of 9,043 in-person payment transactions between 2015 and 2019. The Coast Guard estimates the total average annual population of applicants, who paid fees in person at

¹² Based on NMC data, most applicants paid fees by cash or check at RECs; however, a small, unknown number of applicants paid by check or money order. The Coast Guard does not maintain data on applicants who paid by check or money order at RECs, which may result in an underestimation of applicants who paid fees in person by these two methods.

an REC during this period, to be approximately 10,249 applicants.

Between 2015 and 2021, the Coast Guard also recorded an annual average of approximately 12,638 payments made

by applicants who paid by check or money order outside of an REC through standard mail. Therefore, the Coast Guard estimates the total average annual

population affected by this proposed rule would be approximately 36,838 (13,951 + 10,249 + 12,638) applicants (see table 3).

TABLE 3—AFFECTED POPULATION OF THE PROPOSED RULE

Affected group	Affected CFR section	Population
Original applicants who paid fees electronically and took oath outside of an REC for original applications (relatively near place of residence).	10.225(c)	13,951.
All applicants including a subset of original applicants who paid fees in person at RECs.	10.219(d)	10,249 (9,958 by credit card and 291 by cash; 1,206 from original applicants and 9,043 from other applicants).
All applicants who paid by check or money order through standard mail	10.219(d)	12,638.
Total .....	.....	36,838.

Note: The populations that the Coast Guard presents in this table are annual averages.

Cost Savings Analysis

Two proposed changes in this rule (in 46 CFR 10.219(d) and 10.225(c)) would result in quantifiable cost savings for MMC applicants. The other proposed changes would have no quantifiable economic impact on individuals, companies, or businesses, and would not result in costs or cost savings to them.

The proposed option in 46 CFR 1.03–15(h)(2)(i) and 10.219(i)(1) for electronic submission of certain documents that currently must be submitted by paper copy (see table 2) would likely have cost savings associated with it, but we are not able to quantify these savings in this analysis because the Coast Guard does not have data to show how many electronic submissions we would receive in the future. Additionally, because of the COVID–19 pandemic, the Coast Guard is not able to accurately determine a future trend of the number of documents that applicants would choose to submit to the Coast Guard electronically.

In table 2, we presented a summary of the estimated impacts of the proposed rule and provided a description of the change for each affected CFR section. Where the description reads “Editorial; non-substantive regulatory text changes,” we propose to make changes that include the addition, deletion, consolidation, and clarification of regulatory text and would not have cost or cost savings associated with them. These proposed changes include minor grammatical revisions, such as changes to punctuation and pronoun changes; the clarification of regulatory text by removal, deletion, or consolidation of terms; definitional changes; and changes that update Coast Guard website addresses. This includes changes in § 10.209(d)(2), “General Application

Procedures,” where the Coast Guard proposes to remove the regulatory text governing the submission of certain documents by applicants. There would be no costs or cost savings to individuals that would be associated with this proposed change because the Coast Guard would still retain this requirement in §§ 10.227 and 10.231.

For § 1.03–15(h)(2)(i), “General,” the Coast Guard proposes to add the option of electronic submission of an appeal for course approvals and merchant mariner personnel to the Coast Guard. There are no quantifiable cost or cost savings associated with this proposed change because the Coast Guard does not have data on the future use of electronic submission for appeals. The Coast Guard would still accept the current paper-copy submission method for appeals.

For § 10.219(i)(1), “Determination of Eligibility,” the Coast Guard proposes to add the option of electronic submission of an eligibility request to the Coast Guard for the items listed in 10.219(h). There are no quantifiable cost or cost savings associated with this proposed change because the Coast Guard does not have data on the future use of electronic submission with this item. The Coast Guard would still accept the current paper-copy submission method for these requests.

For § 14.307, “Entries on certificate of discharge,” the information the Coast Guard proposes to remove in current paragraphs (d) and (e) is currently contained in form CG–718A, “Certificate of Discharge to Merchant Mariner;” therefore, there is no cost or cost savings associated with this proposed change.¹³ The Coast Guard

proposes to remove, consolidate, and condense the existing regulatory text into paragraphs (a), (b), and (c) of this section. The proposed changes to this section do not change the current OMB-approved ICR or alter its burden estimates because the Coast Guard is not making any changes to the reporting requirements in form CG–718A.

Cost Savings Analysis for Proposed Changes to § 10.219(d)/Electronic Payment of Fees

The Coast Guard proposes to amend § 10.219(d) to remove the option for applicants to pay merchant mariner credentialing fees in person at an REC by cash or credit card (applicants who pay in person may also pay by check or money order; because the Coast Guard does not collect data on where these payments were made and based on payment data from the NMC and subject matter experts who work at the NMC, most applicants pay by cash or with a credit card in person) since credit card transactions are processed by individual RECs and cash payments are not accepted through standard mail. The Coast Guard would instead require all payments to be made electronically through the Government’s payment system at *Pay.gov*.¹⁴ For payments made

view this form and obtain information about the application process. The Coast Guard accessed this web page in the summer of 2022.

¹⁴ *Pay.gov* accepts three payment types: credit card, prepaid card, and ACH payments. The Coast Guard does not collect data on the usage of prepaid cards for applicants who use *Pay.gov*. The Coast Guard also did not estimate a cost (and subsequent cost savings) to obtain these cards in this analysis because applicants can obtain these cards when they are at grocery stores or other locations without making a separate trip to specifically obtain the cards. In this analysis, we assume for the unknown number of applicants who choose to use a prepaid card to pay fees, already possess the card. We request comments from the public on the use of prepaid cards with *Pay.gov*.

¹³ This form is part of a currently OMB-approved Coast Guard ICR with a control number of 1625–0012. Readers can access NMC’s website at https://www.dco.uscg.mil/national_maritime_center/ to

by check outside of an REC, applicants mailed the checks to the Coast Guard by standard mail. With the proposed rule, the Coast Guard would still accept payment by check, but applicants would be required to use a bank ACH payment through *Pay.gov*. Applicants who mailed checks to the Coast Guard would save the postage cost with this proposed rule. The Coast Guard expects that applicants have access to the requisite technology to pay credentialing fees through *Pay.gov*. According to the U.S. Census Bureau's 2021 American Community Survey, approximately 95 percent of American households have one or more electronic devices such as a desktop or laptop computer, a smartphone, or tablet.¹⁵ This included over 90 percent of households that have an internet subscription that would facilitate access to *Pay.gov*.¹⁶ Even if an applicant or household does not have access to a computer at home or the internet individually, in this case, the Coast Guard assumes for the purpose of this analysis, that an applicant may access a smartphone, cellphone, or computer to submit an application to the Coast Guard without incurring a cost.¹⁷ The Coast Guard requests comments from the public on the requirement for applicants to pay MMC fees solely using *Pay.gov*, to register with *Pay.gov*, and their ability to access the internet for this purpose. Additionally, with this proposed rule, we assume that a small population of applicants affected by part 10.219(d) of this proposed rule, who submit applications at RECs currently, would choose to continue to visit RECs and would continue to print receipts as proof of payment. However, the Coast Guard is not able to determine the number of applicants who would continue to visit RECs for this purpose. Therefore, there is an unquantifiable cost of printing the receipts for a small number of applicants who visit RECs to

submit their applications. This would result in a small, unknown reduction in the total estimated cost savings of this proposed rule. The Coast Guard requests comments from the public on the number of applicants who choose to visit RECs with this proposed rule and their ability to print receipts at home when they make fee payments using *Pay.gov*.

Applicants may visit an REC for many reasons; for example, to take an examination, to ask questions about the application process, submit an application, pay the mandatory fees, obtain an oath from an authorized individual, or for other reasons. This is notable in the following cost savings analysis, because the Coast Guard does not include travel cost savings estimates for the affected applicants in our analysis of the impact of the proposed change to § 10.219(d). The Coast Guard reasons that, although it is possible for applicants to visit RECs exclusively to pay MMC fees, the Coast Guard does not retain data on the number of applicants who do so. In practice, the Coast Guard assumes applicants do not visit an REC to solely pay the fees. Therefore, the Coast Guard cannot attribute travel costs to applicants who pay the mandatory fees in person at an REC. For example, applicants may visit RECs to ask questions about the application process and may decide to pay the fees during the same visit. Or applicants may visit RECs to obtain an oath, not realizing that RECs accept in-person payment, and may decide to pay the fees during this visit. The Coast Guard also assumes that applicants pay the mandatory fees at one time.

The proposed requirement for applicants to pay MMC fees electronically through *Pay.gov* would eliminate the flexibility to pay these fees by cash, and money order, by standard mail, and directly at an REC (see footnote number 13). However, with *Pay.gov*, the Coast Guard believes applicants would find this payment method to be more convenient and secure because applicants would be able to pay MMCs fees from their home instead of traveling to an REC and expending the time and money by making a payment in person, as we discuss later in this analysis. The Coast Guard acknowledges that there may be a small subset of the applicant population that would still prefer to pay MMC fees in person instead of through *Pay.gov* after an effective final rule. The Coast Guard requests comments from the public on how the proposed removal of the payment options (cash and money orders) and in-person payments at RECs affects applicants who currently use

these payment methods to pay MMC fees.

The Coast Guard collects data for all payment transactions including transactions for original MMC applications. Between 2015 and 2019, the Coast Guard recorded an annual average of 1,167 credit card transactions for original applications made in person by applicants at an REC. It also recorded an average annual of 8,791 credit card transactions for other fees for a total average annual of 9,958 credit card transactions over these 5 years. During the same period, the Coast Guard recorded an average annual of 39 cash payment transactions for original applications made in person by applicants at an REC. It also recorded an average annual of 252 cash transactions for other fees for a total average annual of 291 cash transactions for these 5 years. Therefore, the total average annual number of transactions made in person was approximately 10,249 over the 5-year time period.

The NMC estimates it takes applicants approximately 5 minutes, or 0.083 hours (rounded), to complete a payment through *Pay.gov*. The NMC estimates it takes a certain amount of time for applicants to make in-person application payments at an REC. For applicants who pay by credit card, the NMC estimates it takes approximately:

- 8 minutes, or approximately 0.13 hours (rounded), to enter RECs due to security checks;
- 3.5 minutes, or approximately 0.06 hours (rounded) to wait in line for a clerk; and
- 7.5 minutes, or approximately 0.13 hours (rounded) to make the payment and complete the transaction, for a total of approximately 0.32 hours.

Therefore, the net amount of time (time difference) applicants would save by making payments electronically rather than by credit card in person is approximately 0.237 hours (0.32 – 0.083 hours).

For applicants who pay by cash, the NMC estimates it takes approximately:

- 8 minutes, or approximately 0.13 hours (rounded) to enter RECs due to security checks;
- 3.5 minutes, or approximately 0.06 hours (rounded) to wait in line for a clerk; and
- 6.0 minutes, or approximately 0.10 hours to make the payment and complete the transaction, for a total of approximately 0.29 hours.

Therefore, the net amount of time applicants would save from making payments electronically rather than making cash payments in person is approximately 0.207 hours (0.29 – 0.083 hours).

¹⁵ U.S. Census Bureau, American Community Survey 2021, S2801 Types of Computers and internet Subscriptions: ACS 1-year Estimates Subject Tables, *Types of Computers*, <https://data.census.gov/table?q=Computer+and+internet+Use&tid=ACSSST1Y2021.S2801>.

¹⁶ U.S. Census Bureau, American Community Survey 2021, S2801 Types of Computers and internet Subscriptions: ACS 1-year Estimates Subject Tables, *Types of internet Subscriptions*, <https://data.census.gov/table?q=Computer+and+internet+Use&tid=ACSSST1Y2021.S2801>.

¹⁷ The Coast Guard acknowledges that there may be a small portion of applicants in the affected population who may not own a computer or have access to the internet to submit a MMC payment. Readers can access these websites for further information on access to the internet and the ownership of mobile phones in the United States: <https://www.pewresearch.org/internet/fact-sheet/internet-broadband/> and <https://www.pewresearch.org/internet/fact-sheet/mobile/>.

The payment time for *Pay.gov* does not account for the time to create a personal account on *Pay.gov*. Individual payments may be made without creating an account. *Pay.gov* provides the same capabilities to pay credentialing and other fees and obtain a receipt without creating an account. For this analysis, the Coast Guard assumes individuals will not create an account since credentialing fees are typically only paid once every five years aligning with the validity of a mariner credential. Using *Pay.gov* infrequently does not necessitate the need to create an account. The Coast Guard requests comment on this assumption and whether *Pay.gov* users would create an account to pay credentialing fees.

Anyone meeting the citizenship requirement under 46 CFR 10.221 and of an eligible age can apply for an MMC, regardless of their current employment status. For this regulatory analysis, the Coast Guard assumed applicants for an original MMC are currently employed (this would be for original applications where an oath is currently required); this allows the Coast Guard to construct a cost savings analysis, because we can then obtain applicants' wage rates, the labor time, and the cost savings associated with the removal of the in-person payment option.

Additionally, because the Coast Guard does not know the current occupations of individuals who apply for an original MMC and pay fees in person at an REC, the Coast Guard used the Bureau of Labor Statistics' (BLS) "Occupational and Employment Statistics" database and May 2021 wage estimates to obtain the general occupational code (BLS code 00-0000) for all civilian workers in the U.S., which is the largest occupational category of workers the Coast Guard found at BLS' website.¹⁸ The unloaded mean hourly wage rate for this labor category is \$28.01. The Coast Guard does not collect employment data on applicants; nevertheless, the Coast Guard acknowledges that the assumption of employment may lead to an overestimation of cost savings for the proposed rule.

Because fees are also paid in person at an REC mostly by applicants other than original applicants, the Coast Guard used the BLS occupational

category, Water Transportation Workers (BLS code 53-5000) to obtain the unloaded mean hourly wage rate for all applicants who pay fees in person at RECs. The unloaded mean hourly wage rate in 2021 for this occupational category is \$38.84.

Because the Coast Guard used different occupational categories, this required us to use two load factors to obtain an average load factor.

To obtain a loaded mean hourly wage rate for civilian workers, the Coast Guard used BLS' "Employer Costs for Employee Compensation" database to calculate the load factor for this group of workers in the U.S. The Coast Guard used the same database to obtain a load factor for the occupational category of Water Transportation Workers. The Coast Guard then used the average load factor for these two groups of workers in the U.S. The Coast Guard applied the load factor to the average unloaded mean hourly wage rate using fourth quarter data from 2021 for all applicants. The Coast Guard determined the average load factor for the two occupational categories to be about 1.47, rounded.¹⁹ The Coast Guard then

¹⁹ A loaded mean hourly wage rate is what a company pays per hour to employ a person, not the hourly wage an employee receives. The loaded mean hourly wage rate includes the cost of non-wage benefits (health insurance, vacation, etc.). The Coast Guard calculated the load factor by accessing BLS' website at <https://www.bls.gov/> and selecting the topic "Subjects" from the menu on this web page. From the categories listed on this page, under the category titled "Data Tools," the Coast Guard selected the category "Top Picks, One Screen, Multi-Screen, and Maps." On the next page titled, "Databases, Tables, and Calculators by Subject," the Coast Guard selected used the category "Pay and Benefits". Under the category, "Employer Costs for Employee Compensation", we selected the "Multi-Screen" feature. This took us to <https://www.bls.gov/cgi-bin/dsrv?cm>. At this page, titled, "Create Customized Tables", or screen 1, the Coast Guard then selected the category of "Civilian Workers". At screen 2, the Coast Guard first selected the category "Total Compensation," then we continued to select "All Workers" at screens 3, 4, and 5. At screen 6, for "Area" the Coast Guard selected "United States." At screen 7, the Coast Guard selected the category "Cost of Compensation." At screen 8, the Coast Guard selected the category "not seasonally adjusted." At screen 9, the Coast Guard selected the series ID, CMU101000000000D. The Coast Guard used the "Cost of Compensation" for quarter 4 of 2021, or \$40.35. The Coast Guard performed this process again to obtain the value for "Wages and Salaries," which we selected on screen 2. On screen 9, the Coast Guard selected the series ID CMU102000000000D and obtained a value of \$27.83. The Coast Guard divided \$40.35 by \$27.83 and obtained a load factor of 1.45, rounded. The Coast Guard used the same methodology to obtain the load factor for the 5 occupational categories for applicants other than original applicants. However, instead of using the category of "Civilian Workers", the Coast Guard selected "Private Industry Workers" at screen 1, "Transportation and Material Moving Occupations" at screen 3, "All Workers" at screens 4 and 5, "United States" at screen 6, "Cost of Compensation" at screen 7, "not seasonally

multiplied this average load factor by the unloaded mean hourly wage rate for applicants, who pay fees in person at RECs, and obtained a loaded mean hourly wage rate of approximately \$57.09, rounded ($\$38.84 \times 1.47$).

Applicants (including original applicants) who currently pay the fees by credit card at an REC would be required to pay them electronically using *Pay.gov* under this proposed rule. This would affect approximately 9,958 applicants annually. The Coast Guard estimates the undiscounted cost for these applicants to be approximately \$47,186 annually ($9,958 \times \$57.09 \times 0.083$ hours). The Coast Guard estimates the undiscounted baseline cost for applicants who currently pay the fees by credit card in person at an REC to be approximately \$181,921 annually ($9,958 \times \$57.09 \times 0.32$ hours), rounded. Therefore, the Coast Guard estimates the undiscounted net cost savings to applicants who currently pay the fees in-person by credit card and would be required to pay them electronically through *Pay.gov* to be approximately \$134,735 annually ($\$181,921 - \$47,186$), rounded.

Similarly, applicants (including original applicants) who currently pay the mandatory fees by cash at an REC would be required to pay them electronically using *Pay.gov* under this proposed rule. This would affect approximately 291 applicants annually. The Coast Guard estimates the undiscounted cost for these applicants to be approximately \$1,379 annually ($291 \times \$57.09 \times 0.083$ hours). The Coast Guard estimates the undiscounted baseline cost for applicants who currently pay the fees by cash in person at an REC to be approximately \$4,818 annually ($291 \times \$57.09 \times 0.29$ hours), rounded. Therefore, the Coast Guard estimates the undiscounted net cost savings to applicants who currently pay the fees by cash and would need to pay them electronically through *Pay.gov* to be approximately \$3,439 annually ($\$4,818 - \$1,379$), rounded. The Coast Guard estimates the total undiscounted net cost savings to 10,249 (9,958 by credit card + 291 by cash) applicants who currently pay the mandatory fees in-person by credit card and cash and

adjusted" at screen 8, and the series ID at screen 9, CMU 2010000520000D. The Coast Guard again used the "Cost of Compensation" for quarter 4 of 2021, or \$33.57. The Coast Guard then selected "Wages and Salaries," at screen 2. On screen 9, the Coast Guard selected the series ID CMU2020000520000D and obtained a value of \$22.75. The Coast Guard divided \$33.57 by \$22.75 and obtained a load factor of 1.48, rounded. The Coast Guard then used the average of these two load factors, which is 1.47, rounded. The Coast Guard accessed this BLS' website in June 2023.

¹⁸ The BLS defines civilian workers to be "private industry workers and State and local government workers." This includes individuals in the private nonfarm economy excluding households and the public sector excluding the Federal Government. Readers can view BLS' glossary of terms at <https://www.bls.gov/bls/glossary.htm>. Readers can access BLS' website at https://www.bls.gov/oes/2021/may/oes_nat.htm#00-0000 to obtain information about the wages used in this analysis. The Coast Guard accessed BLS' web page in the summer of 2022.

would need to pay them electronically through *Pay.gov* to be approximately \$138,174 annually (\$134,735 by credit card + \$3,439 by cash), rounded. See table 4.

TABLE 4—SUMMARY OF UNDISCOUNTED COST SAVINGS FOR APPLICANTS WHO CURRENTLY PAY IN PERSON AT AN REC AND WOULD USE PAY.GOV WITH PROPOSED RULE

Item	Credit card users	Cash users
Current In-Person Transactions		
Loaded Wage Rate	\$57.09	\$57.09
Population	9,958	291
Time Estimate	0.32	0.29
Cost Estimate	181,921	4,818
If In-Person Transactions Made Through Pay.gov		
Wage Rate	57.09	57.09
Population	9,958	291
Time Estimate	0.083	0.083
Cost Estimate	43,805	1,280
Net Cost Savings	134,735	3,438
Total Cost Annual Savings	\$138,174	

Note: Totals may not sum due to independent rounding.

Lastly, the proposed rule would create cost savings for applicants, other than original applicants, who paid mandatory fees by check or money order in the past and mailed the payment to the Coast Guard through standard mail, or USPS. Over the 7-year period from 2015 to 2021, the Coast Guard recorded an annual average of 12,638 payments (10,146 by check and 2,492 by money order) where an applicant used a check or money order. Because this regulatory analysis is in 2021 dollars, the cost of a forever stamp from the USPS in 2021 was \$0.55.²⁰ With this proposed rule, applicants would still be able to use a check or money order to make mandatory fee payments with *Pay.gov*; however, payments made by check must be made with an ACH payment and for money orders, a prepaid card (see footnote number 15). The Coast Guard did not estimate cost savings for

applicants who currently mail checks or money orders to the Coast Guard and would be required to use *Pay.gov* because we do not estimate that there would be a time difference between these two payment methods and *Pay.gov*. The total undiscounted cost for these payment types is approximately \$6,951 annually, rounded. The proposed rule would create cost savings in the same amount annually. The Coast Guard estimates the total 10-year discounted cost savings for applicants who would no longer be able to mail a check or money order (cost savings would be from the cost of a forever stamp) to pay for mandatory fees would be approximately \$48,820, rounded, using a 7 percent discount rate. The Coast Guard estimates the annualized cost savings would be approximately \$6,951, rounded, using a 7-percent discount rate.

In table 5, the Coast Guard presents the 10-year discounted cost savings to applicants who currently paid the fees in person and would be required to pay them electronically under this proposed rule and applicants who paid the fees by check or money order and sent their payments by standard mail to the Coast Guard. The Coast Guard estimates the total undiscounted cost savings for the electronic payment of fees by applicants would be approximately \$145,125 annually, rounded (\$138,174 from in-person payments + \$6,951 from mailed checks and money orders). The Coast Guard estimates the total discounted 10-year cost savings for these applicants would be approximately \$1.0 million, rounded, using a 7-percent discount rate. The Coast Guard estimates the annualized cost savings would be approximately \$145,125, rounded, using a 7-percent discount rate.

TABLE 5—ESTIMATED COST SAVINGS OF PROPOSED RULE TO APPLICANTS WHO WOULD USE PAY.GOV (2021 DOLLARS, 10-YEAR PERIOD OF ANALYSIS, 7- AND 3-PERCENT DISCOUNT RATES)

Year	Net cost savings from cash and credit card payments	Cost savings from check and money order	Total cost savings to use Pay.gov	7 Percent	3 Percent
1	\$138,174	\$6,951	\$145,125	\$135,631	\$140,898
2	138,174	6,951	145,125	126,758	136,794
3	138,174	6,951	145,125	118,465	132,810
4	138,174	6,951	145,125	110,715	128,942
5	138,174	6,951	145,125	103,472	125,186

²⁰ Readers can access USPS' website at <https://www.usps.com> to find past postal rates or search online for USPS' "Postal News".

TABLE 5—ESTIMATED COST SAVINGS OF PROPOSED RULE TO APPLICANTS WHO WOULD USE PAY.GOV (2021 DOLLARS, 10-YEAR PERIOD OF ANALYSIS, 7- AND 3-PERCENT DISCOUNT RATES)—Continued

Year	Net cost savings from cash and credit card payments	Cost savings from check and money order	Total cost savings to use Pay.gov	7 Percent	3 Percent
6	138,174	6,951	145,125	96,703	121,540
7	138,174	6,951	145,125	90,376	118,000
8	138,174	6,951	145,125	84,464	114,563
9	138,174	6,951	145,125	78,938	111,226
10	138,174	6,951	145,125	73,774	107,987
Total .....	.....	.....	.....	1,019,296	1,237,944
Annualized .....	.....	.....	.....	145,125	145,125

Note: Totals may not sum due to independent rounding.

Federal Government Cost Savings for Proposed Change to § 10.219(d)

This proposed rule would create cost savings for the Coast Guard in the amount of time that would be saved by REC personnel who would no longer process in-person payment transactions. The NMC estimates it takes fee clerks at an REC approximately 5 minutes, or 0.083 hours (rounded), to process credit card payments. Similarly, the NMC estimates it takes mandatory fee clerks approximately 25 minutes, or 0.42 hours (rounded), to process cash payments. This includes the processing time the fee clerk takes to go to a bank and obtain a money order in order to complete the payment transaction. There is no difference in the time it takes for a fee clerk at an REC to process a check mailed to the Coast Guard and the time it would take with this proposed rule to process an ACH payment. There is also no difference in the time it takes for a fee clerk to process a money mailed to the Coast Guard and the time it would take with this proposed rule to process a prepaid card used from a money order. Therefore, the Coast Guard does not

estimate cost savings for the Federal Government from not processing checks and money orders mailed to the Coast Guard by applicants.

A fee clerk at an REC has a Federal Government General Schedule (GS) grade level of GS-5. The Office of Personnel Management (OPM) lists the hourly pay for Federal Government employees who work in the United States.²¹ Because RECs are geographically dispersed across the U.S., the Coast Guard used the hourly wage rate for the category “Rest of the United States” from OPM’s pay tables. OPM reports the hourly pay for a person with the grade level of a GS-5, step 5 (the midpoint of the pay grade) as \$19.15 in 2021. The Coast Guard calculated the share of total compensation of Federal Government employees to account for the non-wage benefits to determine the load factor that the Coast Guard applied to the hourly wage rate of employees. In a Congressional Budget Office (CBO) report titled “Comparing the Compensation of Federal and Private-Sector Employees, 2011 to 2015,” the CBO reports total compensation of

Federal Government employees to be approximately \$64.80, and wages and salaries to be approximately \$38.30.²² From these values, the Coast Guard determined the load factor to be about 1.69, rounded ($\$64.80 \div \$38.30$). The Coast Guard then multiplied this value by the hourly wage rate of \$19.15 to obtain a loaded hourly wage rate of \$32.36, rounded, for a GS-5, step 5 fee clerk at an REC.

The Coast Guard estimates the baseline undiscounted cost for REC fee clerks to process credit card transactions to be approximately \$26,749 annually, rounded ($\$32.36 \times 9,958$ credit card transactions annually $\times 0.083$ hours). The Coast Guard estimates the baseline undiscounted cost for REC payment clerks to process cash transactions to be approximately \$3,955 annually, rounded ($\$32.36 \times 291$ cash transactions annually $\times 0.42$ hours). RECs would no longer accept in-person payments with this proposed rule, these costs combined would become cost savings to the Coast Guard of approximately \$30,704 annually, rounded ($\$26,749 + \$3,955$). See table 6.

TABLE 6—SUMMARY OF ESTIMATED ANNUAL UNDISCOUNTED COST SAVINGS TO THE COAST GUARD FROM PROPOSED CHANGE TO § 10.219(d)

Applicants’ payment type	Estimate of time saved (hours)	Wage rate	Cost savings estimate
Credit Card Payment	0.083	\$32.36	\$26,749
Cash Payment	0.42	32.36	3,955
Total Annual Cost Savings .....	.....	.....	30,704

In table 7, the Coast Guard estimates the total discounted 10-year cost savings

of this proposed rule to the Coast Guard to be approximately \$215,655, rounded,

using a 7-percent discount rate. The Coast Guard estimates the annualized

²¹ Readers can view the General Schedule of salaries for Federal Government employees at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/html/>

RUS.h.aspx. The Coast Guard accessed this web page in the fall of 2022.

²² Readers can view the report at, [https://www.cbo.gov/system/files/115th-congress-2017-](https://www.cbo.gov/system/files/115th-congress-2017-2018/reports/52637-federalprivatepay.pdf)

[2018/reports/52637-federalprivatepay.pdf](https://www.cbo.gov/system/files/115th-congress-2017-2018/reports/52637-federalprivatepay.pdf). The Coast Guard accessed this report in the fall of 2022.

cost savings to be approximately \$30,704, rounded, using a 7-percent discount rate.

TABLE 7—ESTIMATED COST SAVINGS TO THE COAST GUARD FROM PROPOSED CHANGE TO § 10.219(d) (2021 DOLLARS, 10-YEAR PERIOD OF ANALYSIS, 7- AND 3-PERCENT DISCOUNT RATES)

Year	Cost savings	7 Percent	3 Percent
1	\$30,704	\$28,696	\$29,810
2	30,704	26,818	28,942
3	30,704	25,064	28,099
4	30,704	23,424	27,280
5	30,704	21,892	26,486
6	30,704	20,460	25,714
7	30,704	19,121	24,965
8	30,704	17,870	24,238
9	30,704	16,701	23,532
10	30,704	15,609	22,847
Total .....	.....	215,655	261,914
Annualized .....	.....	30,704	30,704

Note: Totals may not sum due to independent rounding.

Cost Savings Analysis for Proposed Change to § 10.225(c), Removal of the Oath Requirement

The Coast Guard proposes to remove the current requirement in § 10.225(c) for applicants for an original MMC to take an oath administered by any Coast Guard-designated individual or any person legally permitted to administer oaths in the jurisdiction where the person taking the oath resides. Typically, if an oath is not administered by a designated Coast Guard official, it is administered by a notary public.²³ When an individual applies for an MMC, the individual must complete Form CG-719B. They must either submit this form by email, in person, or send it by standard mail to an REC.²⁴ Currently, if applicants use a notary public to administer their oath, the notary must sign the form along with the applicant. The signature of the applicant is a testament to the validity and accuracy of the information the individual is providing to the Coast Guard and is an attestation to the statements in Section 4, “Mariner’s Consent/Certification,” of the form.

With this proposed rule, original applicants would no longer need the signature of the notary public on Form CG-719B. This would not change the

current OMB-approved ICR (OMB control number 1625-0040) or alter its burden estimates, because the signature of the notary public on the form is a burden that amounts to a few seconds of time. With the proposed rule, an applicant’s signature alone would be sufficient for Form CG-719B.

Currently, applicants for an original MMC who submit their application in person at an REC can also take the oath there. There is no cost to original applicants who take the oath before a designated official at an REC and therefore, no cost savings. However, original applicants, who do not visit an REC to submit their application, would need to seek the service of a notary public elsewhere.

Original applicants can obtain notary public service at a bank or another location where there are notary public services. The Coast Guard assumes there is no cost for a notary public service at a bank if an individual has a bank account there. Other establishments that provide legal services may also provide notary public services, in addition to State and local Government offices, including shipping companies.²⁵ However, these offices and establishments usually charge for the public notary service.

Therefore, as mentioned previously in this RA, the Coast Guard presents two assumptions that will each generate different cost savings estimates for the proposed change to § 10.225(c). With each assumption, the Coast Guard assumes all applicants who apply for an original MMC are currently employed:

- Assumption 1—Approximately 13,951 individuals who applied for an original MMC and took an oath before a designated official who administers the oath, or a notary public at a bank where they have an account free of charge. Assumption 2—Half the individuals, or approximately 6,976, who applied for an original MMC took an oath along with a notary public service at a bank, and half obtained an oath elsewhere (perhaps at a state office or an establishment that provides legal services including notary public services), where a cost would be associated with the notary public service.

Earlier in this analysis, the Coast Guard established that one payment transaction represents one original application with one oath. Presumably, original applicants seek a notary public service at a bank, where it is free of charge; this is our basis for Assumption 1. However, because the Coast Guard does not have data on where original applicants obtained an oath along with a notary public service, it is possible that a certain number of original applicants obtained an oath along with a notary public service outside of a bank; this is our basis for Assumption 2. As such, the Coast Guard divided the population evenly in Assumption 2.

With the Coast Guard’s assumption that original applicants who apply for MMCs are employed, this allows us to estimate the cost savings associated with the proposed change to § 10.225(c) as we did for the proposed change to § 10.219(d). Because original applicants who apply for MMCs are members of the general public and not yet mariners, the Coast Guard does not collect data on where these original applicants reside. Therefore, the Coast Guard does not

²³ An oath an original applicant must take is a pronouncement that an original applicant will abide by the rules and regulations aboard a vessel, faithfully execute his or her duties, and obey the superior officers of the vessel.

²⁴ This form is part of a currently-approved OMB ICR with a control number 1625-0040 and a title of “Applications for Merchant Mariners Credentials and Medical Certificates.” Readers can access NMC’s website at https://www.dco.uscg.mil/national_maritime_center/ to view this form and obtain information about the application process. The Coast Guard accessed this web page in the summer of 2022.

²⁵ The Coast Guard acknowledges that Credit Unions, similar to banks in the U.S., may also offer notary public services, free of charge, for its members.

know where original applicants reside relative to the location of banks or bank branches, or other establishments that offer notary public services. This required the Coast Guard to estimate the approximate distance original applicants would need to travel to get to a bank for Assumption 1, so the Coast Guard then would be able to estimate the cost savings for them, because they no longer would need to travel to a bank to obtain a notary public service. To perform this analysis, the Coast Guard required several pieces of information to determine the distance original applicants must travel to a bank or bank branch (and a notary public service in Assumption 2):

1. The number of bank branches in the United States;
2. The total U.S. population and the U.S. adult population; and
3. The number of square miles of the United States.

The St. Louis Federal Reserve Bank compiles and reports U.S. economic data (Federal Reserve Economic Data, or "FRED"). One of the data items it reports is the number of bank branches in the United States. FRED shows that there are 30.46 bank branches per 100,000 adults in the United States.²⁶

The U.S. Census Bureau in the U.S. Department of Commerce reports population data for the United States. As of July 1, 2021, the U.S. Census Bureau reports the U.S. population to be 331,893,745.²⁷ The U.S. Census Bureau reports the number of individuals below the age of 18 to be 22.2 percent of the total U.S. population.²⁸ Therefore, the

number of adults in the United States (individuals who are 18 years of age or older) is approximately 258,213,334, rounded $((1 - 0.222) \times 331,893,745)$. The Coast Guard divided this population by 100,000 to normalize the value to 100,000 (so it can be scaled to and combined with FRED's data) and obtained the value of approximately 2,582 (rounded).

To determine the number of bank branches for every adult in the U.S., the Coast Guard multiplied 30.46 (number of bank branches) by 2,582 to obtain approximately 78,648 (rounded) bank branches.

Finally, as of 2020, the U.S. Census Bureau's Quick Facts shows the number of square miles in the United States to be 3,533,038, rounded.²⁹ The Coast Guard then divided this value by 78,648 bank branches to obtain the number of bank branches per square mile in the United States, or approximately one bank branch for every 45 square miles, or an area of 6.7 by 6.7 miles. This is equivalent to approximately one bank branch every 6.7 miles.³⁰ The Coast Guard acknowledges that this methodology may not be completely representative of the geographic distribution of bank branches in the United States (the distribution of bank branches may change in the future considering the steady decline in its numbers, particularly since 2010); the distance we estimated is an approximation based on the known statistics we present in this analysis from different sources. The Coast Guard requests comments from the public on this methodology. Table 8 outlines the inputs used in these calculations.

TABLE 8—SUMMARY OF INPUTS FOR THE PROPOSED CHANGE TO § 10.225(c)

Inputs	Values
Number of bank branches in the United States.	30.46 (per 100,000 adults).

²⁹ *ibid.*

³⁰ The Federal Reserve Bank of Cleveland reports the average distance to a bank branch in urban and rural areas of the United States to be about 1.5 miles and 4.3 miles, respectively, in 2020 (an average of about 2.9 miles combined), which is significantly less than the distance we calculated in this analysis. Readers can view the Cleveland Federal Reserve's report at this link, "[Has Bank Consolidation Changed People's Access to a Full-Service Bank Branch?](https://www.clevelandfed.org/publications/working-papers/2023/wp2023-15.pdf?sc_lang=en)" (clevelandfed.org). In a working paper by the Federal Reserve Bank of Chicago, it reports the median distance traveled to a bank branch to be 5 miles on page 16 of the paper. Readers can view this paper at https://www.chicagofed.org/-/media/publications/working-papers/2023/wp2023-15.pdf?sc_lang=en. The Coast Guard accessed these links in July 2023.

TABLE 8—SUMMARY OF INPUTS FOR THE PROPOSED CHANGE TO § 10.225(c)—Continued

Inputs	Values
U.S. population	331,893,745.
U.S. adult population (18 or older).	258,213,334.
Number of square miles in the United States (land area).	3,533,038.
Number of bank branches in the United States.	78,648.
Number of square miles per bank branch (and notary public service).	45.

For this analysis, the Coast Guard assumed that 13,951 original applicants would travel the same distance of 6.7 miles to obtain a notary public service at a bank or bank branch. Using these data and assumptions, it is possible to construct a cost savings analysis based on the original applicants' travel time to a bank branch to obtain the service of a notary public.

The population of original applicants applying for an MMC who seek notary public services outside of an REC is approximately 13,951 annually (see Table 3). The Coast Guard does not collect data on how original applicants travel to a bank or a notary public service and acknowledges that original applicants can choose among different modes of transportation, including walking or taking public transportation, to do so. However, for the purpose of this analysis, the Coast Guard assumed original applicants use their personal vehicles to accomplish this task, which allows the Coast Guard to estimate the travel cost for original applicants.

To construct this analysis for Assumptions 1 and 2, the Coast Guard assumed that 13,951 original applicants would travel approximately 6.7 miles one way or about 13.4 miles round-trip to an establishment that has a notary public service. See table 9.

TABLE 9—SUMMARY OF TRAVEL DISTANCE FOR ORIGINAL APPLICANTS WHO OBTAIN THE SERVICE OF A NOTARY PUBLIC AT A LOCATION OTHER THAN AN REC (e.g., A BANK)

Number of original applicants	Distance traveled one way (miles)	Distance traveled round trip (miles)
13,951	6.7	13.4

The Coast Guard shows the cost-saving elements for Assumption 1 and 2 in table 10. The Coast Guard estimated

²⁶ Readers can access the St. Louis Federal Reserve's "FRED" website at <https://fred.stlouisfed.org/#>. At this page, readers should use the search feature and type the words "bank branches" in the search field. The resulting web page will show a graph of the data and the value that the Coast Guard used for this analysis. The Coast Guard accessed this web page in the summer of 2022. With the acknowledgement that Credit Unions also offer notary public services (see footnote number 15), the Coast Guard did not include them in this analysis because the National Credit Union Administration (NCUA) reports the total number of Federally-insured Credit Unions in its "Quarterly Credit Union Data Summary 2002 Q2" in the United States (4,853 as of June 30, 2022) and not per a certain population or certain group of individuals as FRED reports it. Therefore, the Coast Guard cannot simply add the NCUA's number to FRED's number because we would be combining incongruent data. Readers can view this report at <https://www.ncua.gov/files/publications/analysis/quarterly-data-summary-2022-Q2.pdf>. The Coast Guard accessed this website in the summer of 2022. Readers should also note that the number of bank branches has been in decline since 2000. See the first link to the report by the Federal Reserve Bank of Cleveland in footnote number 29.

²⁷ For more information U.S. census statistics, readers can access the U.S. Census Bureau's website at <https://www.census.gov/quickfacts/fact/table/US/PST045221>. The Coast Guard accessed this web page in the summer of 2022.

²⁸ *ibid.*

that the 13,951 original applicants affected by the proposed change to § 10.225(c) would save the travel time or labor cost for travel (the value of travel time savings or VTTS), the mileage cost, and the cost of time waiting at a bank or a notary public service.³¹ The Coast Guard included these cost savings in both Assumption 1 and 2.

Under Assumption 2, half of these original applicants, or about 6,976, would also save the cost of the time it takes to complete a payment transaction, either by credit card or by cash, at a notary public service. The Coast Guard assumed half of these original applicants currently pay by credit card and half by cash, for about 3,488 original applicants choosing each payment method.

The Coast Guard acknowledges that there is a greater concentration of banks and establishments with notary public services in urban and metropolitan areas of the United States. Additionally, considering that the population density of urban areas is greater than in rural areas, it is likely that the population of original applicants is higher in urban areas than in rural areas of the United States. Therefore, it is likely that a greater proportion of original applicants who apply for MMCs reside in urban and metropolitan areas and may travel shorter distances to reach these places, which would result in lower cost savings than the Coast Guard estimated in this analysis. Nevertheless, this analysis represents an analysis of averages because the Coast Guard does not know where original applicants who apply for MMCs reside. The Coast Guard acknowledges that bank branches (and notary public services) are not equally distributed in the United States; the travel distance of 6.7 miles we estimated in this analysis is an approximate distance to a bank branch or notary public service; the travel

distance may vary for some applicants who reside in suburban and rural areas of the United States.

TABLE 10—APPLICABLE COST-SAVING ELEMENTS FOR ASSUMPTIONS 1 AND 2 FOR THE PROPOSED CHANGE TO § 10.225(c)

Cost savings element	§ 10.225(c) Assumption 1	§ 10.225(c) Assumption 2
Travel time	Yes	Yes.
Mileage cost savings.	Yes	Yes.
Waiting time at bank branch.	Yes	Yes.
Waiting time at notary public service.	No	Yes.
Time for payment transaction at notary public service.	No	Yes.
Cost of notary public service.	No	Yes.

In addition to the two main assumptions for the proposed change to § 10.225(c) that the Coast Guard presented earlier, we present a summary of the other assumptions (some of which we may have presented earlier in the analysis), that we included in the analysis for Assumptions 1 and 2:

1. Original applicants for an MMC are currently employed in another occupation;
2. Affected original applicants live approximately 6.7 miles from a bank branch or notary public;
3. Affected original applicants travel an equal distance of 6.7 miles to a bank branch or a notary public service;
4. The wait times and payment transaction times at bank branches and notary public are the same as wait times at an REC; and
5. Original applicants use their privately-owned vehicle to travel to a bank branch or a notary public service.

Cost Savings Analysis for Assumption 1 for the Proposed Change to § 10.225(c)

With Assumption 1, the Coast Guard assumed 13,951 original applicants currently obtain a notary public service for the purpose of the oath at a bank, where there is no charge for the service if original applicants have an account at the bank. Because the Coast Guard does not know where original applicants live in proximity to the location of bank branches, the Coast Guard assumed all 13,951 original applicants travel about 6.7 miles one-way or about 13.4 miles round-trip to a bank branch. Under this assumption, 13,951 original applicants would save the labor travel time or

VTTS, the mileage cost, and the time waiting at a bank branch to obtain a notary public signature on Form CG-719B under this proposed rule.³²

To obtain the time it takes to travel this distance, the Coast Guard first accessed the Department of Transportation's (DOT) website to access the National Highway Traffic Safety Administration's (NHTSA) web page to obtain the mean road speeds on all roads.³³ The 2015 report shows the free-flow speed estimates (mph) for three road classes: limited access, major arterial, and minor arterial roads/collector roads. The Coast Guard used the mean speed for the minor arterial/collector road class, which may be more representative of roads used by applicants. NHTSA estimates the mean speed for minor arterial/collector roads to be about 49.73 miles per hour (mph).³⁴ The Coast Guard then divided the distance of about 6.7 miles (one way) by 49.73 mph to obtain the time it takes to travel this distance, or approximately 0.13 hours, rounded. The Coast Guard then divided the round-trip distance of about 13.4 miles by 49.73 mph to obtain the time it takes to travel this distance, or approximately 0.27 hours, rounded. The Coast Guard recognizes that an unknown portion of applicants, who live in urban areas, may travel at lower speeds than applicants in suburban and rural areas of the United States to get to a bank branch or notary public service. As a result, travel speeds may be lower than the 49.73 mph speed we estimated in this regulatory analysis. The Coast Guard requests comments

³² For this analysis, the Coast Guard did not account for the time it would take an applicant to park at a bank branch or notary public service. The Coast Guard requests comments from the public on whether we should account for this time in the regulatory analysis, in addition to the travel time.

³³ At DOT's homepage, under the heading "Explore DOT," the Coast Guard selected the topic "Roadways and Bridges." At this page, under the heading "Other Associated Agencies," the Coast Guard selected the NHTSA link. There is no direct link, so in the search feature, the Coast Guard typed the words "traffic survey." The Coast Guard then selected the link titled "National Traffic Speeds Survey III: 2015 Traffic Tech." One result will appear, or a pdf version of the report that the Coast Guard used in this analysis. Readers can access the report at https://www.nhtsa.gov/sites/nhtsa.gov/files/traffic_tech/812489_tt-national-traffic-speeds-survey-iii-2015.pdf. The Coast Guard accessed this web page in the summer of 2022.

³⁴ Readers should view the classification of roadways by DOT's Federal Highway Administration (FHWA) to understand the types of roadways used in DOT's survey found in footnote number 34. The 2013 document describes the classification of roadways by the FHWA and is titled, "Highway Functional Classification Concepts, Criteria and Procedures", which readers can find at https://www.fhwa.dot.gov/planning/processes/statewide/related/highway_functional_classifications/fcaab.pdf. The Coast Guard accessed this link in July 2023.

³¹ The Department of Transportation (DOT) has guidance on VTTS for individuals who use different modes of travel in the United States. The VTTS is divided into two categories, local and intercity travel. See table 1 on page 13 of the memorandum. Within these two categories, there are two subcategories, personal and business travel, in the first column of the table. Based on SME input from the NMC, applicants would most likely obtain an oath on their personal time. Therefore, we used the category, local personal travel. In the second column of the table, the Coast Guard used the category "surface modes (except high-speed rail)". Therefore, we used the value of 50 percent of the mean hourly wage rate for the VTTS. Readers can access DOT's memorandum at <https://www.transportation.gov/office-policy/transportation-policy/revised-departmental-guidance-valuation-travel-time-economic>. At this link, to access the memorandum, readers should select the pdf document titled, "2016 Revised Value of Travel Time Guidance.pdf". The Coast Guard accessed this link in July 2023.

from the public on the travel speed, the roads, and travel distance we used in this analysis.

With this information, the Coast Guard then calculated the labor cost for all original applicants who currently expend the time to travel this distance to obtain a notary public service. Earlier, the Coast Guard established the loaded mean hourly wage rate for original applicants who apply for an MMCs to be approximately \$40.61 (recall that this labor rate is for original applicants who need to take an oath; it is different than the labor rate for the mandatory fee portion of this analysis). Using the value of 50 percent for the VTTS for personal time (see footnote number 32), the Coast Guard calculated the labor cost for the time to travel the 13.4-mile round-trip distance for one original applicant to be approximately \$5.48 ($\$40.61 \times 0.50 \times 0.27$ hours). Therefore, the Coast Guard estimates the total undiscounted labor travel time cost or VTTS, for 13,951 original applicants would be approximately \$76,452 annually, rounded ($13,951$ original applicants $\times$

\$5.48). Next, the Coast Guard calculated the mileage cost for these original applicants to travel the round-trip distance. The Coast Guard used the General Services Administration's (GSA) reimbursement rates for original applicants who use their privately-owned vehicles.³⁵ The GSA reports the rate per mile to be \$0.585. Using the round-trip distance of 13.4 miles, the Coast Guard estimates the cost for one individual to make this trip to be approximately \$7.84, rounded (13.4 miles $\times$ \$0.585). The Coast Guard estimates the total undiscounted travel or mileage cost for 13,951 original applicants would be approximately \$109,376 annually, rounded ($13,951$ original applicants $\times$ \$7.84).

Lastly, the Coast Guard calculated the waiting time at a bank branch for 13,951 original applicants to obtain a notary public signature on Form CG-719B. Because the Coast Guard assumed that waiting times at RECs would be similar to waiting times at bank branches, we used the same waiting time that we used for original applicants who wait to pay

the fees at an REC, or approximately 3.5 minutes (readers should refer to the earlier discussion of this estimate), or 0.06 hours, rounded. The Coast Guard estimates the total undiscounted cost for 13,951 original applicants who currently wait at bank branches for a notary public service to be approximately \$33,993 annually, rounded ($13,951 \times \$40.61 \times 0.06$ hours).

The Coast Guard estimates the total undiscounted cost for 13,951 original applicants affected by the proposed changes to § 10.225(c) and who currently travel to bank branches to obtain a free notary public service to be approximately \$219,820 annually, rounded ($\$76,452 + \$109,376 + \$33,993$). This estimate is for Assumption 1 of the analysis. Therefore, in this proposed rule, the Coast Guard estimates the total undiscounted cost savings to these original applicants, who would no longer need to obtain notary public service at bank branches, would be approximately \$219,820 annually, rounded. See table 11.

TABLE 11—SUMMARY OF UNDISCOUNTED COST-SAVING ELEMENTS FOR ASSUMPTION 1 FOR THE PROPOSED CHANGE TO § 10.225(c), 2021 DOLLARS

Cost savings element	Cost savings estimate	Population affected
Labor Travel Time Cost Savings (VTTS)	\$76,452	13,951
Mileage	109,376	13,951
Waiting Time at Bank Branch	33,993	13,951
Total Annual Cost Savings	219,820	.....

Note: Readers should not add together the populations in the third column. Totals may not sum due to independent rounding.

The Coast Guard estimates the total discounted cost savings, under Assumption 1, over a 10-year period of analysis would be approximately \$1.5

million, rounded, using a 7-percent discount rate. The Coast Guard estimates the annualized cost savings would be approximately \$219,820,

rounded, using a 7-percent discount rate. See table 12.

TABLE 12—SUMMARY OF DISCOUNTED COST SAVINGS OF THE PROPOSED RULE UNDER ASSUMPTION 1 FOR § 10.225(c) ONLY

[2021 Dollars, 10-year period of analysis, 7- and 3-percent discount rates]

Year	VTTS	Mileage	Waiting time at bank branch	Total cost savings	7 Percent	3 Percent
1	\$76,452	\$109,376	\$33,993	\$219,820	\$205,440	\$213,418
2	76,452	109,376	33,993	219,820	192,000	207,202
3	76,452	109,376	33,993	219,820	179,439	201,167
4	76,452	109,376	33,993	219,820	167,700	195,308
5	76,452	109,376	33,993	219,820	156,729	189,619
6	76,452	109,376	33,993	219,820	146,476	184,097
7	76,452	109,376	33,993	219,820	136,893	178,734
8	76,452	109,376	33,993	219,820	127,937	173,528
9	76,452	109,376	33,993	219,820	119,568	168,474
10	76,452	109,376	33,993	219,820	111,746	163,567

³⁵ At GSA's home web page, the Coast Guard used the menu feature and selected the category titled, "Travel." At this page, the Coast Guard selected the topic titled "POV Mileage." The next page shows

the results for "Privately Owned Vehicle (POV) Mileage Reimbursement Rates." The Coast Guard used the category "If use of privately owned automobile is authorized or no Government-

furnished automobile is available." Readers can access this information at <https://www.gsa.gov/travel-resources>. The Coast Guard accessed this web page in the summer of 2022.

TABLE 12—SUMMARY OF DISCOUNTED COST SAVINGS OF THE PROPOSED RULE UNDER ASSUMPTION 1 FOR § 10.225(c) ONLY—Continued

[2021 Dollars, 10-year period of analysis, 7- and 3-percent discount rates]

Year	VTTS	Mileage	Waiting time at bank branch	Total cost savings	7 Percent	3 Percent
Total					1,543,926	1,875,112
Annualized					219,820	219,820

Note: Totals may not sum due to independent rounding.

Cost Savings Analysis for Assumption 2 for the Proposed Change to § 10.225(c)

Because the Coast Guard does not collect data on where original applicants obtain a notary public service, with Assumption 2, the Coast Guard assumed half of the original applicants who currently apply for an MMC obtain a notary public service at a bank branch free of charge and half at a notary public, where there is a fee for the service. The half of the affected population who currently obtain a notary public service at a location other than a bank branch under this assumption consists of approximately 6,976 original applicants. As in Assumption 1, 13,951 original applicants travel the same distance of about 6.7 miles one-way or about 13.4 miles round-trip to a bank branch or a notary public service. For the time and the associated labor cost, it does not make a difference if these original applicants travel to a notary public service rather than a bank branch; they still incur the same labor cost for the travel time as in Assumption 1. The Coast Guard estimated earlier this total undiscounted labor cost, or labor travel time cost (VTTS), for 13,951 original applicants to be approximately \$65,151 annually, rounded.

Similarly, these original applicants incur a mileage cost. As in Assumption 1, it does not make a difference if they travel to a notary public service rather than a bank branch; they still incur a mileage cost. The Coast Guard estimated earlier the total undiscounted travel or mileage cost, for 13,951 original applicants, to be approximately \$109,376 annually, rounded.

Again, as in Assumption 1, 13,951 original applicants incur the cost to wait at a bank branch or a notary public

service. The Coast Guard estimates the total undiscounted cost for 13,951 original applicants who currently wait at bank branches or at a notary public service to be approximately \$33,993 annually, rounded.

With Assumption 2, the Coast Guard added the cost for half of the original applicants, or about 6,976, who pay for the notary public service outside of a bank branch. Similar to the payment of mandatory fees presented earlier, the Coast Guard assumed original applicants pay for a notary public with either a credit card or cash. For this analysis, the Coast Guard assumed half of the original applicants who currently pay for a notary public pay by credit card and half by cash. For the approximately 3,488 original applicants who currently pay by credit card, the Coast Guard used the same time estimate for this method of payment as we did for the payment of fees earlier, or approximately 0.13 hours (7.5 minutes each). The Coast Guard estimated the total undiscounted cost for these original applicants who currently pay by credit card would be approximately \$18,414 annually, rounded ($3,488 \times \$40.61 \times 0.13$).

The Coast Guard estimated the time for original applicants who currently pay by cash to be approximately 0.10 hours (6.0 minutes each). For the approximately 3,488 original applicants who currently pay by cash, the Coast Guard estimated the total undiscounted cost would be approximately \$14,165 annually, rounded ($3,488 \times \$40.61 \times 0.10$).

The last of the five cost elements for Assumption 2 (which would become cost-saving elements with this proposed rule) is the cost for the notary public service itself. The Coast Guard obtained

the cost for notary public services in the U.S. from the organization National Notary (*NationalNotary.org*). Readers should refer to footnote 11 for more information. This organization provides cost data for 2022 for notary public services throughout the United States, including Washington, DC and U.S. territories.

The Coast Guard included fees from all 50 states and Washington, DC in this analysis.³⁶ Because the organization provides a fee schedule for verbal oaths, the Coast Guard used these fees as a proxy for the signature of the notary public on Form CG-719B. The fee varies from state to state with the lowest amount being \$1 and the highest \$15. Ten states do not have a fee schedule or do not charge a fee altogether; nevertheless, the Coast Guard took the statistical average of the fees for all 50 states and Washington, DC, for an amount of approximately \$5.14, rounded. The Coast Guard estimates the total undiscounted cost for original applicants in this assumption who pay for a notary public service to be approximately \$35,855 annually, rounded ($6,976 \times \$5.14$).

The Coast Guard estimates the total undiscounted cost for original applicants in Assumption 2 for the proposed changes to § 10.225(c) in this proposed rule to be approximately \$288,255 annually, rounded ($\$76,452 + \$109,376 + \$33,993 + \$18,414 + \$14,165 + \$35,855$). Therefore, the Coast Guard estimates the total undiscounted cost savings to original applicants who would no longer need to obtain a notary public service at bank branches or notary public services to be approximately \$288,255 annually, rounded. See table 13.

TABLE 13—SUMMARY OF UNDISCOUNTED COST-SAVING ELEMENTS FOR ASSUMPTION 2 FOR THE PROPOSED CHANGE TO § 10.225(c), 2021 DOLLARS

Cost-savings element	Unit inputs	Population affected	Cost-savings estimate
Labor Rate of Applicants	\$40.61	13,951 .....	.....

³⁶ National Notary also includes fees for U.S. territories, with the highest amount being \$20. The

Coast Guard did not include the fees for U.S.

territories in this analysis, because we have sufficient national data for this analysis.

TABLE 13—SUMMARY OF UNDISCOUNTED COST-SAVING ELEMENTS FOR ASSUMPTION 2 FOR THE PROPOSED CHANGE TO § 10.225(c), 2021 DOLLARS—Continued

Cost-savings element	Unit inputs	Population affected	Cost-savings estimate
Labor Travel Time (VTTS)	0.27 hours	13,951	\$76,452
Mileage Rate	\$0.58 per mile	13,951	109,376
Waiting Time at Bank Branch and Notary Service	0.06 hours	13,951	33,993
Payment by Credit Card	0.13 hours	3,488 of 6,976	18,414
Payment by Cash	0.10 hours	3,488 of 6,976	14,165
Avg. Notary Fee	\$5.14	6,976 of 13,951	35,855
Total Annual Cost Savings .....	.....	.....	288,255

Note: Readers should not add together the populations in the third column of the table. The individual population for each item less than 13,951 is a subset of the total affected population of 13,951. Readers should use the estimated loaded labor rate of \$40.61 to obtain the cost savings estimate in the last column of the table, except for the notary fee. Totals may not sum due to independent rounding.

The Coast Guard estimates the total discounted cost savings under Assumption 2 over a 10-year period of analysis to be approximately \$2.02

million, rounded, using a 7-percent discount rate. The Coast Guard estimated the annualized cost savings to be approximately \$288,255, rounded,

using a 7-percent discount rate. See table 14.

TABLE 14—SUMMARY OF DISCOUNTED COST SAVINGS OF THE PROPOSED RULE UNDER ASSUMPTION 2 FOR § 10.225(c) ONLY

[2021 Dollars, 10-year period of analysis, 7- and 3-percent discount rates]

Year	VTTS	Mileage	Waiting time at bank branch or notary service	Time to pay notary by cash or credit card	Notary cost	Cost savings	7 Percent	3 Percent
1	\$76,452	\$109,376	\$33,993	\$32,579	\$35,855	\$288,255	\$269,397	\$279,859
2	76,452	109,376	33,993	32,579	35,855	288,255	251,773	271,707
3	76,452	109,376	33,993	32,579	35,855	288,255	235,302	263,794
4	76,452	109,376	33,993	32,579	35,855	288,255	219,908	256,110
5	76,452	109,376	33,993	32,579	35,855	288,255	205,521	248,651
6	76,452	109,376	33,993	32,579	35,855	288,255	192,076	241,409
7	76,452	109,376	33,993	32,579	35,855	288,255	179,510	234,377
8	76,452	109,376	33,993	32,579	35,855	288,255	167,767	227,551
9	76,452	109,376	33,993	32,579	35,855	288,255	156,791	220,923
10	76,452	109,376	33,993	32,579	35,855	288,255	146,534	214,488
Total .....	.....	.....	.....	.....	.....	.....	2,024,579	2,458,869
Annualized .....	.....	.....	.....	.....	.....	.....	288,255	288,255

Note: Totals may not sum due to independent rounding.

As noted earlier, the cost savings that the Coast Guard estimated for Assumptions 1 and 2 for the proposed change to § 10.225(c) do not include the cost savings from the proposed change to § 10.219(d). However, in table 1 of this RA, where we present the total cost savings estimates of the proposed rule, the Coast Guard included the cost savings estimates for the proposed change to § 10.219(d), because the Coast Guard must add the cost savings from

§ 10.225(c) to the cost savings estimate for § 10.219(d). Also recall that only one of the two main assumptions of this analysis would hold. The Coast Guard presented two different scenarios, because we do not know where affected original applicants currently obtain a notary public service.

For Assumption 1 and including the cost savings estimates from the proposed change to § 10.219(d), the Coast Guard estimates the total undiscounted cost savings of the

proposed rule to be approximately \$364,945 annually, rounded (\$219,820 from Assumption 1 and § 10.225(c) + \$145,125 from § 10.219(d)). The Coast Guard estimated the 10-year total discounted cost savings of the proposed rule to be approximately \$2.6 million, rounded, using a 7-percent discount rate. The Coast Guard estimated the annualized cost savings to be approximately \$364,945, rounded, using a 7-percent discount rate. See table 15.

TABLE 15—SUMMARY OF TOTAL DISCOUNTED COST SAVINGS OF THE PROPOSED RULE UNDER ASSUMPTION 1 (INCLUDES COST SAVINGS FROM §§ 10.225(c) AND 10.219(d))

[2021 Dollars, 10-year period of analysis, 7- and 3-percent discount rates]

Year	§ 10.225(c) Cost savings	§ 10.219(d) Cost savings	Total cost savings—Assumption 1	7 Percent	3 Percent
1	\$219,820	\$145,125	\$364,945	\$341,070	\$354,316
2	219,820	145,125	364,945	318,757	343,996
3	219,820	145,125	364,945	297,904	333,977

TABLE 15—SUMMARY OF TOTAL DISCOUNTED COST SAVINGS OF THE PROPOSED RULE UNDER ASSUMPTION 1 (INCLUDES COST SAVINGS FROM §§ 10.225(c) AND 10.219(d)—Continued
[2021 Dollars, 10-year period of analysis, 7- and 3-percent discount rates]

Year	§ 10.225(c) Cost savings	§ 10.219(d) Cost savings	Total cost savings— Assumption 1	7 Percent	3 Percent
4	219,820	145,125	364,945	278,415	324,249
5	219,820	145,125	364,945	260,201	314,805
6	219,820	145,125	364,945	243,178	305,636
7	219,820	145,125	364,945	227,270	296,734
8	219,820	145,125	364,945	212,401	288,091
9	219,820	145,125	364,945	198,506	279,700
10	219,820	145,125	364,945	185,520	271,553
Total .....	.....	.....	.....	2,563,222	3,113,056
Annualized .....	.....	.....	.....	364,945	364,945

Note: Totals may not sum due to independent rounding.

Readers should compare the total cost savings estimate and annualized cost savings estimate for the proposed rule in table 15 with the total cost savings estimate of the proposed rule for Assumption 1 in table 1.

For Assumption 2 and including the cost savings estimates from the

proposed change to § 10.219(d), the Coast Guard estimates the total undiscounted cost savings of the proposed rule to be approximately \$433,379 annually, rounded (\$288,255 from Assumption 2 and § 10.225(c) + \$145,125 from § 10.219(d)). The Coast Guard estimates the 10-year total

discounted cost savings of the proposed rule for Assumption 2 to be approximately \$3.0 million, rounded, using a 7-percent discount rate. The Coast Guard estimates the annualized cost savings to be approximately \$433,379, rounded, using a 7-percent discount rate. See table 16.

TABLE 16—SUMMARY OF TOTAL DISCOUNTED COST SAVINGS OF THE PROPOSED RULE UNDER ASSUMPTION 2 (INCLUDES COST SAVINGS FROM §§ 10.225(c) AND 10.219(d)
[2021 Dollars, 10-year period of analysis, 7- and 3-percent discount rates]

Year	§ 10.225(c) Cost savings	§ 10.219(d) Cost savings	Total cost savings— Assumption 2	7 Percent	3 Percent
1	\$288,255	\$145,125	\$433,379	\$405,027	\$420,757
2	288,255	145,125	433,379	378,530	408,502
3	288,255	145,125	433,379	353,767	396,603
4	288,255	145,125	433,379	330,623	385,052
5	288,255	145,125	433,379	308,993	373,837
6	288,255	145,125	433,379	288,779	362,948
7	288,255	145,125	433,379	269,887	352,377
8	288,255	145,125	433,379	252,231	342,114
9	288,255	145,125	433,379	235,730	332,149
10	288,255	145,125	433,379	220,308	322,475
Total .....	.....	.....	.....	3,043,875	3,696,814
Annualized .....	.....	.....	.....	433,379	433,379

Note: Totals may not sum due to independent rounding.

Readers should compare the total cost savings estimate and annualized cost savings estimate for the proposed rule in table 16 with the total cost savings estimate of the proposed rule for Assumption 2 in table 1.

Including Federal Government cost savings, the Coast Guard estimates the 10-year total discounted cost savings of the proposed rule under Assumption 1

to be about \$2.8 million (\$2,563,222 from table 15 and \$215,564 from table 7), rounded, using a 7-percent discount rate. We estimate the annualized cost savings to be approximately \$395,650, rounded, using a 7-percent discount rate (\$364,945 from table 15 + \$30,704 from table 7). See table 17.

Including Federal Government cost savings, the Coast Guard estimates the

10-year total discounted cost savings of the proposed rule under Assumption 2 to be about \$3.3 million (\$3,043,875 from table 16 and \$215,564 from table 7), rounded, using a 7-percent discount rate. We estimate the annualized cost savings to be approximately \$464,084, rounded, using a 7-percent discount rate (\$433,379 from table 16 + \$30,704 from table 7). See table 17.

TABLE 17—TOTAL DISCOUNTED ANNUALIZED COST SAVINGS OF THE PROPOSED RULE
[2021 Dollars, 10-year period of analysis, 7-percent discount rate]

	§ 10.225(c) Cost Savings	
	Assumption 1	Assumption 2
§ 10.219(d) Cost Savings	\$219,820	\$288,255
§ 10.219(d)—Applicants	145,125	145,125
§ 10.219(d)—Federal Government	30,704	30,704
Total cost savings under each Assumption (annualized)	395,650	464,084

Note: Readers should add together the cost savings in each of the two columns separately under the individual Assumptions to obtain the total cost savings. Totals may not sum due to independent rounding.

Unquantifiable Benefits of the Proposed Rule

This proposed rule would create unquantifiable benefits for MMC applicants. This includes the flexibility to submit documents electronically contained in the proposed changes to §§ 1.03–15(h)(2)(i) and 10.219(i)(1). Because this would be an option in the future, the Coast Guard does not have data at this point to estimate the cost savings that would be associated with the electronic submission of documents, if applicants were to choose this option.

The use of *Pay.gov* would provide a benefit to applicants because it is a free and secure service that allows applicants to make payments to most Federal Government agencies. *Pay.gov* uses the latest industry-standard payment methods and encryption technology to safely collect, store, transmit, and protect applicants' personal information throughout the payment process. Applicants can access and make payments through *Pay.gov* 24 hours a day, 7 days a week, and every day of the year, including holidays.

In table 2 the Coast Guard lists the unquantifiable benefit where the proposed regulatory text changes would be more than minor grammatical changes.

Analysis of Alternatives

(1) *Industry would continue to meet the current requirements in subchapter A, part 1 and subchapter B, parts 10–16 of title 46 of the CFR (current baseline without regulatory action).*

This alternative represents the current state of the MCP with no updates to 46 CFR subchapter A, part 1 and subchapter B, parts 10–16. The Coast Guard rejected this alternative, because it would not require that applicants pay mandatory fees electronically through *Pay.gov*. This alternative would maintain all the current, estimated, undiscounted costs between \$219,820 and \$288,255 annually, rounded (see the estimated costs under Assumptions 1 and 2, respectively, in the preferred

alternative). The Coast Guard would also continue to request applicants provide receipt of payment when using *Pay.gov* (e.g., attach receipt to applications and provide receipt for MCP services) although this is not required. Applicants would still have the option of paying mandatory fees in person at an REC through cash, check, credit card and money order. Although in-person payments would remain an option, these applicants would not realize potential cost savings by using *Pay.gov*. In-person and standard mail payments made by applicants maintains the options that currently exist, which some applicants may find more convenient (for in-person payments, perhaps as a customer service benefit) over payments by electronic means. We request comments from the public on the benefit of the Coast Guard maintaining these payment options for applicants. This alternative would also not result in time and cost savings to original applicants, who would still be required to take an oath before an authorized individual. Additionally, this alternative would not clarify existing regulatory text.

(2) *The Coast Guard would update regulatory requirements to align with a new MCP IT system and update mandatory fees with an incentive for electronic payment.*

With this alternative, the Coast Guard would replace the current MMLD database and would propose changes to 46 CFR parts 10 through 14 and 16 to increase electronic submission of documents to support the credentialing process. With this alternative, the Coast Guard would provide an incentive to applicants to electronically pay mandatory fees through *Pay.gov*. It would be beneficial to applicants, who would save time and money; however, the Coast Guard is unable to estimate a cost savings for this item under this alternative, because it would require a lengthy analysis of the Coast Guard's mandatory fee program.

The Coast Guard rejected this alternative, because the update would require additional regulatory action to allow for future changes in the system, and any changes to mandatory fees would require further study and analysis by the Coast Guard and would require the use of limited additional time and resources.

(3) *The Coast Guard would update regulatory requirements to align with a new MCP IT system and require electronic payment, but would not address mandatory fees.*

With this alternative, the Coast Guard would not propose to update the mandatory fees together with the requirement for the electronic payment of fees by individuals through a new MCP IT system. However, the Coast Guard kept the proposed requirement under the preferred alternative (proposed rule) for the electronic payment of fees by applicants saving them approximately \$145,125 annually, rounded (see the analysis for the preferred alternative for the derivation of this estimate), because it would not be connected to a new MCP IT system.

The Coast Guard rejected this alternative, because the new system is at the beginning stages of development, and, as a result, the Coast Guard is unable to estimate the economic impact of this new system on applicants and companies. Therefore, the Coast Guard cannot accurately determine any adjustments to mandatory fees based on the new system capabilities, potential costs to support the system, or cost savings generated from the system.

(4) *Preferred Alternative—Update 46 CFR subchapter A, part 1 and subchapter B, parts 10–16 to update regulatory requirements to align with a new MCP IT system, require the electronic payment of fees and the option of electronic submission of supporting documents for an MMC application, remove the requirement for an oath to be administered by an authorized individual, and make*

editorial and non-substantive changes that clarify existing regulatory text.

This is the preferred alternative because applicants would be required to pay mandatory fees electronically using *Pay.gov*, and the Coast Guard would create an option for electronic submission of documents to the Coast Guard. This would save MMC applicants time and money because they would no longer be paying these mandatory fees in person at an REC. However, this preferred option would remove the flexibility for applicants who wish to continue to pay the mandatory fees in person. We analyzed the time and cost difference between the different payment methods and the proposed requirement to use *Pay.gov* previously in this regulatory analysis.

This alternative also aligns with Department of the Treasury regulations for promoting efficient, effective cash management through improved billing, collection, deposit, and payment of funds. The Coast Guard also proposes to remove the requirement for an oath to be taken by original applicants when they submit their MMC application. This would also save time and money for original applicants who would no longer need to travel to a bank or a bank branch or a notary public service to have the oath administered. Lastly, the Coast Guard proposes to make numerous editorial changes to the affected CFR subchapters that would clarify existing regulatory text. The Coast Guard analyzed and presented the cost savings and other unquantifiable benefits associated with this alternative earlier in this RA.

B. Small Entities

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

Based on the analysis in section A, Regulatory Planning and Review, we found this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. Most provisions of this proposed rule would affect individuals who apply for an MMC and would not directly regulate small entities. These include provisions that would require electronic payment of merchant mariner credentialing fees in § 10.219(d), remove the requirement for an oath to be

administered by an authorized official on Form CG–719B in § 10.225(c), and allow for the electronic submission of certain documents in § 1.03–15(h)(2)(i) for appeals involving course approvals and merchant mariner personnel issues and in § 10.219(i) for requests involving no-fee MMCs. Since individual members of the public that are applying for MMCs are not considered to be small entities under the RFA, we have found that no small entities are impacted by these provisions of the proposed rule.

One substantive change of this proposed rule would allow for electronic signature on Form CG–718A in §§ 14.307(a), (b), and (c) when a mariner completes a voyage. However, the Coast Guard is not changing the previously accepted method of a standard signature by pen and ink. Therefore, the owner or operator of a vessel and mariner may continue to choose this signature method, but a part of the population may also choose the option of an electronic signature. The Coast Guard estimates that these two methods take nearly the same amount of time and would not result in measurable cost savings either to the owner or operator of a vessel, who may be a small entity, or to the mariner if they choose the electronic signature method. The Coast Guard requests comments from the public on this assumption and if there is a time difference between a standard signature and an electronic signature.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities because based on our analysis, most of provisions of the proposed rule would affect applicants and not directly regulate or affect small entities. We determined that the time difference between the standard signature method and the option of the electronic signature method in §§ 14.307(a), (b), and (c), for those who choose this method, to be nearly the same and would not result in any measurable cost savings to vessel owners or operators, who may be small entities, and mariners.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we offer to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

D. Collection of Information

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires the U.S. Coast Guard to consider the impact of paperwork and other information collection burdens imposed on the public. According to the 1995 amendments to the Paperwork Reduction Act, an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid OMB control number.

The Coast Guard has determined that the proposed rule would not result in a new collection nor modify an existing collection of information. Thus, this proposed rule would not change the burden in the collections currently approved by OMB under OMB Control Numbers 1625–0012 with a title of “Certificate of Discharge to Merchant Mariners” and 1625–0040 with a title of “Applications for Merchant Mariners Credentials and Medical Certificates.”

E. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows.

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered in 46 U.S.C. 3306, 3703, 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels), as well as the reporting of casualties and any other category in which Congress

intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from regulation by the States. *See* the Supreme Court's decision in *United States v. Locke* and *Intertanko v. Locke*, 529 U.S. 89, 120 S.Ct. 1135 (2000). Because this proposed rule involves the credentialing of merchant marine officers under 46 U.S.C. 7101, it relates to personnel qualifications for vessels subject to a pervasive scheme of federal regulation, and is therefore foreclosed from regulation by the States. Therefore, because the States may not regulate within these categories, this rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this proposed rule would have implications for federalism under Executive Order 13132, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

F. Unfunded Mandates

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100 million (adjusted for inflation) or more in any one year. Although this proposed rule would not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

G. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, (Civil Justice

Reform), to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this proposed rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

K. Energy Effects

We have analyzed this proposed rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866, as amended by Executive Order 14094, and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

If you are aware of voluntary consensus standards that might apply, please identify them by sending a comment to the docket using one of the

methods listed in the **ADDRESSES** section of this preamble. In your comment, please explain why you think the standards might apply.

M. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. This proposed rule would be categorically excluded under paragraphs L54 and L56 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. Paragraph L54 pertains to regulations that are editorial or procedural. Paragraph L56 pertains to regulations concerning the training, qualifying, licensing, and disciplining of maritime personnel.

This proposed rule involves regulatory changes that are needed for implementation of a new information technology system that would replace the current MMLD database used by the Coast Guard to process mariner credentials. This new system features an electronic platform for activities such as mariners providing documents for applying for or maintaining mariner credentials, or submitting associated fees. In addition, the rule includes technical amendments, such as updates, to addresses and websites necessary for accessing or using MMLD. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects

46 CFR Part 1

Administrative practice and procedure, Organization and functions (Government agencies), Reporting and recordkeeping requirements.

46 CFR Part 10

Penalties, Personally identifiable information, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 11

Penalties, Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 12

Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 13

Cargo vessels, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 14

Oceanographic research vessels, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 15

Reporting and recordkeeping requirements, Seamen, Vessels.

46 CFR Part 16

Drug testing, Marine safety, Reporting and recordkeeping requirements, Safety, Transportation.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 46 CFR parts 1, 10, 11, 12, 13, 14, 15, and 16 as follows:

Title 46—Shipping**PART 1—ORGANIZATION, GENERAL COURSE AND METHODS GOVERNING MARINE SAFETY FUNCTION**

- 1. The authority citation for part 1 is revised to read as follows:

Authority: 5 U.S.C. 552; 14 U.S.C. 503; 46 U.S.C. 7701; 46 U.S.C. Chapter 93; Secs. 101, 888, and 1512, Pub. L. 107–296, 116 Stat. 2135; DHS Delegation No. 00170.1, Revision No. 01.3; § 1.01–35 also issued under the authority of 44 U.S.C. 3507; and § 1.03–55 also issued under the authority of 46 U.S.C. 3306(j).

- 2. Amend § 1.01–15 by revising paragraph (e) to read as follows:

§ 1.01–15 Organization; Districts; National Maritime Center.

* * * * *

(e) Applicants for merchant mariner credentials may apply to the Coast Guard National Maritime Center or any of the NMC detachments. Applicants may contact the National Maritime Center at 100 Forbes Drive, Martinsburg, West Virginia 25404, by telephone at 1–888–I–ASK–NMC (1–888–427–5662), by email at IASKNMC@uscg.mil, or online chat at [website https://www.dco.uscg.mil/national_maritime_center/](https://www.dco.uscg.mil/national_maritime_center/). A list of NMC detachment locations is available through the website.

* * * * *

- 3. Amend § 1.03–15 by:

- a. Revising paragraph (h)(2)(i); and

- b. In paragraph (h)(2)(ii), removing the period after the words “2703 Martin Luther King Jr. Avenue SE”.

The revision reads as follows:

§ 1.03–15 General.

* * * * *

(h) * * *

(2) * * *

(i) Appeals involving course approvals and merchant mariner personnel issues must be in writing and mailed or electronically submitted to the Office of Merchant Mariner Credentialing (CG–MMC), U.S. Coast Guard, Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509, by email to MMCPolicy@uscg.mil, or as prescribed by the Coast Guard.

* * * * *

PART 10—MERCHANT MARINER CREDENTIAL

- 4. The authority citation for part 10 is revised to read as follows:

Authority: 14 U.S.C. 503; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110; 46 U.S.C. chapter 71; 46 U.S.C. chapter 73; 46 U.S.C. chapter 75; 46 U.S.C. 2104; 46 U.S.C. 7701, 8903, 8904, and 70105; Executive Order 10173; DHS Delegation No. 00170.1, Revision No. 01.3.

- 5. In part 10, revise the following references wherever they appear:

- a. “his or her” to read “their”; and
■ b. “he or she” to read “they”.

- 6. Amend § 10.107 by:

- a. Revising the definition of “Regional examination center or REC”; and
■ b. Adding a definition of “Written, writing, or in writing”.

The revision and addition read as follows:

§ 10.107 Definitions in subchapter B.

* * * * *

Regional examination center or REC means a field office of the National Maritime Center that performs activities as required by this subchapter on behalf of the National Maritime Center.

* * * * *

Written, writing, or in writing means handwritten in ink, mechanically or electronically printed, or any form of expression that can be read, reproduced, or later communicated including electronically submitted and stored information.

* * * * *

§ 10.203 [Amended]

- 7. Amend § 10.203 as follows:

- a. In paragraph (b), remove the text, “, license, MMD, COR, or STCW endorsement”; and

- b. In paragraph (c), remove the text, “an MMD and an MMC serve” and

replace it with the text, “an MMC serves”.

- 8. Amend § 10.209 by:

- a. In paragraph (a), removing the word “satisfies” and adding, in its place, the word “satisfy”;

- b. Revising paragraphs (d) introductory text, (d)(1) through (d)(3); and

- c. In paragraph (e)(3), removing the words “the applicant’s fingerprints,”.

The revisions read as follows:

§ 10.209 General application procedures.

* * * * *

(d) The application may be submitted in a manner prescribed by the Coast Guard that may include in person, by mail, or other electronic means. A complete MMC application, which is described in §§ 10.223, 10.225, 10.227, 10.229, and 10.231 may include—

(1) The application, consent for National Driver Register (NDR) check, and oath, and the evaluation fee required by § 10.219 of this part;

(2) The applicant’s continuous discharge book, certificate of identification, and MMC if expired;

(3) Proof, in a manner prescribed by the Coast Guard, which may include forms or other means, that the applicant passed the applicable vision, hearing, medical, or physical exam as required by subpart C of this part, or an unexpired medical certificate issued by the Coast Guard;

* * * * *

- 9. Amend § 10.211 by:

- a. Revising paragraph (c);

- b. In paragraph (f), removing the word “furnish” and adding, in its place, the word “furnishes”; and

- c. In paragraph (i), removing the words “has applied” and adding, in their place, the words “have applied”.

The revision reads as follows:

§ 10.211 Criminal record review.

* * * * *

(c) *Criminal Convictions.* The Transportation Security Administration (TSA) will provide to the Coast Guard the applicant’s FBI number and criminal record generated in the TWIC review process. This information will be used by the Coast Guard to determine whether the applicant has a record of any criminal convictions.

* * * * *

§ 10.217 [Amended]

- 10. In § 10.217(a), remove the text “<http://www.uscg.mil/nmc>”, and add, in its place, the text “https://www.dco.uscg.mil/national_maritime_center/”.

- 11. Amend § 10.219 by revising paragraphs (d) and (i)(1) to read as follows:

§ 10.219 Fees.

* * * * *

(d) Unless the Coast Guard provides additional payment options, fee payment must be for the exact amount and must be made by electronic payment in a manner specified by the Coast Guard. For information regarding current forms of electronic payment, go to the National Maritime Center's (NMC) website, https://www.dco.uscg.mil/national_maritime_center/.

* * * * *

(i) * * *

(1) An organization may submit a written request in a manner prescribed by the Coast Guard that may include mail, email, or electronic means to U.S. Coast Guard National Maritime Center, 100 Forbes Drive, Martinsburg, WV 25404, at email IASKNMC@uscg.mil, in order to be considered an eligible organization under the criteria set forth in paragraph (h) of this section. With the written request, the organization must provide evidence of its status as a youth-oriented, not-for-profit, charitable organization.

* * * * *

■ 12. Revise § 10.223(c)(5) to read as follows:

§ 10.223 Modification or removal of limitations or scope.

* * * * *

(c) * * *

(5) Any expired MMC held by the applicant. If still valid at the time of application, the applicant must surrender the old, original credential to the Coast Guard within 30 days of issuance of the new credential. If requested at the time of submission, the old MMC may be returned to the applicant after cancellation.

* * * * *

■ 13. Revise § 10.225(c) to read as follows:

§ 10.225 Requirements for original merchant mariner credentials.

* * * * *

(c) *Oath.* Every person who receives an original MMC must first solemnly swear or affirm, that they will faithfully and honestly, according to their best skill and judgment, without concealment or reservation, perform all the duties required by law and obey all lawful orders of superior officers. This affirmation remains binding for any subsequently issued MMC and endorsements added to the MMC, unless specifically renounced in writing.

§ 10.227 [Amended]

■ 14. Amend § 10.227 as follows:

■ a. Remove the word “present” and add, in its place, the word “provide” wherever it appears;

■ b. Remove the word “Present” and add, in its place, the word “Provide” wherever it appears;

■ c. In paragraph (d)(4):

■ i. Remove the word “uncanceled” and add, in its place, the words “expired or uncanceled”; and

■ ii. Remove the word “photocopy” and add, in its place, the word “copy”;

■ d. In paragraph (e)(1)(iv), remove the words “license or”;

■ e. In paragraph (e)(5), remove the words “holds a currently valid” and add, in their place, the words “hold a currently valid”;

■ f. In paragraph (e)(6)(ii), remove the words “license or”;

■ g. In paragraph (h), remove the words “A license, MMD, COR, STCW endorsement, MMC, and any endorsements thereon, are” and add, in their place, the words “An MMC, and any endorsements thereon, is”; and

■ h. In paragraph (i)(1), remove the words “presentation of” and add, in their place, the words “providing evidence of”.

§ 10.231 [Amended]

■ 15. Amend § 10.231 as follows:

■ a. In paragraph (c)(5):

■ i. Remove the word “uncanceled” and add, in its place, the words “expired or uncanceled”; and

■ ii. Remove the word “photocopy” and add, in its place, the word “copy”; and

■ b. In paragraph (d)(2), remove the word “was”, and add, in its place, the word “were”.

§ 10.232 [Amended]

■ 16. Amend § 10.232 as follows:

■ a. In paragraph (a)(1), remove the word “presented” and add, in its place, the word “provided”;

■ b. In paragraph (a)(4), remove the word “licensed” and add, in its place, the word “credentialed”; and

■ c. In paragraph (d)(6), remove the word “license” and add, in its place, the word “credential”.

§ 10.233 [Amended]

■ 17. Amend § 10.233 as follows:

■ a. In paragraph (a), remove the text “license, MMD, COR, or”;

■ b. In paragraph (b), after the words “made in writing” add the words “and provided in a manner specified by the Coast Guard”; and

■ c. In paragraph (c), after the word “Invalid”, add the words “or expired”.

§ 10.235 [Amended]

■ 18. Amend § 10.235 by removing the text “, license, MMD, and COR” wherever it appears.

■ 19. Amend Table 1 to § 10.239 by revising the row “MODU licenses” to read as follows:

§ 10.239 Quick reference table for MMC requirements.

* * * * *

Table 1 to § 10.239: Quick Reference Table for MMC Requirements

* * * * *

[illegible]

§ 10.302 [Amended]

■ 20. In § 10.302(a), remove the words “as appropriate” and add, in their place, the words “or as directed by the Coast Guard”.

§ 10.305 [Amended]

■ 21. In § 10.305(c), remove the word “a” before the words “medical certificate”.

§ 10.404 [Amended]

■ 22. Amend § 10.404 as follows:
 ■ a. Remove the text “, license, or document” wherever it appears; and
 ■ b. Remove the words “has witnessed” wherever they appear and add, in their place, the words “have witnessed”.

§ 10.405 [Amended]

■ 23. In § 10.405, remove the words “has attained” wherever they appear and add, in their place, the words “have attained”.

§ 10.407 [Amended]

■ 24. In § 10.407(g)(3), remove the text “paragraph (d)” and add, in its place, the text “paragraph (e)”.

§ 10.409 [Amended]

■ 25. In § 10.409(e), remove the word “present” and add, in its place, the word “provide”.

PART 11—REQUIREMENTS FOR OFFICER ENDORSEMENTS

■ 26. The authority citation for part 11 is revised to read as follows:

Authority: 14 U.S.C. 503; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, and 2110; 46 U.S.C. chapter 71; 46 U.S.C. 7502, 7505, 7701, 8906, and 70105; Executive Order 10173; DHS Delegation No. 00170.1, Revision No. 01.3. Section 11.107 is also issued under the authority of 44 U.S.C. 3507.

■ 27. In part 11, revise the following references wherever they appear:

- a. “his or her” to read “their”; and
- b. “he or she” to read “they”.

§ 11.102 [Amended]

■ 28. In § 11.102(a), remove the period after the text “2703 Martin Luther King Jr. Avenue SE”.

§ 11.201 [Amended]

- 29. Amend § 11.201 as follows:
 - a. In paragraph (a):
 - i. Remove the word “possesses” and add, in its place, the words “possess”; and
 - ii. Remove the words “him or her” and add, in their place, the word “them”;
 - b. In paragraph (c)(4), remove the word “has” and add, in its place, the word “have”;
 - c. In paragraph (g)(1), remove the text “license, merchant mariner document

(MMD), or MMC” and add, in its place, the text “merchant mariner credential (MMC)”;

- d. In paragraph (g)(2) remove the words “license, certificate of registry,” wherever it appears, and add, in their place, the text “MMC”; and
- e. In paragraphs (h)(1), (i), and (k) remove the word “present” wherever it appears and add, in its place, the word “provide”.

§ 11.211 [Amended]

- 30. Amend § 11.211(c)(1) as follows:
 - a. Remove the words “or license” wherever they appear; and
 - b. Remove the words “licenses or”.

§ 11.217 [Amended]

■ 31. Amend § 11.217(a) by removing the word “presents” and adding, in its place, the word “provides”.

§ 11.301 [Amended]

■ 32. Amend § 11.301(g) by removing the words “of the license”.

§ 11.337 [Amended]

■ 33. Amend § 11.337(a) by removing the word “present” and adding, in its place, the word “provide”.

§ 11.401 [Amended]

- 34. Amend § 11.401 as follows:
 - a. Remove the words “license or” wherever they appear; and
 - b. In paragraph (d), remove the word “present” and add, in its place, the word “provide”.

§ 11.402 [Amended]

- 35. Amend § 11.402 as follows:
 - a. In paragraph (c)(2), remove the words “is endorsed” and add, in their place, the words “are endorsed”; and remove the words “license or”; and
 - b. In paragraph (c)(3):
 - i. Remove the words “a license or” and add, in their place, the text “an MMC”; and
 - ii. Remove the words “mate’s license or” and add, in their place, the word “mate’s”.

§ 11.404 [Amended]

- 36. Amend § 11.404 as follows:
 - a. In paragraph (a)(2), remove the words “a license or” and add, in their place, the word “an”; and
 - b. In paragraph (b) introductory text, remove the words “or license”.

§ 11.405 [Amended]

■ 37. Amend § 11.405(a) by removing the words “a license or” and adding, in their place, the word “an”.

§ 11.406 [Amended]

- 37. Amend § 11.406 as follows:
 - a. Remove the words “a license or” wherever they appear and add, in their place, the word “an”; and

■ b. In paragraph (c), remove the words “or license”.

§ 11.407 [Amended]

- 38. Amend § 11.407 as follows:
 - a. In paragraph (c), remove the words “a license or” and add, in their place, the word “an”; and
 - b. In paragraph (d), remove the words “or license”.

§ 11.412 [Amended]

■ 39. Amend § 11.412 by removing the words “a license or” wherever they appear and adding, in their place, the word “an”.

§ 11.414 [Amended]

■ 40. Amend § 11.414(a)(1)(iii) by removing the words “a license or” and adding, in their place, the word “an”.

§ 11.418 [Amended]

■ 41. Amend § 11.418 by removing the words “a license or” wherever they appear and adding, in their place, the word “an”.

§ 11.420 [Amended]

■ 42. Amend § 11.420(a) by removing the words “a license or” and adding, in their place, the word “an”.

§ 11.422 [Amended]

- 43. Amend § 11.422 as follows:
 - a. In paragraph (b)(4), remove the words “license or”; and
 - b. In paragraph (c), remove the words “or license”.

§ 11.424 [Amended]

- 44. Amend § 11.424 as follows:
 - a. In paragraph (a)(1), remove the words “a license or” and add, in their place, the word “an”; and
 - b. In paragraph (b), remove the words “license or”.

§ 11.425 [Amended]

- 45. Amend § 11.425 as follows:
 - a. Remove the words “a license or” wherever they appear and add, in their place, the word “an”; and
 - b. In paragraph (d), remove the word “presentation” and add, in its place, the words “providing evidence”.

§ 11.426 [Amended]

■ 46. Amend § 11.426(a)(1) by removing the words “a license or” and adding, in their place, the word “an”.

§ 11.427 [Amended]

- 47. Amend § 11.427 as follows:
 - a. Remove the words “a license or” wherever they appear and add, in their place, the word “an”; and
 - b. In paragraph (d), remove the word “presentation” and add, in its place, the word “providing evidence”.

§ 11.428 [Amended]

■ 48. Amend § 11.428(b) by removing the words “license or”.

§ 11.429 [Amended]

■ 49. Amend § 11.429(c) by removing the words “license or”.

§ 11.433 [Amended]

■ 50. Amend § 11.433(a) by removing the words “a license or” wherever they appear and adding, in their place, the word “an”.

§ 11.435 [Amended]

■ 51. Amend § 11.435 as follows:
■ a. In paragraph (a)(1), remove the words “a license or” and add, in their place, the word “an”; and
■ b. In paragraph (a)(2), remove the words “license or”.

§ 11.437 [Amended]

■ 52. In § 11.437(a)(3):
■ a. Remove the words “holding a license or” and add, in their place, the words “holding an”; and
■ b. Remove the words “this license” and add, in their place, the words “this MMC endorsement”.

§ 11.442 [Amended]

■ 53. Amend § 11.442(a) by removing the words “a license or” wherever they appear and adding, in their place, the word “an”.

§ 11.444 [Amended]

■ 54. Amend § 11.444(a)(2) by removing the words “a license or” and adding, in their place, the word “an”.

§ 11.446 [Amended]

■ 55. Amend § 11.446 by removing the words “a license or” wherever they appear and adding, in their place, the word “an”.

§ 11.450 [Amended]

■ 56. Amend § 11.450 as follows:
■ a. In paragraph (c), remove the words “licenses or”; and
■ b. In paragraph (d), remove the word “license” and add, in its place, the word “endorsement”.

§ 11.452 [Amended]

■ 57. Amend § 11.452 as follows:
■ a. In paragraph (a):
■ i. Remove the words “license or”; and
■ ii. Remove the words “a license or” and add, in their place, the word “an”; and
■ b. In paragraph (b), remove the words “license or”.

§ 11.454 [Amended]

■ 58. Amend § 11.454 as follows:
■ a. In paragraph (c), remove the word “presentation” and add, in its place, the words “providing evidence”; and

■ b. In paragraph (d), remove the words “a license or” and add, in their place, the word “an”.

§ 11.457 [Amended]

■ 59. Amend § 11.457 as follows:
■ a. In paragraph (a), remove the word “present” and add, in its place, the word “provide”; and
■ b. In paragraph (b), remove the words “license or”.

§ 11.462 [Amended]

■ 60. Amend § 11.462 by removing the words “a license or” wherever they appear and adding, in their place, the word “an”.

§ 11.464 [Amended]

■ 61. Amend § 11.464 by removing the words “a license or” wherever they appear and adding, in their place, the word “an”.

§ 11.465 [Amended]

■ 62. Amend § 11.465 by removing the words “a license or” wherever they appear and adding, in their place, the word “an”.

§ 11.466 [Amended]

■ 63. Amend § 11.466(b) by removing the words “a license or” and adding, in their place, the word “an”.

§ 11.470 [Amended]

■ 64. Amend § 11.470 as follows:
■ a. Remove the word “Present” wherever it appears and add, in its place, the word “Provide”;
■ b. In paragraph (d)(2)(i), remove the words “a license or” and add, in their place, the word “an”;
■ c. In paragraphs (e), (g), (i), and (k), remove the words “license or”; and
■ d. In paragraph (j)(2)(i), remove the words “a license or” and add, in their place, the word “an”.

§ 11.472 [Amended]

■ 65. Amend § 11.472 as follows:
■ a. Remove the word “Present” wherever it appears and add, in its place, the word “Provide”; and
■ b. In paragraph (b), remove the words “license or”.

§ 11.474 [Amended]

■ 66. Amend § 11.474 as follows:
■ a. Remove the word “Present” wherever it appears and add, in its place, the word “Provide”;
■ b. In paragraphs (a)(1)(i) and (ii), remove the words “a license or” and add, in their place, the word “an”; and
■ c. In paragraph (b), remove the words “license or”.

§ 11.480 [Amended]

■ 67. In § 11.480(d), remove the word “present” and add, in its place, the

word “provide”; and remove the text “fax,”.

§ 11.482 [Amended]

■ 68. Amend § 11.482 as follows:
■ a. Remove the words “license or” wherever they appear; and
■ b. In paragraph (c), remove the words “a license or” and add, in their place, the word “an”.

§ 11.491 [Amended]

■ 69. Amend § 11.491(a) by removing the words “license or”.

§ 11.501 [Amended]

■ 70. Amend § 11.501 as follows:
■ b. In paragraph (c), remove the words “licenses or”; and
■ a. In paragraphs (d) and (e), remove the words “license or” wherever they appear.

§ 11.502 [Amended]

■ 71. Amend § 11.502(b) by removing the words “a license or” and adding, in their place, the word “an”.

§ 11.503 [Amended]

■ 72. Amend § 11.503 as follows:
■ a. Remove the words “a license or” wherever they appear, and add, in their place, the word “an”; and
■ b. In paragraph (c)(2), remove the words “licensed or”.

§ 11.510 [Amended]

■ 73. Amend § 11.510(a)(2) by removing the words “a license or” and adding, in their place, the word “an”.

§ 11.512 [Amended]

■ 74. Amend § 11.512(a)(1) by removing the words “a license or” and adding, in their place, the word “an”.

§ 11.514 [Amended]

■ 75. Amend § 11.514(a) by removing the words “a license or” wherever they appear and adding, in their place, the word “an”.

§ 11.542 [Amended]

■ 76. Amend § 11.542 as follows:
■ a. Remove the word “Present” wherever it appears, and add, in its place, the word “Provide”; and
■ b. In paragraph (b), remove the words “presentation of” and add, in their place, the word “providing”.

§ 11.544 [Amended]

■ 77. Amend § 11.544 as follows:
■ a. Remove the word “Present” wherever it appears, and add, in its place, the word “Provide”; and
■ b. In paragraph (b), remove the words “presentation of the” and add, in their place, the word “providing”.

§ 11.603 [Amended]

■ 78. Amend § 11.603 by removing the words “license must present” and adding, in their place, the text “an MMC must provide evidence of”.

§ 11.604 [Amended]

■ 79. Amend § 11.604 by removing the word “present” and adding, in its place, the word “provide”.

§ 11.701 [Amended]

■ 80. Amend § 11.701(d) by removing the words “A license or” and adding, in their place, the word “An”.

§ 11.703 [Amended]

■ 81. Amend § 11.703(d) by removing the words “a license or” and adding, in their place, the word “an”.

§ 11.705 [Amended]

■ 82. Amend § 11.705(c) by removing the words “license or” wherever they appear.

§ 11.707 [Amended]

■ 83. Amend § 11.707(b) by removing the words “a license or” and adding, in their place, the word “an”.

§ 11.713 [Amended]

■ 84. Amend § 11.713 by removing the words “license or” wherever they appear.

§ 11.805 [Amended]

■ 85. Amend § 11.805 as follows:
 ■ a. In paragraph (a), remove the word “present”, and add, in its place, the word “provide”; and
 ■ b. In paragraph (b), remove the word “is” and add, in their place, the word “are”.

§ 11.807 [Amended]

■ 86. Amend § 11.807(d) by removing the word “present” and adding, in its place, the word “provides”.

§ 11.821 [Amended]

■ 87. Amend § 11.821(a)(2) by removing the word “Present” and adding, in its place, the word “Provide”.

§ 11.903 [Amended]

■ 88. Amend § 11.903(c)(1) by removing the words “a license” and adding, in their place, the words “an endorsement”.

§ 11.920 [Amended]

■ 89. In the heading “Table 2 to § 11.920”, remove the word “Licenses” and add, in its place, the word “Endorsements”.

PART 12—REQUIREMENTS FOR RATING ENDORSEMENTS

■ 90. The authority citation for part 12 is revised to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7301, 7302, 7503, 7505, 7701, and 70105; DHS Delegation No. 00170.1, Revision No. 01.3.

§ 12.103 [Amended]

■ 91. Amend § 12.103(a) by removing the period after the text “2703 Martin Luther King Jr. Avenue SE”.

§ 12.201 [Amended]

■ 92. Amend § 12.201(a)(2) by removing the words “his or her” and adding, in their place, the word “their”.

§ 12.401 [Amended]

■ 93. Amend § 12.401 as follows:
 ■ a. In paragraph (a), remove the text “or merchant mariner document (MMD)”;
 and
 ■ b. In paragraph (c)(3), remove the word “Present” and add, in its place, the word “Provide”.

§ 12.405 [Amended]

■ 94. Amend § 12.405 as follows:
 ■ a. In paragraph (a):
 ■ i. Remove the words “he or she” and add, in their place, the word “they”;
 and
 ■ ii. Remove the words “his or her” and add, in their place, the word “their”;
 and
 ■ b. In paragraph (b)(2), remove the words “him or her” and add, in their place, the word “them”.

§ 12.407 [Amended]

■ 95. Amend § 12.407 as follows:
 ■ a. In paragraph (b)(1)(iii), remove the word “Present” and add, in its place, the word “Provide”; and
 ■ b. In paragraph (b)(3):
 ■ i. Remove the words “he or she” and add, in their place, the word “they”;
 and
 ■ ii. Remove the words “his or her” and add, in their place, the word “their”.

§ 12.409 [Amended]

■ 96. Amend § 12.409 as follows:
 ■ a. In paragraph (b)(1)(iii), remove the word “Present” and add, in its place, the word “Provide”; and
 ■ b. In paragraph (b)(3):
 ■ i. Remove the words “he or she” and add, in their place, the word “they”;
 and
 ■ ii. Remove the words “his or her” and add, in their place, the word “their”.

§ 12.501 [Amended]

■ 97. Amend § 12.501 as follows:
 ■ a. In paragraph (b)(2), remove the words “he or she is” and add, in their place, the words “they are”; and
 ■ b. In paragraph (c)(3), remove the word “Present” and add, in its place, the word “Provide”.

§ 12.505 [Amended]

■ 98. Amend § 12.505(a) as follows:

■ a. Remove the words “he or she” and add, in their place, the word “they”;
 and
 ■ b. Remove the words “his or her” and add, in their place, the word “their”.

§ 12.625 [Amended]

■ 99. Amend § 12.625(a)(1) by removing the word “Present” and adding, in its place, the word “Provide”.

§ 12.627 [Amended]

■ 100. Amend § 12.627(a)(1) by removing the word “Present” and adding, in its place, the word “Provide”.

§ 12.707 [Amended]

■ 101. Amend § 12.707 by removing the word “present” and adding, in its place, the word “provide”.

§ 12.709 [Amended]

■ 102. Amend § 12.709(a) by removing the word “present” and adding, in its place, the word “provide”.

§ 12.711 [Amended]

■ 103. Amend § 12.711(a) as follows:
 ■ a. Remove the word “presents” and add, in its place, the word “provides”;
 and
 ■ b. Remove the words “he or she is” and add, in their place, the words “they are”.

§ 12.809 [Amended]

■ 104. Amend § 12.809 as follows:
 ■ a. In paragraph (a), remove the words “he or she is” and add, in their place, the words “they are”; and
 ■ b. In paragraph (b), remove the word “present” and add, in its place, the word “provide”.

§ 12.811 [Amended]

■ 105. Amend § 12.811 as follows:
 ■ a. In paragraph (b)(5)(iii), remove the words “he or she has” and add, in their place, the words “they have”; and
 ■ b. In paragraph (e), remove the words “his or her” and add, in their place, the word “their”.

PART 13—CERTIFICATION OF TANKERMEN

■ 106. The authority citation for part 13 is revised to read as follows:

Authority: 46 U.S.C. 3703, 7317, 8105, 8703, 9102; DHS Delegation No. 00170.1, Revision No. 01.3.

■ 107. In part 13, revise the following references wherever they appear:

■ a. “his or her” to read “their”; and
 ■ b. “he or she” to read “they”.

§ 13.103 [Amended]

■ 108. Amend § 13.103(a) by removing the period after the text “2703 Martin Luther King Jr. Avenue SE”.

§ 13.107 [Amended]

- 109. Amend § 13.107 as follows:
- a. Remove the word “holds” wherever it appears, and add, in its place, the word “hold”;
- b. In paragraph (a), remove the words “engineer license or engineer” and add, in their place, the words “engineer officer”; and
- c. In paragraph (d), remove the words “licensed or”.

§ 13.111 [Amended]

- 110. Amend § 13.111 as follows:
- a. In paragraph (d)(3), remove the word “Present” and add, in its place, the word “Provide”; and
- b. In paragraph (d)(4):
- i. Remove the words “Present evidence in the form of a letter” and add, in their place, the words “Provide evidence in a method prescribed by the Coast Guard”; and
- ii. Remove the words “on company letterhead”.

§ 13.119 [Amended]

- 111. In § 13.119, remove the words “merchant mariner’s document or”.

§ 13.120 [Amended]

- 112. Amend § 13.120 by removing the word “present” wherever it appears and adding, in its place, the word “provide”.

§ 13.127 [Amended]

- 113. Amend § 13.127(a)(4) and (5) by removing the word “is” and adding, in its place, the word “are”.

§ 13.201 [Amended]

- 114. Amend § 13.201 as follows:
- a. In paragraph (c) introductory text, remove the word “Present” and add, in its place, the word “Provide”;
- b. In paragraph (c)(3):
- i. Remove the word “has” and add, in its place, the word “have”;
- ii. Remove the text “license,”; and
- iii. Remove the comma after the words “tankerman endorsement”.

§ 13.203 [Amended]

- 115. Amend § 13.203 by removing the word “present” wherever it appears, and adding, in its place, the word “provide”.
- 116. Revise and republish § 13.205 to read as follows:

§ 13.205 Proof of service for tankerman-PIC endorsement.

Provide evidence in a method prescribed by the Coast Guard of proof of service from the owner, operator, or master of the vessel on which the applicant obtained the service. The evidence must contain the information described in § 13.127(a).

§ 13.301 [Amended]

- 117. Amend § 13.301 as follows:

- a. In paragraph (c), remove the word “Present” and add, in its place, the word “Provide”; and
- b. In paragraph (c)(3):
- i. Remove the word “has” and add, in its place, the word “have”; and
- ii. Remove the words “license, tankerman endorsement,” and add, in their place, the words “tankerman endorsement”.

§ 13.303 [Amended]

- 118. Amend § 13.303(a) by removing the word “present” and adding, in its place, the word “provide”.
- 119. Revise and republish § 13.305 to read as follows:

§ 13.305 Proof of service for tankerman-PIC (barge).

Provide evidence in a method prescribed by the Coast Guard of proof of service from the owner or operator of a terminal; the owner or operator of a tank barge; the owner, operator, or master of a tank vessel; or the employer of shore-based tankermen. The evidence must contain the information required by § 13.127(a), excluding paragraph (a)(4)(vii).

§ 13.401 [Amended]

- 120. Amend § 13.401 as follows:
- a. Remove the word “Present” wherever it appears, and add, in its place, the word “Provide”; and
- b. In paragraph (d):
- i. Remove the word “has” and add, in its place, the word “have”;
- ii. Remove the word “license,”; and
- iii. Remove the comma after the words “tankerman endorsement”.

§ 13.405 [Amended]

- 121. Amend § 13.405 by:
- a. Revising paragraph (a) introductory text;
- b. In paragraph (b) introductory text, removing the word “has” and adding, in its place, the word “have”; and
- c. In paragraph (b)(2), removing the words “him or her” and adding, in their place, the word “them”.

The revision reads as follows:

§ 13.405 Proof of service for tankerman-assistant endorsement.

(a) Evidence in a method prescribed by the Coast Guard from the owner, operator, or master of a tankship or self-propelled tank vessel. The evidence must specify—

* * * * *

§ 13.501 [Amended]

- 122. Amend § 13.501 as follows:
- a. In paragraph (c) introductory text, remove the word “Present” and add, in its place, the word “Provide”; and
- b. In paragraph (c)(3):

- i. Remove the word “has” and add, in its place, the word “have”; and
- ii. Remove the words “license, tankerman endorsement,” and add, in their place, the words “tankerman endorsement”.

§ 13.503 [Amended]

- 123. Amend § 13.503(a) by removing the word “present” and adding, in its place, the word “provide”.

§ 13.505 [Amended]

- 124. Revise § 13.505(a) introductory text to read as follows:

§ 13.505 Proof of service for tankerman-engineer endorsement.

(a) Provide evidence in a method prescribed by the Coast Guard of proof of service from the owner, operator, master, or chief engineer of a tankship or self-propelled tank vessel. The evidence must specify—

* * * * *

PART 14—SHIPMENT AND DISCHARGE OF MERCHANT MARINERS

- 126. The authority citation for part 14 continues to read as follows:

Authority: 5 U.S.C. 552; 46 U.S.C. Chapters 103 and 104; 46 U.S.C. 70105.

- 127. In part 14, revise all references to “his or her” to read “their”.

§ 14.103 [Amended]

- 127. In § 14.103(c), remove the text “<http://www.uscg.mil/nmc>” and add, in its place, the text “https://www.dco.uscg.mil/national_maritime_center/”.

- 128. Revise and republish § 14.205 to read as follows:

§ 14.205 Production of credentials by merchant mariner signing shipping articles.

On engagement for a voyage upon which shipping articles are required, each merchant mariner must provide to the master or individual in charge of the vessel a merchant mariner credential with endorsements required by law for the service the mariner would perform.

§ 14.207 [Amended]

- 129. In § 14.207(a)(1), remove the text “license, MMD or”.
- 130. Revise § 14.307 to read as follows:

§ 14.307 Entries on certificate of discharge.

(a) Each master or individual in charge of a vessel must, for each merchant mariner being discharged from the vessel, prepare a certificate of discharge in accordance with the procedure prescribed by the Coast

Guard. The prescribed format may include the current form CG-718A or other means provided by the Coast Guard. If not using the Coast Guard prescribed format, the mariner must be provided with all the same information included on the certificate of discharge.

(b) Each mariner being discharged must validate the information on the certificate of discharge by signing it.

(c) When the mariner leaves the vessel, the master or individual in charge must give the certificate of discharge to the mariner.

§ 14.403 [Amended]

■ 131. Amend § 14.403(a)(2) by removing the word “presented” and adding, in its place, the word “provided”.

■ 132. Amend § 14.405 by:

■ a. In paragraph (c), before the words “will forward the request”, adding the text “OCMI”; and

■ b. Revising paragraph (d).

The revision reads as follows:

§ 14.405 Procedures.

* * * * *

(d) If operating conditions change, the owner, charterer, managing operator, master, or individual in charge of the vessel must so advise the Coast Guard OCMI in whose zone the vessel is located. The Coast Guard OCMI will forward pertinent information on how the conditions have changed, along with his or her recommendation, to the Commandant, who will determine whether any exemption should remain granted.

§ 14.407 [Amended]

■ 133. In § 14.407(a), remove the words “to the address provided” and add, in their place, the words “in a manner specified”.

PART 15—MANNING REQUIREMENTS

■ 134. The authority citation for part 15 is revised to read as follows:

Authority: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8103, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 8906 and 9102; sec. 617, Pub. L. 111–281, 124 Stat. 2905; and DHS Delegation No. 00170.1, Revision No. 01.3.

■ 135. In part 15, revise the following references wherever they appear:

■ a. “his or her” to read “their”;

■ b. “he or she” to read “they”; and

■ c. “him or her” to read “them”.

§ 15.103 [Amended]

■ 136. Amend § 15.103(a) by removing the period after the text “2703 Martin Luther King Jr. Avenue SE”.

§ 15.105 [Amended]

■ 137. Amend § 15.105 as follows:

■ a. In paragraph (b), remove the words “licenses and”; and

■ b. In paragraph (h), remove the words “license or”.

§ 15.403 [Amended]

■ 138. Amend § 15.403 by removing the text “or MMD” wherever it appears.

§ 15.404 [Amended]

■ 139. Amend § 15.404 by removing the text “or MMD” wherever it appears.

[Amended]

■ 140. Revise and republish § 15.410 by to read as follows:

§ 15.410 Credentialed individuals for assistance towing vessels.

Every assistance towing vessel must be under the direction and control of an individual holding an MMC authorizing him or her to engage in assistance towing under the provisions of § 11.482 of this subchapter.

§ 15.515 [Amended]

■ 141. In § 15.515(c), remove the words “license or”.

§ 15.520 [Amended]

■ 142. Amend § 15.520 as follows:

■ a. Remove the words “a license or” wherever they appear, and add, in their place, the word “an”;

■ b. In paragraph (c), remove the words “A license or” wherever it appears, and add, in their place, the word “An”;

■ c. In paragraph (d), remove the text “a license as master endorsed as OIM, or”;

■ d. In paragraph (e), remove the text “a license as master endorsed as OIM or”;

and

■ e. In paragraph (g), remove the words “license, or an”.

§ 15.605 [Amended]

■ 143. Amend § 15.605 by removing the words “a license or” wherever they appear and adding, in their place, the word “an”.

§ 15.610 [Amended]

■ 144. Amend § 15.610(b) as follows:

■ a. Remove the words “a license or” and add, in their place, the word “an”;

and

■ b. Before the text “MMC for towing vessels”, remove the words “license or”.

§ 15.701 [Amended]

■ 145. Amend § 15.701(b) by removing the words “a license or” and adding, in their place, the word “an”.

§ 15.730 [Amended]

■ 146. In § 15.730(d), remove the word “presented” and add, in its place, the word “provided”.

§ 15.805 [Amended]

■ 147. Amend § 15.805 as follows:

■ a. Remove the words “a license or” wherever they appear, and add, in their place, the word “an”;

■ b. In paragraph (a), remove the words “license as or a”; and

■ c. In paragraph (b), remove the word “is” and add, in their place, the word “are”.

§ 15.810 [Amended]

■ 148. Amend § 15.810 as follows:

■ a. Remove the words “a license or” wherever they appear and add, in their place, the word “an”;

■ b. In paragraphs (c) and (d)(2), remove the words “license or”;

■ c. In paragraph (d)(2)(ii), remove the words “A license or” and add, in their place, the word “An”;

■ d. In paragraph (e), remove the word “determines” and add, in its place, the word “determine”; and

■ e. In paragraph (g), remove the word “is” and add, in its place, the word “are”.

■ 149. Amend § 15.812 as follows:

■ a. Revise paragraphs (b) and (c), table 1 to § 15.812(e)(1), and table 1 to § 15.812(e)(2);

■ b. In paragraph (f), remove the words “valid license or” wherever they appear and add, in their place, the word “or”; and

■ c. In paragraph (f)(1)(i), remove the words “a license or” and add, in their place, the word “an”.

The revisions read as follows:

§ 15.812 Pilots

* * * * *

(b) The following individuals may serve as a pilot on a vessel subject to paragraph (a) of this section, when underway on the navigable waters of the United States that are designated areas:

(1) An individual holding a valid MMC officer endorsement as first-class pilot, operating within the restrictions of their credential, may serve as pilot on any vessel to which this section applies.

(2) An individual holding a valid MMC officer endorsement as master or mate, employed aboard a vessel within the restrictions of their credential, may serve as pilot on a vessel of not more than 1,600 GRT propelled by machinery, described in paragraphs (a)(1) and (a)(3) of this section, provided they—

(i) Are at least 21 years old;

(ii) Are able to show current knowledge of the waters to be navigated, as required in § 11.713 of this subchapter; and

(iii) Provide evidence of completing a minimum of four roundtrips over the route to be traversed while in the wheelhouse as watchstander or observer. At least one of the roundtrips

must be made during the hours of darkness if the route is to be traversed during darkness.

(3) An individual holding a valid MMC officer endorsement as master, mate, or operator employed aboard a vessel within the restrictions of their credential, may serve as pilot on a tank barge or tank barges totaling not more than 10,000 GRT/GT, described in paragraphs (a)(1) and (a)(3) of this section, provided they—

(i) Are at least 21 years old;

(ii) Are able to show current knowledge of the waters to be navigated, as required in § 11.713 of this subchapter;

(iii) Have a current physical examination in accordance with the provisions of § 11.709 of this subchapter;

(iv) Have at least 6 months of service in the deck department on towing vessels engaged in towing operations; and

(v) Provide evidence of completing a minimum of 12 roundtrips over the route to be traversed, as an observer or under instruction in the wheelhouse. At least three of the roundtrips must be made during the hours of darkness if the route is to be traversed during darkness.

(c) An individual holding a valid MMC officer endorsement as master, mate, or operator, employed aboard a

vessel within the restrictions of their credential, may serve as a pilot for a vessel subject to paragraphs (a)(1) and (a)(2) of this section, when underway on the navigable waters of the United States that are not designated areas of pilotage waters, provided they—

(1) Are at least 21 years old;

(2) Are able to show current knowledge of the waters to be navigated, as required in § 11.713 of this subchapter; and

(3) Have a current physical examination in accordance with the provisions of § 11.709 of this subchapter.

* * * * *

TABLE 1 TO § 15.812(e)(1)—QUICK REFERENCE TABLE FOR FEDERAL PILOTAGE REQUIREMENTS FOR U.S.-INSPECTED, SELF-PROPELLED VESSELS, NOT SAILING ON REGISTER

	Designated areas of pilotage waters (routes for which First-Class Pilot's MMC officer endorsements are issued)	Non-designated areas of pilotage waters (between the 3-mile line and the start of traditional pilotage routes)
Inspected self-propelled vessels greater than 1,600 GRT, authorized by their COI to proceed beyond the Boundary Line, or operating on the Great Lakes.	First-Class Pilot	Master or Mate may serve as pilot if they—
Inspected self-propelled vessels not more than 1,600 GRT, authorized by their COI to proceed beyond the Boundary Line, or operating on the Great Lakes.	First-Class Pilot, or Master or Mate may serve as pilot if they— 1. Are at least 21 years old; 2. Maintains current knowledge of the waters to be navigated; and ¹ 3. Have four roundtrips over the route. ²	Master or Mate may serve as pilot if they— 1. Are at least 21 years old; and 2. Maintain current knowledge of the waters to be navigated. ¹
Inspected self-propelled vessels greater than 1,600 GRT, not authorized by their COI to proceed beyond the Boundary Line (inland route vessels); other than vessels operating on the Great Lakes.	First-Class Pilot	Master or Mate may serve as pilot if they— 1. Are at least 21 years old; 2. Have an annual physical exam; and 3. Maintain current knowledge of the waters to be navigated. ¹
Inspected self-propelled vessels not more than 1,600 GRT, not authorized by their COI to proceed beyond the Boundary Line (inland route vessels); other than vessels operating on the Great Lakes.	No pilotage requirement	No pilotage requirement.

¹ One roundtrip within the past 60 months.

² If the route is to be traversed during darkness, one of the four roundtrips must be made during darkness.

* * * * *

TABLE 2 TO § 15.812(e)(2)—QUICK REFERENCE TABLE FOR FEDERAL PILOTAGE REQUIREMENTS FOR U.S.-INSPECTED TANK BARGES, NOT SAILING ON REGISTER

	Designated areas of pilotage waters (routes for which First-Class Pilot's MMC officer endorsements are issued)	Non-designated areas of pilotage waters (between the 3-mile line and the start of traditional pilotage routes)
Tank Barges greater than 10,000 GRT/GT, authorized by their COI to proceed beyond the Boundary Line, or operating on the Great Lakes.	First-Class Pilot	Master, Mate, or Master, Mate (Pilot) of towing vessels may serve as pilot if they: 1. Are at least 21 years old; 2. Have an annual physical exam; ² 3. Maintain current knowledge of the waters to be navigated; ¹ and 4. Have at least 6 months' service in the deck department on towing vessels engaged in towing operations.

TABLE 2 TO § 15.812(e)(2)—QUICK REFERENCE TABLE FOR FEDERAL PILOTAGE REQUIREMENTS FOR U.S.-INSPECTED TANK BARGES, NOT SAILING ON REGISTER—Continued

	Designated areas of pilotage waters (routes for which First-Class Pilot's MMC officer endorsements are issued)	Non-designated areas of pilotage waters (between the 3-mile line and the start of traditional pilotage routes)
Tank Barges 10,000 GRT/GT or less, authorized by their COI to proceed beyond the Boundary Line, or operating on the Great Lakes.	First-Class Pilot, or Master, Mate, or Master, Mate (Pilot) of towing vessels may serve as pilot if they: 1. Are at least 21 years old; 2. Have an annual physical exam; ² 3. Maintain current knowledge of the waters to be navigated; ¹ 4. Have at least 6 months' service in the deck department on towing vessels engaged in towing operations; and 5. Have 12 roundtrips over the route. ³	
Tank Barges authorized by their COI for inland routes only (lakes, bays, and sounds/ivers); other than vessels operating on the Great Lakes.	No pilotage requirement	No pilotage requirement.

¹ One roundtrip within the past 60 months.

² Annual physical exam does not apply to an individual who will serve as a pilot of a tank barge of less than 1,600 GRT.

³ If the route is to be traversed during darkness, three of the 12 roundtrips must be made during darkness.

* * * * *

§ 15.815 [Amended]

■ 150. Amend § 15.815(c) by removing the words “a license or” and adding, in their place, the word “an”.

§ 15.818 [Amended]

■ 151. Amend § 15.818 by removing the words “is competent” and adding, in their place, the words “are competent”.

§ 15.820 [Amended]

■ 152. Amend § 15.820 as follows:
■ a. In paragraph (a), remove the words “or license”;
■ b. In paragraph (a)(3), remove the words “a license or”;
■ c. In paragraph (b), remove the word “is” and add, in its place, the word “are”; and
■ d. In paragraph (c), remove the words “license or”.

§ 15.825 [Amended]

■ 153. Amend § 15.825 as follows:
■ a. In paragraph (a), remove the words “license or”; and
■ b. In paragraph (b), remove the word “is” and add, in its place, the word “are”.

§ 15.860 [Amended]

■ 154. Amend § 15.860 by removing the text “MMDs or” wherever it appears.

§ 15.901 [Amended]

■ 155. Amend § 15.901 as follows:
■ a. Remove the words “individual’s license or” wherever they appear and add, in their place, the word “individual’s”; and
■ b. Remove the words “a license or” wherever they appear and add, in their place, the word “an”.

§ 15.905 [Amended]

■ 156. Amend § 15.905 as follows:
■ a. Remove the words “a license or” wherever they appear and add, in their place, the word “an”; and
■ b. Remove the words “individual’s license or” wherever they appear, and add, in their place, the word “individual’s”.

§ 15.915 [Amended]

■ 157. Amend § 15.915 as follows:
■ a. Remove the words “licenses and” wherever they appear; and
■ b. Remove the words “license or” wherever they appear.

§ 15.1001 [Amended]

■ 158. In § 15.1001, remove the words “or license with” and add, in their place, the words “with an”.

§ 15.1103 [Amended]

■ 159. Amend § 15.1103 as follows:
■ a. In paragraph (f), remove the text “a license, MMD, or” and add, in its place, the word “an”; and
■ b. In paragraph (g), remove the words “is competent” and add, in their place, the words “are competent”.

§ 15.1105 [Amended]

■ 160. Amend § 15.1105 as follows:
■ a. In paragraph (a)(2)(ii), remove the word “Knows” and add, in its place, the word “Know”; and
■ b. In paragraph (b), remove the words “is familiar” and add, in their place, the words “are familiar”.

PART 16—CHEMICAL TESTING

■ 161. The authority citation for part 16 is revised to read as follows:

Authority: 46 U.S.C. 2103, 3306, 7101, 7301, and 7701; DHS Delegation No. 00170.1, Revision No. 01.3.

■ 162. Amend § 16.105 by revising the definition of “Credential” to read as follows:

§ 16.105 Definitions of terms used in this part.

* * * * *

Credential is the same as defined in 46 CFR 10.107.

* * * * *

§ 16.201 [Amended]

■ 163. Amend § 16.201 by removing the words “his or her” wherever they appear, and adding, in their place, the word “their”.

§ 16.210 [Amended]

■ 164. Amend § 16.210(b) by removing the word “he or she has” and adding, in their place, the words “they have”.
■ 165. Amend § 16.220 by:
■ a. In paragraph (a)(1), removing the text “a license, COR, MMD, or” and adding, in its place, the word “an”;
■ b. In paragraph (a)(3) removing the text “a license or COR” and adding, in its place, the text “an MMC”;
■ c. Revising paragraph (a)(5); and
■ d. In paragraph (c), removing the words “he or she provides satisfactory evidence that he or she has” and adding, in their place, the words “they provide satisfactory evidence that they have”.

The revision reads follows:

§ 16.220 Periodic testing requirements.

(a) * * *

(5) A reissuance of a credential with a new expiration date. Results of the test

must be provided to the Coast Guard in a manner prescribed by the Coast Guard. The test results must be completed and dated not more than 185 days before submission of the application.

* * * * *

§ 16.230 [Amended]

- 166. Amend § 16.230 as follows:

■ a. In paragraph (b)(1), remove the word “license” and add, in its place, the word “credential”; and

■ b. In paragraph (c), remove the words “his or her” and add, in their place, the word “their”.

§ 16.500 [Amended]

- 167. Amend § 16.500 by removing the period after the text “2703 Martin Luther King Jr. Avenue SE”.

Dated: February 26, 2024.

W.R. Arguin,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2024–04351 Filed 3–13–24; 8:45 am]

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FEDERAL REGISTER

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Part III

Department of Labor

Semiannual Regulatory Agenda; Correction

DEPARTMENT OF LABOR**Office of the Secretary****20 CFR Chs. I, IV, V, VI, VII, and IX****29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV****30 CFR Ch. I****41 CFR Ch. 60****48 CFR Ch. 29****Semiannual Agenda of Regulations****AGENCY:** Office of the Secretary, Labor.**ACTION:** Semiannual Regulatory Agenda; Correction.

SUMMARY: The U.S. Department of Labor (Department or DOL) published the regulatory flexibility agenda of its semiannual regulatory agenda on February 9, 2024 (89 FR 9696). The listing of all of the Department's regulatory flexibility items were inadvertently omitted from that

document. This **Federal Register** Notice corrects the February 9, 2024, document and contains the Department's regulatory flexibility agenda.

FOR FURTHER INFORMATION CONTACT:

Albert T. Herrera, Director, Office of Regulatory and Programmatic Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW, Room S-2312, Washington, DC 20210; (202) 693-5959.

Note: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department's semiannual agenda is available online at www.reginfo.gov.

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory flexibility agenda. The Department's regulatory flexibility agenda, published with this notice, includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities; and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department's semiannual regulatory agenda. The Department's Regulatory Flexibility Agenda does not include section 610 items at this time.

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved and are invited to participate in and comment on the review or development of the regulations listed on the Department's agenda.

Julie A. Su,*Acting Secretary of Labor.***WAGE AND HOUR DIVISION—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
382	Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees (Reg Plan Seq No. 161).	1235-AA39

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

WAGE AND HOUR DIVISION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
383	Employee or Independent Contractor Classification Under the Fair Labor Standards Act (Reg Plan Seq No. 163).	1235-AA43

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

WAGE AND HOUR DIVISION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
384	Updating the Davis-Bacon and Related Acts Regulations	1235-AA40

EMPLOYMENT AND TRAINING ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
385	Temporary Employment of H-2B Foreign Workers in the United States	1205-AB93
386	Improving Protections For Workers in Temporary Agricultural Employment in the United States (Reg Plan Seq No. 164).	1205-AC12
387	National Apprenticeship System Enhancements (Reg Plan Seq No. 165)	1205-AC13
388	Employer-Provided Survey Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program.	1205-AC15

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
389	Retirement Security Rule: Definition of an Investment Advice Fiduciary (Reg Plan Seq No. 167)	1210-AC02

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
390	Process Safety Management and Prevention of Major Chemical Accidents	1218-AC82
391	Prevention of Workplace Violence in Health Care and Social Assistance	1218-AD08

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
392	Infectious Diseases (Reg Plan Seq No. 174)	1218-AC46
393	Communication Tower Safety	1218-AC90
394	Emergency Response (Reg Plan Seq No. 175)	1218-AC91
395	Tree Care Standard	1218-AD04

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

DEPARTMENT OF LABOR (DOL)

Wage and Hour Division (WHD)

Proposed Rule Stage

382. Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees [1235-AA39]

Regulatory Plan: This entry is Seq. No. 161 in part II of this issue of the **Federal Register**.

RIN: 1235-AA39

DEPARTMENT OF LABOR (DOL)

Wage and Hour Division (WHD)

Final Rule Stage

383. Employee or Independent Contractor Classification Under the Fair Labor Standards Act [1235-AA43]

Regulatory Plan: This entry is Seq. No. 163 in part II of this issue of the **Federal Register**.

RIN: 1235-AA43

DEPARTMENT OF LABOR (DOL)

Wage and Hour Division (WHD)

Completed Actions

384. Updating the Davis-Bacon and Related Acts Regulations [1235-AA40]

Legal Authority: 40 U.S.C. 3141 *et seq.*; 40 U.S.C. 3145

Abstract: The Davis-Bacon Act (DBA) was enacted in 1931 and amended in

1935 and 1964. The DBA requires the payment of locally prevailing wages and fringe benefits to laborers and mechanics as determined by the Department of Labor. The DBA applies to direct Federal contracts and District of Columbia contracts in excess of \$2,000 for the construction, alteration, or repair of public buildings or public works. Congress has included DBA prevailing wage requirements in numerous statutes (referred to as Related Acts) under which Federal agencies assist construction projects through grants, loans, guarantees, insurance, and other methods. Covered contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wage rates and fringe benefits as required by the applicable wage determination. The Department issued a final rule on August 23, 2023, to update and modernize the regulations implementing the Davis-Bacon and Related Acts to provide greater clarity and enhance their usefulness in the modern economy.

Timetable:

Action	Date	FR Cite
NPRM	03/18/22	87 FR 15698
NPRM Comment Period End.	05/17/22	
Final Rule	08/23/23	88 FR 57526
Final Rule Effective.	10/23/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy DeBisschop, Director of the Division of Regulations, Legislation, and Interpretation, Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW, FP Building, Room S-3502, Washington, DC 20210, *Phone:* 202 693-0406.

RIN: 1235-AA40

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Proposed Rule Stage

385. Temporary Employment of H-2B Foreign Workers in the United States [1205-AB93]

Legal Authority: 8 U.S.C. 1184; 8 U.S.C. 1103; sec. 655.0 issued under 8 U.S.C. 1101(a)(15)(E)(iii), 1101(a)(15)(H)(i) and (ii); 8 U.S.C. 1103(a)(6), 1182(m), (n) and (t), 1184(c), (g), and (j), 1188, and 1288(c) and (d); sec. 3(c)(1), Pub. L. 101-238; 103 Stat. 2099, 2102 (8 U.S.C. 1182 note); sec. 221(a), Pub. L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); sec. 303(a)(8), Pub. L. 102-232, 105 Stat. 733, 1748 (8 U.S.C. 1101 note); sec. 323(c), Pub. L. 103-206, 107 Stat. 2428; sec. 412(e), Pub. L. 105-277, 112 Stat. 2681 (8 U.S.C. 1182 note); sec. 2(d), Pub. L. 106-95, 113 Stat. 1312, 1316 (8 U.S.C. 1182 note); 29 U.S.C. 49k; Pub. L. 107-296, 116 Stat. 2135, as amended; Pub. L. 109-423, 120 Stat. 2900; . . .

Abstract: The United States Department of Labor's (DOL)

Employment and Training Administration and Wage and Hour Division, and the United States Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services, are jointly proposing to update the H-2B visa program regulations at 20 CFR part 655, subpart A, the related prevailing wage regulations at 20 CFR 656, and 8 CFR 214 governing the certification of the employment of H-2B non-immigrant workers in temporary or seasonal non-agricultural employment and the enforcement of the obligations applicable to employers of such nonimmigrant workers and U.S. workers in corresponding employment. Specifically, the Notice of Proposed Rulemaking (NPRM) would update the process by which employers seeking to employ H-2B workers would obtain temporary certification from DOL for use in petitioning DHS to employ a nonimmigrant worker in H-2B status. The updates would also establish standards and procedures for employers seeking to hire foreign temporary non-agricultural workers for certain itinerant job opportunities, including entertainers, tree planting, and utility vegetation management.

Timetable:

Action	Date	FR Cite
NPRM	10/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Pasternak, Administrator, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Office of Foreign Labor Certification; Room N-5311, FP Building, Washington, DC 20210, Phone: 202 693-8200, Email: pasternak.brian@dol.gov.

RIN: 1205-AB93

386. Improving Protections for Workers in Temporary Agricultural Employment in the United States [1205-AC12]

Regulatory Plan: This entry is Seq. No. 164 in part II of this issue of the **Federal Register**.

RIN: 1205-AC12

387. National Apprenticeship System Enhancements [1205-AC13]

Regulatory Plan: This entry is Seq. No. 165 in part II of this issue of the **Federal Register**.

RIN: 1205-AC13

388. • Employer-Provided Survey Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program [1205-AC15]

Legal Authority: 8 U.S.C. 1101(a)(15)(H)(ii)(b); 8 U.S.C. 1103(a)(6); 8 U.S.C. 1184(c)(1); Pub. L. 117-328, 12/29/22, 136 Stat. 4459, Div. H, title I, sec. 110; Pub. L. 118-15, 9/30/23, 137 Stat. 71, Division A, sec. 101(8)

Abstract: The Immigration and Nationality Act, as amended, requires the Department of Homeland Security (DHS), prior to the approval of H-2B visa petitions, consult with the Department of Labor (Department). DHS' regulation at 8 CFR 214.2(h)(6) requires that employer must first apply for a temporary labor certification from the Department. Specifically, the Department must certify that there is not sufficient U.S. worker(s) able, available, willing, and qualified at the time of an application for a visa, and that the employment of the H-2B workers will not adversely affect the wages and working conditions of similarly employed U.S. workers. To ensure that there is no adverse effect, DOL requires employers to pay the prevailing wage to H-2B workers and U.S. workers hired in response to the required recruitment. Employer-provided surveys are one of the prevailing wage sources under the H-2B regulations and has been the subject of recent litigation. On December 23, 2022, the U.S. District Court for the District of Columbia held the employer-provided survey provision under the Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program (2015 Wage Rule) in, 20 CFR part 655 subpart A did not satisfy the notice and comment requirements under the Administrative Procedure Act (APA). *Mary Jane Williams, et al. v. Martin J. Walsh, et al. (Williams), Civil No. 1:21-cv-01150 (RC), 2022 WL 17904227 (D.D.C. December 23, 2022).* The Court remanded the rule without vacatur and ordered act[ion] with haste for further consideration consistent with the Court's opinion. The Department is proposing to issue a notice of proposed rulemaking on the employer-provided survey provision of the 2015 Wage Rule to cure the procedural defect of the 2015 Wage Rule, pursuant to the decision in *Williams*.

Timetable:

Action	Date	FR Cite
NPRM	01/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Pasternak, Administrator, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Office of Foreign Labor Certification; Room N-5311, FP Building, Washington, DC 20210, Phone: 202 693-8200, Email: pasternak.brian@dol.gov.

RIN: 1205-AC15

DEPARTMENT OF LABOR (DOL)

Employee Benefits Security Administration (EBSA)

Proposed Rule Stage

389. Retirement Security Rule: Definition of an Investment Advice Fiduciary [1210-AC02]

Regulatory Plan: This entry is Seq. No. 167 in part II of this issue of the **Federal Register**.

RIN: 1210-AC02

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Prerule Stage

390. Process Safety Management and Prevention of Major Chemical Accidents [1218-AC82]

Legal Authority: 29 U.S.C. 655; 29 U.S.C. 657

Abstract: The Occupational Safety and Health Administration (OSHA) issued a Request for Information (RFI) on December 9, 2013 (78 FR 73756). The RFI identified issues related to modernization of the Process Safety Management standard and related standards necessary to meet the goal of preventing major chemical accidents. OSHA completed SBREFA in August 2016. OSHA held a stakeholder meeting on October 12, 2022, and kept the docket open for comments until November 14, 2022.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	12/09/13	78 FR 73756
RFI Comment Period Extended.	03/07/14	79 FR 13006
RFI Comment Period Extended End.	03/31/14	
Initiate SBREFA ..	06/08/15	
SBREFA Report Completed.	08/01/16	
Stakeholder Meeting.	10/12/22	

Action	Date	FR Cite
Analyze Comments.	11/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N-3718, Washington, DC 20210, *Phone:* 202 693-1950, *Email:* levinson.andrew@dol.gov.

RIN: 1218-AC82

391. Prevention of Workplace Violence in Health Care and Social Assistance [1218-AD08]

Legal Authority: 29 U.S.C. 655(b); 5 U.S.C. 609

Abstract: The Request for Information (RFI) (published on December 7, 2016, 81 FR 88147)) provides OSHA's history with the issue of workplace violence in health care and social assistance, including a discussion of the Guidelines that were initially published in 1996, a 2014 update to the Guidelines, the agency's use of 5(a)(1) in enforcement cases in health care. The RFI solicited information primarily from health care employers, workers and other subject matter experts on impacts of violence, prevention strategies, and other information that will be useful to the agency. OSHA was petitioned for a standard preventing workplace violence in health care by a broad coalition of labor unions, and in a separate petition by the National Nurses United. On January 10, 2017, OSHA granted the petitions. OSHA is preparing for SBREFA.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	12/07/16	81 FR 88147
RFI Comment Period End.	04/06/17	
Initiate SBREFA ..	12/29/22	
Complete SBREFA.	05/01/23	
Analyze SBREFA Report.	12/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health

Administration, 200 Constitution Avenue NW, FP Building, Room N-3718, Washington, DC 20210, *Phone:* 202 693-1950, *Email:* levinson.andrew@dol.gov.

RIN: 1218-AD08

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

392. Infectious Diseases [1218-AC46]

Regulatory Plan: This entry is Seq. No. 174 in part II of this issue of the **Federal Register**.

RIN: 1218-AC46

393. Communication Tower Safety [1218-AC90]

Legal Authority: 29 U.S.C. 655(b); 5 U.S.C. 609

Abstract: While the number of employees engaged in the communication tower industry remains small, the fatality rate is very high. Over the past 20 years, this industry has experienced an average fatality rate that greatly exceeds that of the construction industry. Due to recent FCC spectrum auctions and innovations in cellular technology, there will be a very high level of construction activity taking place on communication towers over the next few years. A similar increase in the number of construction projects needed to support cellular phone coverage triggered a spike in fatality and injury rates years ago. Based on information collected from an April 2015 Request for Information (RFI), OSHA concluded that current OSHA requirements such as those for fall protection and personnel hoisting, may not adequately cover all hazards of communication tower construction and maintenance activities. OSHA will use information collected from a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel to identify effective work practices and advances in engineering technology that would best address industry safety and health concerns. The Panel carefully considered the issue of the expansion of the rule beyond just communication towers. OSHA will continue to consider also covering structures that have telecommunications equipment on or attached to them (e.g., buildings, rooftops, water towers, billboards).

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	04/15/15	80 FR 20185
RFI Comment Period End.	06/15/15	
Initiate SBREFA ..	01/04/17	
Initiate SBREFA ..	05/31/18	
Complete SBREFA.	10/11/18	
NPRM	03/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott Ketcham, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, Room N-3468, FP Building, Washington, DC 20210, *Phone:* 202 693-2020, *Fax:* 202 693-1689, *Email:* ketcham.scott@dol.gov.

RIN: 1218-AC90

394. Emergency Response [1218-AC91]

Regulatory Plan: This entry is Seq. No. 175 in part II of this issue of the **Federal Register**.

RIN: 1218-AC91

395. Tree Care Standard [1218-AD04]

Legal Authority: Not Yet Determined

Abstract: There is no OSHA standard for tree care operations; the agency currently applies a patchwork of standards to address the serious hazards in this industry. The tree care industry previously petitioned the agency for rulemaking and OSHA issued an ANPRM (September 2008). OSHA completed a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel in May 2020, collecting information from affected small entities on a potential standard, including the scope of the standard, effective work practices, and arboricultural specific uses of equipment to guide OSHA in developing a rule that would best address industry safety and health concerns. Tree care continues to be a high-hazard industry.

Timetable:

Action	Date	FR Cite
Stakeholder Meeting.	07/13/16	
Initiate SBREFA ..	01/10/20	
Complete SBREFA.	05/22/20	
NPRM	01/00/24	

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